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PART Env-Ws 901 CERTIFICATION OF WASTEWATER TREATMENT PLANT OPERATORS

Statutory Authority: RSA 485-A:5-a; RSA 485-A:6, XI and XI-b; RSA 485-A:7-a through 7-d; RSA 486:9; RSA 486:10, III

Env-Ws 901.01 Purpose. The purpose of these rules is to assure that operators of wastewater treatment plants are suitably qualified and have the knowledge and ability to properly operate and maintain such facilities, in order to help assure optimum treatment of all wastewaters prior to discharge to surface waters or groundwaters of the state.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss by #8327, eff 4-23-05

Env-Ws 901.02 Applicability. These rules shall apply to:

- (a) Any individual who applies to be certified as a wastewater treatment plant operator;
- (b) Any individual who is certified as a wastewater treatment plant operator; and
- (c) Any owner of a wastewater treatment plant that requires a surface or groundwater discharge permit pursuant to RSA 485-A:13, I.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss by #8327, eff 4-23-05

Env-Ws 901.03 Definitions.

- (a) “Certificate” means a certificate of competency issued pursuant to these rules stating that the operator has met the particular requirements of the operator classification grade specified on the document.
- (b) “Certification committee” (committee) means the committee responsible for certification of wastewater plant operators, as described in Env-Ws 901.22.
- (c) “Continuing education unit” (CEU) means 10 hours of participation in an organized continuing education experience that qualifies under Env-Ws 901.14.
- (d) “Department” means the department of environmental services.
- (e) “Operating experience” means time spent at a wastewater treatment plant in satisfactory performance or supervision of operation duties, as appropriate for the level of certification sought.
- (f) “Operator in responsible charge” means the individual who oversees the daily operation of the wastewater treatment facility and is ultimately accountable for decisions involving all plant operational duties, including maintenance of process equipment, laboratory work, equipment operation, administration, process control, record keeping, and reporting necessary for the wastewater treatment plant to comply with applicable federal and state requirements.

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(g) “Operator-in-training” (OIT) means an applicant who has met the written examination and education requirements for a particular grade but who has not had sufficient operating experience to meet the full requirements for that grade.

(h) “Population equivalent” (p.e.) means the calculated number of people that would normally contribute an equal amount of 0.2 pound of 5 day, 20°C, biochemical oxygen demand per capita per day.

(i) “Wastewater treatment plant” (plant) means “wastewater treatment plant” as defined by RSA 485-A:2, XVI-a, namely “the treatment facility or group of treatment devices which treats domestic or combined domestic and industrial wastewater through alteration, alone or in combination, of the physical, chemical, or bacteriological quality of the wastewater and which dewater and handles sludge removed from such wastewater.”

(j) “Wastewater treatment plant operator” (operator) means “operator” as defined by RSA 485-A:2, VII-a, namely:

- “(a) The individual who has full responsibility for the daily operation of a wastewater treatment plant or a pollution control facility;
- (b) The individual normally responsible for the operations shift; or
- (c) Individuals who perform important operating functions.”

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss and moved by #8327, eff 4-23-05 (from Env-Ws 901.02)

Env-Ws 901.04 Grades of Wastewater Operator Certification.

(a) There shall be 4 grades of operators to parallel the classification of plants described in Env-Ws 901.18, as follows:

- (1) Grade I certified operators shall be qualified to supervise operation of grade I plants;
- (2) Grade II certified operators shall be qualified to supervise operation of grade II or lower plants;
- (3) Grade III certified operators shall be qualified to supervise operation of grade III or lower plants; and
- (4) Grade IV operators shall be qualified to supervise operation of grade IV or lower plants.

(b) Any individual who was certified as a grade V operator under the state of New Hampshire’s previously-existing certification rating system shall retain the grade V designation and shall be qualified to supervise operation of a grade IV or lower plant, provided the individual has not let his certification lapse.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss and moved by #8327, eff 4-23-05
(from Env-Ws 901.03)

Env-Ws 901.05 Operators-in-Training.

(a) There shall be an operator-in-training (“OIT”) status for each grade of wastewater operator certification.

(b) Eligibility criteria for each OIT grade shall be identical to that for each full certification grade, except that applicants may take the written exam for a particular grade with less operating experience than required for that full grade.

(c) Operators holding an OIT certificate shall be allowed to be in responsible charge of a plant that is one grade classification below, or lower, than the grade OIT certificate held.

(d) An owner may request the committee to approve an individual holding an OIT certification to be placed in responsible charge of a plant of the same grade. Such request shall be in writing and shall explain the reasons why the committee should approve the request.

(e) Full certificate status shall be granted to an operator in training after the committee receives written verification from the OIT’s supervisor of the fulfillment of the operating experience requirement.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss by #8327, eff 4-23-05

Env-Ws 901.06 Operator in Responsible Charge - Multiple Plants.

(a) Any operator seeking to be an operator in responsible charge of more than one plant shall request prior approval from the certification committee in accordance with this section.

(b) An operator seeking to be in responsible charge of more than one plant shall submit to the committee a written proposal which includes the following:

- (1) Time to be spent at each plant by the operator in responsible charge;
- (2) Proposed staffing levels and coverage at each plant, including the position title and time to be spent at the plant by each individual staff member;
- (3) A statement of appropriate action and remedial response to be taken during a crisis or emergency;
- (4) The proposed preventive maintenance schedules for the plants; and
- (5) The proposed process control techniques for the plants.

(c) The certification committee shall approve the submitted proposal if the committee determines that the proposal will not jeopardize public health, compromise the proper operation and maintenance of the plants, or result in a violation of water quality standards or plant effluent criteria.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss by #8327, eff 4-23-05

Env-Ws 901. 07 Summary of Operator Certification Requirements. An applicant for certification shall:

(a) Pass the written examinations as provided in Env-Ws 901. 11; and

(b) Meet the minimum operating experience and education requirements specified in Table 901.1, below, as explained in Env-Ws 901.08 and Env-Ws 901.09, respectively:

Table 901.1 Operating Experience and Education Requirements

<u>Grade</u>	<u>Operating Experience</u>	<u>Education</u>
I OIT	0 years	High School Graduate or GED
I	1 year	High School Graduate or GED
II OIT	1 year	High School Graduate or GED
II	3 years	High School Graduate or GED
III OIT	2 years	High School Graduate or GED plus 2 years
III	4 years	High School Graduate or GED plus 2 years
IV OIT	4 years	High School Graduate or GED plus 2 years
IV	6 years	High School Graduate or GED plus 2 years

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss and moved by #8327, eff 4-23-05 (from Env-Ws 901.04)

Env-Ws 901.08 Operating Experience Requirements.

(a) Subject to (b)(1), below, a minimum of 50% of the operating experience requirement shall be met by actual on-site operating experience at a plant.

(b) An applicant may request substitutions for required operating experience based on the following criteria:

(1) Operating experience in either a water treatment plant or industrial wastewater or pretreatment plant of a grade equal to or greater than the wastewater treatment plant operator grade being applied for, shall be substituted for up to 75% of the on-site experience requirement specified in (a), above;

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- (2) Experience in a related utility division or trade, such as wastewater collections, water distribution, plumbing, electrical, pipe fitting, instrumentation, laboratory, utility construction, utility design, engineering, facilities maintenance and management and public works shall be substituted for any stated experience requirement subject to the 50% limitation stated in (a), above;
- (3) High school education shall not be credited toward any stated experience requirement, but relevant post-high school education shall be substituted for any stated experience requirement on a year-for-year basis, subject to the 50% limitation stated in (a), above;
- (4) Education applied in substitution for any stated experience requirements shall not also be applied to the education requirement;
- (5) For a Grade II OIT, the minimum one-year operating experience requirement may be substituted with a minimum of a one-year certificate in wastewater or environmental technology or an Associate degree in a relevant field such as sanitary engineering, environmental technology or studies, water treatment, wastewater treatment, natural sciences, or non-sanitary engineering disciplines; and
- (6) Specialized operator training courses, seminars, workshops, and technical conferences which are relevant to the wastewater industry, as specifically identified in (b)(2), above, may be substituted for any stated experience requirements, subject to the 50% limitation stated in (a), above, and provided the calculation shall be based on CEUs in accordance with Env-Ws 901.14.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss by #8327, eff 4-23-05

Env-Ws 901.09 Education Requirements.

- (a) The education requirement for Grade I and Grade II shall be a high school diploma or general educational development credential (“GED”).
- (b) The education requirement for Grade III and Grade IV shall be a high school diploma or GED and 2 years of relevant post-high school education, as described in (c) through (e), below.
- (c) Relevant post-high school education shall include the following:
 - (1) For programs in sanitary engineering, environmental technology or studies, water treatment, or wastewater treatment, a bachelor’s degree shall be counted as 4 years of relevant education and an associate’s degree shall be counted as 2 years of relevant education; and
 - (2) For programs in other relevant technical and scientific disciplines, such as natural sciences and non-sanitary engineering, a bachelor’s degree shall be counted as 3 years of relevant education and an associate’s degree shall be counted as 1.5 years of relevant education.
- (d) Partial credit toward relevant post-high school education requirements shall be allowed for academic work or vocational training, as follows:
 - (1) Any bachelor’s degrees other than those listed in (c), above, shall be counted as 2 years of relevant education; and

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- (2) Any associates degree of other than those listed in (c), above shall be counted as one year of relevant education.
- (e) Incompleted degree programs shall be counted as described in (f), below.
- (f) Each 30 semester hours or 45 quarter hours of credits earned in programs listed in (c), above, shall be considered the equivalent of one year of post-high school education.
- (g) The applicant may request substitutions for required education based on the following criteria:
 - (1) One year of operating experience may be substituted for one year of grade school without limitation;
 - (2) One year of operating experience may be substituted for one year of high school without limitation;
 - (3) 2 years of operating experience may be substituted for one year of the post-high school education requirement for Grades III and IV and III OIT and IV OIT;
 - (4) Operating experience applied in substitution for any education requirement shall not also be applied to the experience requirement; and
 - (5) Specialized operator training courses, seminars, workshops, and approved technical conferences may be substituted for post-high school education without limitation, in accordance with (f), above.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss and moved by #8327, eff 4-23-05 (from Env-Ws 901.04)

Env-Ws 901.10 Application for Certificate.

- (a) Any person desiring to be certified as an operator shall file the following with the certification committee at least 6 weeks preceding the date of the examination:
 - (1) The information required by (b), below, on a form obtained from the department;
 - (2) The certification required by (c), below; and
 - (3) The application fee specified by RSA 485-A:7-a, II.
- (b) The applicant shall provide the following information:
 - (1) Applicant's name;
 - (2) Applicant's mailing address;
 - (3) Applicant's daytime telephone number;
 - (4) Applicant's date of birth;
 - (5) For each current wastewater operator certification held by the applicant, the following:

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- a. The state which issued the certification;
 - b. The grade of the certificate;
 - c. The number of the certificate;
 - d. The date the certificate was issued; and
 - e. Whether the certificate was achieved by examination;
- (6) Whether this application is for reciprocity;
- (7) The grade level applied for;
- (8) Whether the applicant is requesting any education or experience substitutions;
- (9) Applicant's educational background, as follows:
- a. Years of high school completed or date of GED;
 - b. Years of post-high school education completed;
 - c. Additional education to be applied toward experience requirement; and
 - d. Proof of post-high school education in the form of transcripts or certificates of course completion;
- (10) Applicant's experience history for wastewater-related employment;
- (11) Verification of experience by signature of either the operator in responsible charge or permittee; and
- (12) The names, addresses and daytime telephone numbers of 2 references.
- (c) The applicant shall agree to and sign the following certification:
- “I hereby certify that the information given by me is true and complete to the best of my knowledge. I understand that the submission of false or misleading information is grounds for denying my application or revoking any certification that was issued based on the information. If certification is granted, I agree to abide by the provisions of Env-Ws 901.”
- (d) The committee shall review applications and supporting documents to determine whether the minimum criteria specified in Env-Ws 901. 07 have been met such that the applicant is eligible to take the examination.
- (e) The committee shall notify the applicant of his/her eligibility status in writing. If the committee determines that the applicant has not met the requirements to take the examination, the written notification shall specifically identify the reason(s) for the determination.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss and moved by #8327, eff 4-23-05
(from Env-Ws 901.05)

Env-Ws 901.11 Examinations.

(a) As required by RSA 485-A:7-b, the committee shall prepare a written examination to be used in determining operator knowledge, ability, and judgment in each grade of operator classification.

(b) Written examinations shall be administered at least twice annually at places and times set by the certification committee.

(c) The committee shall notify each applicant who completes a written examination of the test results as soon as practicable but no later than 90 days following the examination.

(d) Any applicant who completes a written examination with a passing score of 70% correct or higher shall receive a certificate as specified in Env-Ws 901.12(a).

(e) Any applicant who fails to pass a written examination may, as provided in RSA 485-A:7-a, III, take one retest at the same certification level at no additional cost. Subject to (f), below, an applicant shall take the retest at one of the next two scheduled examinations following the examination the applicant failed.

(f) If an applicant is unable to take the retest at one of the next two scheduled examinations, the applicant may request the committee to allow the applicant to take a retest at a later date. The applicant shall submit the request in writing, and shall state the reason(s) why the applicant was unable to take the retest as provided in (e), above. The committee shall allow the applicant to take the retest at a later examination if the committee determines that the applicant was prevented by reasons that were beyond the control of the applicant from taking the retest as provided in (e), above.

(g) Any applicant who wishes to take a retest pursuant to (e), above, shall apply as described in Env-Ws 901.10(a), except no additional fee shall be required.

(h) Any applicant who fails to pass a written examination may make arrangements with the certification committee to review the applicant's written examination at the department's office. Such review shall occur more than 60 days preceding the date of the applicant's retest.

Source. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97; ss and moved by #8327, eff 4-23-05
(from Env-Ws 901.06)

Env-Ws 901.12 Issuance, Display, and Duration of Certificates.

(a) The department shall issue to the applicant a certificate designating the grade of treatment for which the operator is qualified upon determining that:

- (1) The applicant possesses the minimum education and experience requirements for the specified grade;
- (2) The applicant passed the written examination for the specified grade; and
- (3) No evidence has been presented to the committee that would constitute grounds for suspending, revoking, or refusing to renew a certification as specified in Env-Ws 901.16.

(b) The certificate shall be prominently displayed in the office of the wastewater treatment plant at which the operator is employed.

(c) As specified in RSA 485-A:7-c, I, a certificate issued pursuant to these rules shall be valid for 2 years from the date of issuance.

Source. #6502, eff 4-25-97; ss by #8327, eff 4-23-05

Env-Ws 901.13 Certification Renewal.

(a) An operator wishing to renew his or her certification shall file the following with the committee no later than one day before expiration of the certification:

- (1) The information specified in (b), below, on a form provided by the department;
- (2) The certification required by (c), below; and
- (3) The renewal fee specified by RSA 485-A:7-c, II.

(b) An operator applying for certification renewal shall provide the following:

- (1) Applicant's name;
- (2) Applicant's mailing address;
- (3) Applicant's daytime telephone number;
- (4) The number, grade, and expiration date of the current certification;
- (5) The name of the plant where the applicant is currently employed, if any;
- (6) Applicant's present title;
- (7) Copies of transcripts or certificates for all education the applicant has completed within the 2-year period preceding the expiration of the certificate; and
- (8) Date of application.

(c) The applicant shall agree to and sign the following certification:

"I hereby certify that the information given by me is true and complete to the best of my knowledge. I understand that the submission of false or misleading information is grounds for denying my application or revoking any certification that was issued based on the information. If my certification is renewed, I agree to abide by the provisions of Env-Ws 901."

(d) For renewal of all grades except I and I-OIT, the operator shall acquire a minimum of 2 CEUs of training in the relevant field during the 2-year period prior to the expiration date of the certificate.

(e) Failure of the operator to renew by the expiration date shall result in suspension of operator certification. As provided in RSA 485-A:7-c, II, if the operator fails to submit a renewal application within 90 days after the expiration date of the certification, the certificate shall be deemed expired. The committee shall notify the operator and the responsible official(s) or permittee of the expiration of the certification in writing.

(f) Any operator whose certification has expired pursuant to (d), above, may apply for recertification by submitting an application in accordance with Env-Ws 901.10 and taking the written examination as required by Env-Ws 901.11.

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(g) The certificates of operators who terminate employment as a wastewater treatment plant operator shall be renewable after such termination provided that the continuing education requirements of these rules shall be met.

Source. #8327, eff 4-23-05 (from Env-Ws 901.07)

Env-Ws 901.14 Continuing Education Units.

(a) CEUs shall be determined as follows::

- (1) The CEU value of each training course, seminar, workshop, and technical conference that is relevant to the wastewater industry, as stated in Env-Ws 901.09, shall be determined on the basis of 1 CEU per 10 course hours;
- (2) Each block of 45 CEUs shall be equivalent to one year of post-high school education; and
- (3) Each 1.5 CEUs shall be equivalent to one college credit.

(b) To qualify for CEU credit, a program shall be:

- (1) Offered by the department;
- (2) Offered by a state-wide or regional professional association of wastewater treatment professionals; or
- (3) Approved by the department pursuant to (c) and (d), below.

(c) An organization shall apply to offer an approved CEU course by submitting the following in writing to the department:

- (1) A description of the organization;
- (2) A complete description of each course for which the organization is seeking approval, including:
 - a. The name of the course;
 - b. The name and qualifications of each individual who will present the course;
 - c. The length of time attendees of the course will be under the direct supervision of the instructor;
 - d. A syllabus for the course and the written materials to be used in the course, if any;
 - e. The method to be used to evaluate attendees at the conclusion of the course, if any; and
 - f. The number of CEUs to be awarded as a result of successful completion of the course.

(d) The department shall review applications submitted pursuant to (d), above, and shall approve a course for CEU credit if the information submitted demonstrates that the course is at least equivalent to a course that would be offered by the department on the same or a similar topic.

Source. #8327, eff 4-23-05

Env-Ws 901.15 Reciprocity Applications.

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(a) As provided in RSA 485-A:7-c, III, an applicant may request the committee to waive the requirement for a written examination and request reciprocity if he or she has been certified as a wastewater treatment plant operator by a federal, state, interstate or territorial government.

(b) Requests for waivers under (a), above, shall be submitted in writing to the committee and shall include the following information:

- (1) A completed application, as per Env-Ws 901.10;
- (2) A copy of the certificate upon which the waiver request is based;
- (3) A statement that certificate was obtained by examination; and
- (4) A copy of the official regulations, rules, guidelines, or other written criteria of the jurisdiction which issued the certificate.

(c) Subject to (d), below, the committee shall grant the request and waive the requirement for a written examination if the committee determines that:

- (1) The certificate from the other jurisdiction is still valid;
- (2) The applicant obtained the certification by taking a written examination; and
- (3) The requirements of the other jurisdiction for certification of operators do not conflict with these rules and are of a standard at least as stringent as these rules.

(d) No waiver of the examination requirement shall be issued for grade IV or grade IV-OIT certificates.

Source. #8327, eff 4-23-05

Env-Ws 901.16 Suspension, Revocation, or Refusal to Renew Certificate.

(a) If after issuing a certificate the committee receives information which indicates that good cause, as defined in (g), below, exists to suspend or revoke the certificate, the committee shall proceed in accordance with RSA 541-A:30.

(b) After proceeding in accordance with RSA 541-A:30, the committee shall revoke the certificate if the committee determines that:

- (1) The reason that good cause exists cannot be corrected to conform to applicable requirements;
- (2) The operator's conduct caused harm or posed a substantial threat of harm to public health or the environment; or
- (3) The operator is a chronic violator as defined in Env-C 209.

(c) After proceeding in accordance with RSA 541-A:30, the committee shall suspend the certificate, subject to (d) below, if the committee determines that:

- (1) The reason that good cause exists can be corrected to conform to applicable requirements; and
- (2) The operator's conduct does not meet the criteria for revoking the certification.

(d) If a certificate is suspended pursuant to (c) above, the committee shall not reinstate the certificate until:

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- (1) The reason that good cause exists has been corrected to conform with applicable requirements; and
 - (2) The certificate holder submits a written request to the committee requesting that the certificate be reinstated.
- (e) If after receiving a request for renewal of a certificate, the committee receives information which indicates that good cause, as defined in (g) below, exists to refuse to renew the certificate, the committee shall proceed in accordance with RSA 541-A:30.
- (f) After proceeding in accordance with RSA 541-A:30, the committee shall:
- (1) Refuse to renew the certificate, if the committee determines that:
 - a. The reason that good cause exists cannot be corrected to conform to applicable requirements;
 - b. The operator's conduct caused harm or posed a substantial threat of harm to public health or the environment; or
 - c. The operator is a chronic violator as defined in Env-C 209; or
 - (2) Renew the certificate conditional upon the reason that good cause exists being made to comply with applicable requirements.
- (g) Good cause to suspend, revoke, or refuse to renew a certificate shall include the following:
- (1) Failing to use reasonable care, judgment, and application of his/her knowledge in the performance of his/her duties;
 - (2) Taking action(s) or failing to take action(s) relating to the operation of the plant which jeopardizes public health, compromises the proper operation and maintenance of the plant, or results in a violation of water quality standards or wastewater treatment plant effluent criteria;
 - (3) Obtaining a certificate through fraud, deceit, or falsification;
 - (4) Submitting false or misleading information regarding any application for certification or renewal;
 - (5) Submitting false or misleading operational documentation relating to the performance and monitoring requirements of a wastewater treatment facility;
 - (6) Failing to submit required operational documentation to appropriate regulatory agencies in a timely manner; and
 - (7) Failing to comply with an order of the department relative to the management of wastewater.

Source. #8327, eff 4-23-05 (from Env-Ws 901.08)

Env-Ws 901.17 Operator Notification Requirement.

- (a) Each operator who receives certification pursuant to these rules shall maintain a current mailing address and daytime telephone number on file with the committee.

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(b) All communications issued by or at the direction of the committee that are sent to the operator's last address of record shall be presumed to have been received by the operator.

(c) An operator shall notify the committee in writing upon being designated as a back-up operator in responsible charge or being terminated from such a position.

Source. #8327, eff 4-23-05

Env-Ws 901.18 Classification and Reclassification of Wastewater Plants.

(a) The department shall classify each wastewater treatment plant into one of 4 grades based on the complexity and flow capacity of the plant's processes, ranging from grade I, the lowest, to grade IV.

(b) The classification shall be determined by summing the applicable points from Env-Ws 901.19, as follows:

- (1) Plants with 30 or fewer points shall be grade I;
- (2) Plants with 31-55 points shall be grade II;
- (3) Plants with 56-75 points shall be grade III; and
- (4) Plants with greater than 75 points shall be grade IV.

(c) The department shall re-evaluate a plant's classification whenever it learns of changes to the plant that may affect its grade, including:

- (1) System upgrades;
- (2) Process changes; or
- (3) Changes in effluent discharge requirements, laboratory processes or control, receiving water classification, water quality criteria, or increased treatment requirements.

(d) If as a result of a reevaluation the department changes the grade of a plant, the department shall notify the owner in writing of the change. If the change is to a higher grade, the wastewater treatment plant owner shall designate a properly certified operator pursuant to Env-Ws 901.20(a) within one year from the receipt of notification from the department.

Source. #8327, eff 4-23-05 (from Env-Ws 901.09)

Env-Ws 901.19 Classification Points for Wastewater Treatment Plants. Classification points for wastewater treatment plants shall be assigned in accordance with Table 901.2 and Table 901.3:

Table 901.2 Point System for the Classification of Wastewater Treatment Plants

Item	Points
Size	
Maximum population equivalent (p.e.) served, peak day	1 per 10,000 p.e. or part thereof
Design flow (avg. day) or peak month's flow (avg. day) in million gallons per day (mgd), whichever is larger	1 per MGD or part thereof
Effluent Discharge	
Receiving stream (sensitivity) See Table 901.3 for Range	1-6
Land disposal - evaporation	2

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Subsurface disposal	5
Rapid infiltration basins	6
Variation in Raw Wastes (slight to extreme) See Table 901.3 for Range	0-6
Pretreatment	
Screening, comminution	3
Grit removal	3
Plant pumping of main flow	3
Primary Treatment	
Primary clarifiers	5
Combined sedimentation/digestion	5
Chemical addition (except chlorination and enzymes)	4
Secondary Treatment	
Activated sludge with secondary clarifiers (including extended aeration, sequencing batch reactors & oxidation ditches)	15
Stabilization ponds without aeration	5
Aerated lagoon	8
Sand filters	5
Fixed film media system w/secondary clarifiers	10
Fixed film media unit without/secondary clarifiers	15
Subsurface disposal	5
Rapid infiltration basins	6
Overland flow	6
Advanced Waste Treatment	
Polishing pond	2
Chemical/physical - without secondary	15
Chemical/physical - following secondary	10
Biological or chemical/biological	12
Ion exchange	10
Reverse osmosis or electrodialysis	15
Chemical recovery, carbon regeneration	4
Spray irrigation	8
Overland flow	6
Filtration	8
Solids Handling	
Thickening	5
Anaerobic digestion	10
Aerobic digestion	6
Evaporative sludge drying	2
Mechanical dewatering	8
Solids reduction (incineration, wet oxidation)	12
Composting	7
Lime stabilization	5
Autothermal Thermophilic Aerobic Digestion (ATAD)	8
Disinfection	
Chlorination or comparable	5
On-site generation of disinfectant	5

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Dechlorination	5
Ultraviolet	5
Laboratory Control by Plant Personnel	
See Table 901.3 for range Bacteriological (complexity)	0-10
Chemical/physical (complexity)	0-10

Table 901.3: Point System for the Evaluation of Effluent Discharge and
Laboratory Complexity

Item	Points
Effluent Discharge	
Receiving stream sensitivity. The key concept is the degree of dilution provided under low flow conditions. Point values are:	1-6
“Effluent limited segment” in EPA terminology; secondary treatment is adequate	1
More than secondary treatment is required	2
“Water quality limited segment” in EPA terminology; stream conditions are very critical (dry run, for example) and a very high degree of treatment is required	3
Effluent used in direct recycle and reuse system	6
Variation in raw wastes (slight to extreme)	
The key concept is frequency or intensity of deviation or excessive variation from normal or typical fluctuations; such deviation can be in terms of strength, toxicity, shock loads, I/I, etc. Point values are:	0-6
Variations do not exceed those normally or typically expected	0
Recurring deviations or excessive variations of 100 to 200 percent in strength and/or flow	2
Recurring deviations or excessive variations of more than 200 percent in strength and/or flow	4
Raw wastes subject to toxic waste discharges	6
Laboratory Control by Plant Personnel	
Bacteriological/biological (complexity). The key concept is to credit lab work done by plant personnel. Point values are:	0-10
Lab work done outside the plant	0
Bacteriological analysis (membrane filter, MPN)	5
Biological identification	7
Virus studies or similarly complex work conducted on site	10
Chemical/physical (complexity). The key concept is to credit lab work done on-site by plant personnel. Point values are:	0-10
All lab work done outside the plant	0
Push button or visual methods for simple tests such as: pH, settleable solids - up to	3
Additional procedures such as: DO, COD, BOD, gas analysis, filtrations, solids, volatile content - up to	5
More advanced determinations, such as: nutrients, total oils, phenols, etc. - up to	7
Highly sophisticated instrumentation such as atomic absorption and gas chromatography	10

Source. #8327, eff 4-23-05

Env-Ws 901.20 Wastewater Treatment Plant Owner Responsibilities.

(a) Each wastewater treatment plant owner which is subject to these rules shall designate an operator in responsible charge and advise the committee in writing of the person so designated. The operator in responsible charge shall be certified in the grade equal to or greater than the classification of the plant. The owner shall advise the committee in writing within 10 working days of the termination of employment of a certified operator in responsible charge at its facility.

(b) Each wastewater treatment plant owner shall designate a back-up certified operator available to be in responsible charge of the plant in the absence of the usual certified operator in responsible charge. The back-up operator shall hold a certificate of no more than one grade lower than that of the grade of the facility or an OIT certificate in the grade of the facility. In the case of a grade I plant, the back-up operator shall hold a grade I or grade I-OIT certificate or higher.

(c) The wastewater treatment plant owner shall hire a replacement for the operator in responsible charge or the back-up operator, as applicable, as soon as practicable after a termination occurs, taking into consideration:

- (1) The owner's personnel code or other rules or regulations;
- (2) The terms of any collective bargaining agreement extant in the municipality relative to hiring and promotions; and
- (3) The public interest in an open competitive recruitment process for selection of qualified public employees.

(d) The committee shall give temporary approval for a wastewater treatment plant owner to hire an operator one grade below the required grade upon written request to the committee, provided the operator is qualified to take, and does take, the next scheduled examination in the next highest grade. If the operator does not pass the examination, the temporary approval shall be extended to allow one retest at the next scheduled examination.

Source. #8327, eff 4-23-05 (from Env-Ws 901.10)

Env-Ws 901.21 Certified Operator Required; Penalties.

(a) As specified in RSA 485-A:5-a, no wastewater treatment plant shall be operated without a certified operator.

(b) Failure to have a certified operator in responsible charge shall be deemed to be a failure to provide proper and efficient operation and maintenance of a plant as required by RSA 486:8.

(c) Any person who is subject to these rules shall be subject to the enforcement and penalty provisions as set forth in RSA 485-A:22.

(d) Any plant that is subject to these rules which has received funds pursuant to RSA 486 shall be subject to the enforcement and penalty provisions as set forth in RSA 486.

Source. #8327, eff 4-23-05 (from Env-Ws 901.11)

Env-Ws 901.22 Certification Committee.

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(a) The department shall implement its responsibilities relative to certifying wastewater treatment plant operators through a certification committee comprised of 3 department personnel and 2 individuals who are not employed by the department.

(b) The 3 department personnel shall be designated by the director of the department's division of water.

(c) The remaining 2 members of the committee shall be nominated by and elected from the membership of the New Hampshire Water Pollution Control Association. All nominees shall hold current New Hampshire wastewater treatment plant operator certifications as per these rules.

Source. #8327, eff 4-23-05 (from Env-Ws 901.22)

Appendix

Rule	Specific State Statute which the Rule Implements
Env-Ws 901 (See below for specific sections)	RSA 485-A:5-a; RSA 485-A:6, XI and XI-b; RSA 485-A:7-a through 7-d; RSA 486:9; RSA 486:10, III
Env-Ws 901.07 – Env-Ws 901.09	RSA 485-A:6, XI
Env-Ws 901.10	RSA 485-A:7-a
Env-Ws 901.11	RSA 485-A:7-b
Env-Ws 901.12 – Env-Ws 901.13	RSA 485-A:7-c, I and II
Env-Ws 901.14	RSA 485-A:6, XI
Env-Ws 901.15	RSA 485-A:7-c, III
Env-Ws 901.16	RSA 485-A:6, XI-b; RSA 485-A:7-d