

## **Administrative Procedures Act Rules**

### **Title 11: Mississippi Department of Environmental Quality**

#### **Part 6: Wastewater Pollution Control Regulations**

##### **Part 6, Chapter 3: Mississippi Commission on Environmental Quality Regulations for the Certification of Municipal and Domestic Wastewater Facility Operators (Amended August 24, 2017)**

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#### *Rule 3.1 General*

- A. These regulations are promulgated under the authority provided by Miss. Code Ann. Section 21-27-207.
- B. Miss. Code Ann. Section 21-27-211 requires that beginning on July 1, 1987, all municipal and domestic wastewater treatment plants be operated by persons who are certified as qualified to operate such facilities.
- C. Certificates shall be valid for three (3) years, unless revoked or invalidated for cause.
- D. In the event of temporary loss of an operator, notice shall be immediately given to the Department and the continued operation of such facility without a certified operator may proceed on an interim basis for a period not to exceed one hundred eighty (180) days, except for good cause shown upon petition to the Department.

- E. These regulations do not pertain to a wastewater treatment facility treating wastewater generated solely by an industry and owned and operated by said industry.

Source: Miss. Code Ann. §§ 21-27-201, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

*Rule 3.2 Definitions.*

- A. "Association" means the Mississippi Water and Pollution Control Operator's Association.
- B. "Certificate," the certification of competency issued by the Department stating that the operator has met the requirements for the specified operator classification.
- C. "Commission," the Mississippi Commission on Environmental Quality.
- D. "Community water system" means any water system serving piped water for human consumption to fifteen (15) or more individual service connections used year-round by consumers or regularly serving twenty-five (25) or more individual consumers year-round, including, but not by way of limitation, any collection, pretreatment, treatment, storage and/or distribution facilities or equipment used primarily as part of, or in connection with, such system, regardless of whether or not such components are under the ownership or control of the operator of such system.
- E. "Department," the Mississippi Department of Environmental Quality.
- F. "Experience," means direct observation of and/or participation in the operation and maintenance of a wastewater facility, including, but not limited to, process control activities, facility maintenance, record keeping and NPDES monitoring activities. Experience requirements must be in accordance with the facility minimum visitation schedule as outlined in Section 5, Operator Responsibilities.
- G. "Operator," the person who directly supervises and is personally responsible for the daily operation and maintenance of a wastewater facility, community water system or commercial nonhazardous solid waste management landfill.
- H. "Person," the state or other agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation, or the United States or any officer or employee thereof.
- I. "Pollution," the contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or the discharge of any liquid, gaseous, solid, radioactive or other substance or heat into any waters of the State.
- J. "Professional Reference," a certified operator (other than a relative or a subordinate) who is familiar with the applicant's experience working in a wastewater facility.

- K. "Wastewater Facilities," the pipelines or conduits, pumping stations, force mains, treatment plants, lagoons or any other structure, device, appurtenance or facility, whether operated individually or in any combination, used for collecting, treating and/or disposing of municipal or domestic wastewater, by either surface or underground methods, which is required to have a permit under the provisions of Miss. Code Ann. Section 49-17-29.
- L. "Waters of the state," the waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the state, and such coastal waters as are within the jurisdiction of the state, except lakes, ponds or other surface waters which are wholly landlocked and privately owned.

Source: Miss. Code Ann. §§ 21-27-201, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.3 Classification of Wastewater Facilities.*

- A. Wastewater facilities shall be classified in accordance with criteria outlined below. The facility operator must be certified at a level equivalent to or higher than the facility classification.

<b>CLASS</b>	<b>FACILITY DESIGN</b>	<b>CAPACITY</b>
I-C	Collection only (voluntary)	up to 1,000,000 GPD (1.0 MGD)
II-C	Collection only (voluntary)	greater than 1,000,000 GPD (1.0 MGD)
I	Waste Stabilization Lagoon Septic Tank-Sand Filter	All
II	Aerated Lagoon Trickling Filter Activated Sludge	All less than 300,000 GPD (0.3 MGD) less than 100,000 GPD (0.1 MGD)
III	Trickling Filter Activated Sludge	300,000 to 3,000,000 GPD (0.3 to 3.0 MGD) 100,000 to 2,000,000 GPD (0.1 to 2.0 MGD)
IV	Trickling Filter Activated Sludge	greater than 3,000,000 GPD (3.0 MGD) greater than 2,000,000 GPD (2.0 MGD)

- B. Special cases which do not fall within the guidelines shall be considered on an individual basis and classified by the Department.

Source: Miss. Code Ann. §§ 21-27-201, et seq., 49-2-1, et seq. and 49-17-1, et seq.

*Rule 3.4 Certification Requirements.*

A. Operator Qualifications for Certification

(1) Class IV

- (a) The applicant must have at least a bachelor's degree in engineering, biological sciences, mathematics, chemistry, or physics from an accredited college or university, at least one (1) year of experience in a Class IV wastewater facility, pass the required written examination and submit two (2) professional references, or
- (b) The applicant must be a graduate of an accredited high school, or equivalent (GED) have at least six (6) years experience in a Class IV or Class III wastewater facility, of which one (1) year must be in a Class IV plant, pass the required examination and submit two (2) professional references.
- (c) No individual shall be allowed to sit for a Class III or Class IV examination without proof of having taken and passed a Class II examination.

(2) Class III

- (a) The applicant must have graduated from an accredited high school, or equivalent (GED), have at least three (3) years of experience in a Class IV, III, or II wastewater facility, of which one (1) year must be in a Class IV or Class III plant, pass the required written examination and submit two (2) professional references, or
- (b) The applicant must have a minimum of six (6) years experience in a Class IV, III, or II wastewater facility, of which one (1) year must be in a Class IV or Class III plant, pass the required written examination and submit two (2) professional references.
- (c) No individual shall be allowed to sit for a Class III or Class IV examination without proof of having taken and passed a Class II examination.

(3) Class II

- (a) The applicant must have graduated from an accredited high school, or equivalent (GED), have at least one (1) year of experience in a Class IV, III, or II wastewater facility, pass the required written examination and submit one (1) professional reference, or
- (b) The applicant must have a minimum of three (3) years experience in a wastewater facility, of which one (1) year must be in a Class IV, III, or II plant, pass the required written examination and submit one (1) professional reference.

(4) Class I

The applicant must have at least one (1) year of experience in a wastewater facility, pass the required written examination and submit one (1) professional reference.

(5) Class I-C

The applicant must have at least one (1) year experience working in a collection system, pass the required written examination and submit one (1) professional reference.

(6) Class II-C

(a) The applicant must have graduated from an accredited high school, or equivalent (GED), have at least two (2) years experience working in a collection system, of which one (1) year must be in a Class II-C system, pass the required written examination and submit two (2) professional references, or

(b) The applicant must have four (4) years experience working in a collection system, one (1) year of which must be in a Class II-C system, pass the required written examination and submit two (2) professional references.

(7) Operators who have completed college courses, short courses, correspondence courses, etc., may be given credit for any deficiency in their experience and/or education, except that such courses cannot be substituted for one (1) year of wastewater facility experience. The Department shall award credit for experience using the following criteria:

(a) Eight (8) weeks of classroom instruction in the operation and maintenance of wastewater treatment facilities will be equivalent to one (1) year experience.

(b) Four (4) weeks of Department or Association sponsored classroom instruction in the operation and maintenance of wastewater treatment facilities will be equivalent to one (1) year experience.

(c) Each year of college completed in engineering, biological sciences, mathematics, chemistry, or physics will be considered the equivalent of two (2) years experience. Thirty (30) semester hours are equal to one (1) year of college.

(d) Special education, training, or experience which does not fall within these guidelines shall be considered in individual cases by the Department.

B. General Qualifications for Certification

- (a) One year of the required experience must be earned under the supervision of a certified operator who holds a valid non-restricted certificate issued by the Department at a class equivalent to or higher than that for which certification is being requested. The year of supervision must be in a system of a class equivalent to or higher than the class certificate being requested. The supervising operator must sign a certification statement verifying the successful completion of the required period of supervision.
- (b) To be eligible to serve as the certified operator for a wastewater facility, an operator's principal residence must be no more than fifty (50) miles from the system. Under special circumstances, an operator may apply to the Department in writing for a waiver of the 50 mile requirement.

C. Professional References

References must be obtained from Certified operator(s) of the same Classification as that which is being requested or higher, who are familiar with the applicant's experience working in a wastewater facility. The references must be provided on professional reference forms provided by the Department. These forms must be submitted with the certification application.

D. Application

- (1) An operator desiring to be certified shall file an application with the Department on a form provided by the Department.
- (2) The Department shall review applications and supporting documents and experience of the applicant, determine the eligibility of the applicant, and issue certificates when the applicant meets the requirements of the Municipal and Domestic Water and Wastewater System and Nonhazardous Solid Waste Management Facilities Operator's Certification Act of 1992 and these regulations.
- (3) The Commission may deny an application if the Commission determines that the applicant has not complied with all of the provisions of these regulations and with all other applicable Federal, State and local statutes and regulations or has submitted inaccurate or false information in the application, or has submitted incomplete application forms after being notified in writing by the Department that the application is incomplete. The Commission shall make determinations regarding issuance or denial of the certificate based upon the information contained in the application, the applicant's actions during any prior term of certification, and any other pertinent information that is available to the Commission.

E. Examinations

- (1) The Department shall prepare written examinations to be used in

determining knowledge, ability, and judgment of the operators.

- (2) Examinations shall be held at places and times set by the Department.
- (3) A fee, to be set by the Commission, will be charged for the examination.
- (4) An individual who passes an examination must be certified within three years following the date the examination was taken. Otherwise, the individual will be required to take another written examination in order to be certified.
- (5) An individual who fails to pass an examination may repeat the examination at the next regularly scheduled examination.
- (6) Examination papers will not be returned to the operator.
- (7) An individual who fails to pass an examination may review his paper by submitting a written request to the Department within thirty (30) days following notification of the examination grade.
- (8) To be eligible to take a written examination, an individual must demonstrate to the Department that he/she has attended a Department sponsored wastewater operator short course for the appropriate classification or other equivalent Department approved course at DEQ's discretion within the previous 12 months.

F. Reciprocity

- (1) Certificates may be issued, without examination, in a comparable classification to an operator who holds a valid certification by exam from any state, territory, or possession of the United States that has entered into a reciprocity agreement with the Department.
- (2) Applicants for certification through reciprocity must meet the education and experience requirements for the class certificate requested as previously described.

G. Certification Fees

- (1) A fee to be set by the Commission shall be charged for certification and renewal in any classification and must accompany the application for certification or renewal.
- (2) Fees from applicants who are not certified will be returned.

Source: Miss. Code Ann. §§ 21-27-201, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

*Rule 3.5 Operator Responsibilities.*

- A. Certified operators in charge of wastewater facilities must personally visit said facilities

at a sufficient frequency and duration to perform such tasks as may be required by the permit and to ensure proper operation and management of said wastewater facilities. Unless otherwise stated in the facility's permit or an order of the Commission, certified operators in charge of wastewater facilities shall visit the facilities, as a minimum, according to the following schedule:

Class I Facility	One (1) day per week
Class II Facility	Two (2) days per week
Class III Facility	Three (3) days per week
Class IV Facility	Five (5) days per week

- B. Certified operators in charge of wastewater facilities shall be thoroughly familiar with all monitoring and reporting requirements mandated by the facility's permit and shall ensure said facility complies with these requirements.
- C. Certified operators in charge of wastewater facilities must maintain written documentation of each facility visit. Documentation of facility visits shall be made available to the Department upon request.

Source: Miss. Code Ann. §§ 21-27-201, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

#### *Rule 3.6 Renewal of Certificates*

- A. Subject to the provisions of Rule 3.5.B., certificates may be renewed without examination, however, in order to be eligible for certificate renewal, a certification renewal application should be filed prior to the expiration of the existing certificate. The application must be accompanied by the renewal fee and also proof of completing the continuing education requirements found in the below paragraph C. Additionally, an operator, if practicing, must have demonstrated competency. Certified operators who file renewal applications more than sixty (60) days after the expiration of their certificate will be required to pass the written exam in order to be eligible for certification.
- B. Notwithstanding the provisions of Rule 3.5.A., any wastewater facility operator who holds a restricted certificate (i.e., valid only for a particular facility and/or class of facilities) may obtain a renewal certificate with identical restrictions provided that all conditions of paragraph A. are satisfied.
- C. Continuing education
  - (1) Operators must receive thirty six (36) hours of related continuing education during the three (3) year period for which their certification is valid. A minimum of eighteen (18) of this thirty six (36) hours must be satisfied by attending Department sponsored training.
  - (2) Certified collection system operators must receive eighteen (18) hours of related continuing education during the three (3) year period that their certification is valid.



- (3) Operators who have been certified for three (3) consecutive three (3) year periods, must receive twenty four (24) hours of continuing education during the fourth and subsequent three (3) year periods for which their certificate is valid. A minimum of twelve (12) hours must be satisfied by attending Department sponsored training, or Association sponsored Short Courses.
- (4) Exceptions to the twenty four (24) hours of Department sponsored training requirement may be considered by the Department in individual cases, such as operators who possess valid Mississippi Certificates and are employed and reside outside the state of Mississippi, provided they submit proof of attendance of equivalent training.
- (5) Continuing education credit will be given as follows:
  - (a) Attending one (1) day of Department sponsored training will be equivalent to six (6) hours of continuing education.
  - (b) Attending one (1) Association sponsored week long wastewater treatment short course will be equivalent to thirty two (32) hours of Department sponsored continuing education.
  - (c) Association sponsored wastewater continuing education short courses will be evaluated, upon request, based on technical content, and Department sponsored continuing education credit will be awarded for actual hours attended.
  - (d) Certified Operators who serve as instructors/presenters at Association sponsored training sessions shall receive two (2) hours of continuing education for each hour of actual presentation time.
  - (e) Attending one (1) Association monthly District meeting will be equivalent of to one (1) hour of continuing education. Association District meetings and/or training sessions held other than on a monthly basis, will be evaluated, upon request, based on technical content, and continuing education credit will be awarded for actual hours attended.
  - (f) Association annual conferences will be evaluated, upon request, based on technical content, and Department sponsored continuing education credit will be awarded for actual hours attended.
  - (g) Organizations that provide technical training, including, but not limited to, the Mississippi Water Environment Association and the Mississippi Rural Water Association may request Department approval of training for continuing education credit. The Department shall consider requests for Department sponsored continuing education credit for training in which the Department staff actively participate in the continuing education curriculum development, presentation and evaluation.

- (h) Special schools, experience, training, correspondence courses, and/or other education and/or experiences may be approved at the discretion of the Department.

Source: Miss. Code Ann. §§ 21-27-201, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

*Rule 3.7 Revocation or Suspension of Certificates.*

- A. The Commission may revoke or suspend the certificate of an operator, following a hearing before the Commission, when it is found that the operator:
  - (1) has practiced fraud or deception,
  - (2) fails to use reasonable care, judgment, and/or apply knowledge in the performance of duties,
  - (3) is incompetent or unable to properly perform duties,
  - (4) knowingly submits false or inaccurate information for issuance or renewal of a certificate under these regulations,
  - (5) willfully fails to comply with the conditions of the certificate issued by the Commission, or
  - (6) violates any provision of these regulations, the Municipal and Domestic Water and Wastewater System and Nonhazardous Solid Waste Management Facilities Operator's Certification Act of 1992, or any applicable Rule, regulation or written order of the Commission.
- B. In the event the Commission suspends the certificate of an operator, the Commission may, as a part of the suspension, require the operator to comply with all applicable laws and regulations, to obtain additional continuing education and/or to complete other actions as required by the Commission. Failure to comply with the terms of the suspension may result in revocation of the operator's certificate.

Source: Miss. Code Ann. §§ 21-27-201, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

*Rule 3.8 Enforcement and Appeals.*

Enforcement and appeals shall be in accordance with the Municipal and Domestic Water and Wastewater System and Nonhazardous Solid Waste Management Facilities Operator's Certification Act of 1992.

Source: Miss. Code Ann. §§ 21-27-201, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*