

Notice
of
Rulemaking Hearing
Department of Environment and Conservation
Fleming Training Center

There will be a public rulemaking hearing before the Tennessee Department of Environment and Conservation, the Fleming Training Center, acting on behalf of the Water and Wastewater Operator Certification Board, to consider the adoption and promulgation of amendments to Rule Chapter 1200-05-03 Rules Governing Water and Wastewater Operator Certification pursuant to the Tennessee Code Annotated Sections 68-203-101, 68-203-103, and 68-221-906 through 68-221-910; and the Uniform Administrative Procedures Act, Tennessee Code Annotated, Sections 4-5-101 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204, and will take place at the dates and the times and locations listed below:

May 23, 2008	9:00 a.m. CT	Auditorium J. R. Fleming Environmental Training Center 2022 Blanton Drive Murfreesboro, TN
May 28, 2008	9:00 a.m. CT	Training Room Jackson Energy Authority 604 S. Royal St. Jackson, TN
May 30, 2008	9:00 a.m. ET	Conference Room Knoxville Environmental Assistance Center 3711 Middlebrook Pike Knoxville, TN

Individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten days prior to the scheduled hearing date (or the date such party intends to review such filings), to allow time to provide such aid or services. Contact the ADA Coordinator at 1-615-532-0200 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Substance of the Proposed Rules

Amendments

Chapter 1200-05-03
Rules Governing Water and Wastewater Operator Certification

Part 2 of subparagraph (b) of paragraph (1) of Rule 1200-05-03-.01 Application for Certificate is amended by deleting the part and substituting the following so that, as amended, part 2 shall read as follows:

2. Payment of a non-refundable \$100.00 fee for each application for examination.

Subparagraph (d) of paragraph (1) of Rule 1200-05-03-.01 Application for Certification is amended by adding the word "Rules" between the words "of" and "1200" in the first sentence so that, as amended, subparagraph (d) shall read as follows, while retaining all its parts:

- (d) Applications will be reviewed for completeness and for compliance with the requirements of Rules 1200-05-03-.07 and 1200-05-03-.09 for education and experience by staff of the Board under the supervision of the Secretary. The operating experience of an applicant will be determined through the end of the month in which the examination for the operator classification desired is given.

Part 2 of subparagraph (b) of paragraph (2) of Rule 1200-05-03-.01 Application for Certificate is amended by deleting the part and substituting the following so that, as amended, part 2 shall read as follows:

2. Payment of a non-refundable \$100.00 for each application for reciprocity.

Subparagraph (d) of paragraph (2) of Rule 1200-05-03-.01 Application for Certification is amended by adding the word "Rules" between the words "of" and "1200" in the sentence so that, as amended, subparagraph (d) shall read as follows, while retaining all its parts:

- (d) Applications will be reviewed for completeness and for compliance with the requirements of Rules 1200-05-03-.07 and 1200-05-03-.09 for education and experience by staff of the Board under the supervision of the Secretary.

Authority: T.C.A. §§ 4-5-101 et seq., 4-5-202, 68-221-906, and 68-221-910. Administrative History: Original rule certified June 7, 1974. Repeal and new rule filed March 31, 1982; effective July 1, 1982. Repeal and new rule filed June 9, 1986; effective July 10, 1986. Amendment filed September 18, 1990; effective December 1, 1990. Amendment filed September 12, 1994; effective December 14, 1994. Amendment filed June 29, 2001; effective September 10, 2001. Amendment filed March 8, 2007; effective May 22, 2007

Rule 1200-05-03-.03 of Rule Chapter 1200-05-03 Rules Governing Water and Wastewater Operator Certification is amended by deleting it in its entirety and substituting the following to read as follows:

1200-05-03-.03 Fees.

(1) Fees for Certification

- (a) Fees for certification shall be required of each applicant and paid in advance as follows:

1. Application fee for each operator examination or reciprocity request applied for:
..... \$100.00
2. Discount annual renewal fee for each operator certificate:
(Payment prior to February 1).....\$ 30.00
3. Standard annual renewal fee for each operator certificate:
(Payment from February 1 through June 30.).....\$ 60.00

- (b) No application fee will be returned.

- (c) Upon payment of an application fee and approval by the Board, an applicant may take any one scheduled examination during the following twelve (12) months. If an applicant chooses not to take or fails to appear for, the first examination offered after receiving approval, the

applicant must register on a form approved by the Board to be scheduled for a subsequent exam within the established time. The registration must occur sixty (60) days in advance of the examination he/she wishes to take. If an applicant does not take the examination within twelve months of the Board's approval, he/she must reapply by submitting a new application with fees in order to be considered to take a subsequent examination.

- (d) Each year a certified operator shall submit to the Board for the following year a completed certificate renewal application and a fee for the renewal of each operator certificate he/she possesses. Applications received prior to February 1 of each year shall be subject to discount renewal fees. Applications received February 1 through June 30 of each year shall be subject to standard renewal fees. Any person failing to meet the June 30 deadline may, within sixty (60) days of the deadline, request that the Board grant a variance. A variance may be granted when the delay was caused by Board or staff error, Board action, or documented postal error. A completed certificate renewal application or appropriate annual renewal fee for an expired certificate not received by the Board by June 30 shall preclude the recertification of the operator in his/her expired classification until he/she shall have fulfilled all the requirements for the issuance of an initial certificate in that classification, including the satisfactory completion of a written examination. When an operator classification is upgraded, the certificate he/she was upgraded from becomes void; and no additional fee payment is necessary until renewal.

(2) Fees for Cross Connection Control Training Registration

- (a) Fees for Cross Connection Control Training registration shall be required of each person and paid in advance as follows:
 - 1. Registration fee for a Cross Connection Control Basic Class (full time employees of public water systems as defined in T.C.A. § 68-221-703 are exempt)..... \$275.00
 - 2. Registration fee for a Cross Connection Control Renewal Class (full time employees of public water systems as defined in T.C.A. § 68-221-703 are exempt)..... \$110.00
- (b) No registration fee will be returned.
- (c) The registration fee must be received in advance of the class he/she wishes to take.

(3) Fees for Cross Connection Control Testing Application

- (a) Fees for Cross Connection Control Testing Application shall be required of each person and paid in advance as follows:
 - 1. Application for a Cross Connection Control Basic Test\$60.00.
 - 2. Application fee for Cross Connection Control Renewal Test.....\$60.00.
- (b) No application for testing fee will be returned.
- (c) The application must occur a minimum of thirty (30) days in advance of the test he/she wishes to take.
- (d) Prior to sitting for a test, an applicant must present proof of completion of training for the appropriate test from a provider accepted by the Department.

- (e) An applicant must take the test within twelve months of receipt of the training certificate.

Authority: T.C.A. §§ 4-5-101 et seq., 4-5-202, 68-203-101, 68-203-103, 68-221-906, and 68-221-910. Administrative History: Original rule certified June 7, 1974. Repeal and new rule filed March 31, 1982; effective July 1, 1982. Repeal and new rule filed June 9, 1986; effective July 10, 1986. Amendment filed September 18, 1990; effective December 1, 1990. Amendment filed September 12, 1994; effective December 14, 1994. Amendment filed April 21, 1998; effective July 5, 1998. Amendment filed July 31, 2000, effective October 14, 2000. Amendment filed June 29, 2001; effective September 10, 2001.

Paragraph (1) of Rule 1200-05-03-.05 Definitions is amended by placing a period at the end of the sentence so that, as amended, paragraph (1) shall read as follows:

- (1) "Available" means that a certified operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner, based on system size, complexity and the quality of either the source water or the receiving stream.

Authority: T.C.A. §§ 4-5-101 et seq., 4-5-202, 68-221-903, 68-221-904, 68-221-906, 68-221-909, and 68-221-912. Administrative History: Original rule certified June 7, 1974. Repeal and new rule filed March 31, 1982; effective July 1, 1982. Repeal and new rule filed June 9, 1986; effective July 10, 1986. Amendment filed September 18, 1990; effective December 1, 1990. Amendment filed September 12, 1994; effective December 14, 1994. Amendment filed July 31, 2000, effective October 14, 2000.

Subparagraph (b) of paragraph (2) of Rule 1200-05-03-.07 Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators is amended by deleting from the second sentence "(2)(b)" immediately following the word "subparagraph" so that, as amended, subparagraph (b) shall read as follows:

- (b) The reclassification of a water treatment plant or a water distribution system that immediately occurs as a result of this chapter of rules shall raise the operator classification of a certified operator then employed at that plant or system to a higher operator classification equivalent with the new classification of the plant or system. This subparagraph shall apply only to a certified operator whose operator classification, immediately prior to reclassification of the plant or system pursuant to this chapter of rules, is at least equivalent with the classification of the plant or system at which he/she is employed.

Subparagraph (a) of paragraph (3) of Rule 1200-05-03-.07 Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators is amended by deleting the word "subparagraph" from the sentence so that, as amended, subparagraph (a) shall read as follows:

- (a) For part (1)(a)2 of this rule, the Board may approve for each two semester hours, or three quarter hours, of academic study satisfactorily completed at an accredited college or university in related science or engineering courses as equal to one month of the operating experience required as a qualification of a certified water treatment plant operator.

Subparagraph (b) of paragraph (3) of Rule 1200-05-03-.07 Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators is amended by deleting "subparagraph parts (1)(a)2, (1)(b)(1), (1)(c)(1), (1)(d)(1), and (1)(f)(1)" from the sentence and replacing it with "parts (1)(a)2, (1)(b)1, (1)(c)1, (1)(d)1, and (1)(f)1" so that, as amended, subparagraph (b) shall read as follows:

- (b) For parts (1)(a)2, (1)(b)1, (1)(c)1, (1)(d)1, and (1)(f)1 of this rule, each day of Board sanctioned comprehensive training, satisfactorily completed, through schools for operators, correspondence courses, or other special training programs may be equal to one month of the operating experience required as a qualification of a certified water treatment plant operator.

Subparagraph (a) of paragraph (4) of Rule 1200-05-03-.07 Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators is amended by deleting the word “subparagraph” from the sentence so that, as amended, subparagraph (a) shall read as follows:

- (a) The Board may approve the water treatment operating experience required in parts (1)(a)1, (1)(a)2, (1)(b)1, (1)(c)1, and (1)(d)1 of this rule in two or more of the following work experience duties:

Operation and/or maintenance of:

- Pretreatment systems
- Coagulant feed systems
- Filtration systems
- Fluoride feed systems
- Stabilization feed systems
- Hypochlorination systems
- Gas chlorination systems
- Pumps and/or motors
- Laboratory Control Tests
- Interpretation and plant adjustments

Subparagraph (c) of paragraph (4) of Rule 1200-05-03-.07 Classifications and Qualifications of Water Treatment Plant Operators and Water Distribution System Operators is amended by deleting the word “subparagraph” from the sentence so that, as amended, subparagraph (c) shall read as follows:

- (c) The Board may approve the distribution system operating experience required in part (1)(f)1 of this rule in two or more of the following work experience duties:

Operation and/or maintenance of:

- Pumps
- Booster stations
- Fire hydrants
- Valves
- Storage tanks
- Distribution systems flushing
- Pipeline installation
- Tap installation
- Leak detection
- Leak repairs
- Cross connection control

Authority: T.C.A. §§ 4-5-101 et seq., 4-5-202, 68-203-101, 68-203-103, and 68-221-906 through 68-221-910. Administrative History: Original rule certified June 7, 1974. Repeal and new rule filed March 31, 1982; effective July 1, 1982. Repeal and new rule filed June 9, 1986; effective July 10, 1986. Amendment filed September 18, 1990; effective December 1, 1990. Amendment filed April 21, 1998; effective July 5, 1998. Amendment filed July 31, 2000, effective October 14, 2000. Amendment filed June 29, 2001; effective September 10, 2001.

Subparagraph (a) of paragraph (1) of Rule 1200-05-03-.09 Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators is amended by deleting “subparagraph part (1)(a)1 or (1)(a)2 of this rule” from the end of the sentence and replacing it with “parts 1 or 2 of this subparagraph” so that, as amended, subparagraph (a) shall read as follows, while retaining all its parts:

(1) (a) Grade IV Wastewater Treatment Plant Operator

Certification as an operator in this classification will be made only upon the satisfactory completion by the applicant of the requirements of either parts 1 or 2 of this subparagraph.

Subparagraph (b) of paragraph (2) of Rule 1200-05-03-.09 Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators is amended by deleting from the second sentence “(2)(b)” immediately following the word “subparagraph” so that, as amended, subparagraph (b) shall read as follows:

- (b) The reclassification of a wastewater treatment plant or a wastewater collection system that immediately occurs as a result of this chapter of rules shall raise the operator classification of a certified operator then employed at that plant or system to a higher operator classification equivalent with the new classification of the plant or system. This subparagraph shall apply only to a certified operator whose operator classification, immediately prior to reclassification of the plant or system pursuant to this chapter of rules, is at least equivalent with the classification of the plant or system at which he/she is employed.

Subparagraph (a) of paragraph (3) of Rule 1200-05-03-.09 Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators is amended by deleting the word “subparagraph” from the sentence and adding the word “as” after the word “courses” and before the word “equal” so that, as amended, subparagraph (a) shall read as follows:

- (a) For part (1)(a)2 of this rule, the Board may approve for each two semester hours, or three quarter hours, of academic study satisfactorily completed at an accredited college or university in related science or engineering courses as equal to one month of the operating experience required as a qualification of a certified wastewater treatment plant operator.

Subparagraph (b) of paragraph (3) of Rule 1200-05-03-.09 Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators is amended by deleting “subparagraph parts (1)(a)2, (1)(b)1, (1)(c)1, (1)(d)1, (1)(e)1, and (1)(f)1” from the sentence and replacing it with “parts (1)(a)2, (1)(b)1, (1)(c)1, (1)(d)1, (1)(e)1, and (1)(f)1” so that, as amended, subparagraph (b) shall read as follows:

- (b) For parts (1)(a)2, (1)(b)1, (1)(c)1, (1)(d)1, (1)(e)1, and (1)(f)1 of this rule, each day of Board sanctioned comprehensive training, satisfactorily completed, through schools for operators, correspondence courses, or other special training programs may be equal to one month of the operating experience required as a qualification of a certified wastewater treatment plant operator.

Subparagraph (a) of paragraph (4) of Rule 1200-05-03-.09 Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators is amended by deleting the word “paragraph” from the sentence and replacing it with the word “parts” so that, as amended, subparagraph (a) shall read as follows:

- (a) The Board may approve the wastewater treatment operating experience required in parts (1)(a)1, (1)(a)2, (1)(a)3, (1)(b)1, (1)(c)1, (1)(d)1, and (1)(e)1 of this rule in two or more of the following work experience duties:

Control of:

- Solids pumping from clarifiers
- Scum removal in clarifiers
- Return and waste sludge rates
- Aeration rates
- Recirculation rates to trickling filter or rotating biological contactor (RBC)

- Operation of:
 - Chlorine feed rates
 - Digesters and/or solids conditioning processes
- Performance of:
 - Calculations and plant control
 - Interpretation of laboratory test results
 - Interpretation of process control data
 - Cleaning and maintenance of preliminary treatment
 - Adjustment of wastewater levels or flow through lagoon system

Subparagraph (c) of paragraph (4) of Rule 1200-05-03-.09 Classifications and Qualifications of Wastewater Treatment Plant Operators and Wastewater Collection System Operators is amended by deleting the word "paragraph" from the sentence and replacing it with the word "part" so that, as amended, subparagraph (c) shall read as follows:

- (c) The Board may approve the collection system operating experience required in part (1)(f)1 of this rule in two or more of the following work experience duties:

- Operation and/or maintenance of:
 - Pumps
 - Lift stations
 - Valves
 - Lines and equipment
 - Pipeline installation
 - Service connection installation
 - Leak detection
 - TV crew activities
 - Line repairs
 - Line cleaning
 - Manhole maintenance
 - Pretreatment

Authority: T.C.A. §§ 4-5-101 et seq., 4-5-202, 68-221-906, and 68-221-907. Administrative History: Original rule certified June 7, 1974. Repeal and new rule filed March 31, 1982; effective July 1, 1982. Repeal and new rule filed June 9, 1986; effective July 10, 1986. Amendment filed September 18, 1990; effective December 1, 1990. Amendment filed September 12, 1994; effective December 14, 1994. Amendment filed April 21, 1998; effective July 5, 1998. Amendment filed July 31, 2000, effective October 14, 2000. Amendment filed June 29, 2001; effective September 10, 2001.

Legal contact and/or party who will approve final copy for publication and is the contact for disk acquisition:

Mr. W. Brent Ogles
 Fleming Training Center
 2022 Blanton Drive
 Murfreesboro, TN 37129
 (615) 898-8090

Other Information

The Fleming Training Center prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review at the Tennessee Department of Environment and Conservation's (TDEC's) Environmental Field Offices located as follows:

Memphis Environmental Field Office
Suite E-645, Perimeter Park
2510 Mount. Moriah Road
Memphis, TN 38115-1520
(901) 368-7939/ 1-888-891-8332

Cookeville Environmental Field Office
1221 South Willow Avenue
Cookeville, TN 38506
(931) 432-4015/ 1-888-891-8332

Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305
(731) 512-1300/ 1-888-891-8332

Chattanooga Environmental Field Office
Suite 550- State Office Building
540 McCallie Avenue
Chattanooga, TN 37402-2013
(423) 634-5745/ 1-888-891-8332

Columbia Environmental Field Office
2484 Park Plus Drive
Columbia, TN 38401
(931) 380-3371/ 1-888-891-8332

Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921-5602
(865)594-6035/ 1-888-891-8332

Nashville Environmental Field Office
711 R. S. Gass Blvd.
Nashville, TN 37243-1550
(615) 687-7000/1-888-891-8332

Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400/1-888-891-8332

The "Draft" rules may also be accessed for review at <http://state.tn.us/environment/ea/ppo/ftcrules.pdf>

Draft copies may also be available for review at the Fleming Training Center (see address below).

Tennessee Department of Environment and Conservation
Fleming Training Center
2022 Blanton Drive
Murfreesboro, Tennessee 37129
(615) 898-8090

Office hours for the Fleming Training Center's offices are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Fleming Training Center; Tennessee Department of Environment and Conservation; Attention: Mr. W. Brent Ogles, 2022 Blanton Drive, Murfreesboro, Tennessee, 37129; telephone 615-898-8090 or FAX 615-898-8064. However, such written comments must be received by the Fleming Training Center by 4:30 PM CDT, June 16, 2008 in order to assure consideration. For further information, please contact Mr. W. Brent Ogles at the above address or telephone number or by e-mail at Brent.Ogles@state.tn.us.

The notice of rulemaking set out herein was properly filed in the Department of State on the 26th day of March, 2008. (FS 03-15-08; DBID 837)