

NOTICE OF PUBLIC HEARINGS  
AND PUBLIC MEETING  
STATE OF NEBRASKA  
DEPARTMENT OF ENVIRONMENT AND ENERGY (NDEE)  
ENVIRONMENTAL QUALITY COUNCIL

Notice is hereby given pursuant to Neb. Rev. Stats. §81-1505(17), §84-907, and §84-1411, the Nebraska Environmental Quality Council (EQC) will hold a meeting and public hearings on November 7 and 8, 2019 beginning at 1:00 P.M. Central Time (CT) at the Cornhusker Hotel, 333 South 13<sup>th</sup> St., Lincoln, Nebraska. Preceding the hearings will be business items on the agenda. The hearings are scheduled to begin at 1:00 P.M. CT on November 7, or as soon thereafter as can reasonably be heard, and continue on November 8, 2019 if necessary. The purpose of the hearings is to take testimony and evidence about the proposed Fiscal Year 2020 Funding Percentage Allocations for the Litter Reduction and Recycling Grant Program and proposed amendment of NDEE regulations, as outlined in this notice.

The meeting agenda and a draft copy of the proposals scheduled for hearing are available at the NDEE's Lincoln office, 1200 N St., Suite 400, Lincoln, NE and on the NDEE website at <http://dee.ne.gov>. The meeting agenda and a draft copy of the proposed regulations scheduled for hearing are also available at the Office of the Secretary of State, Regulations Division, 1201 N St., Suite 120, Lincoln, NE, 68508. The description of the fiscal impact of the proposed regulations on state agencies, political subdivisions, or persons regulated is also available at these locations.

All interested persons may attend and testify orally or by written submission at the public hearing. Any person may provide advance notice of intent to testify by contacting Carla Felix, Hearing Officer, NDEE, 1200 N St., Suite 400, P.O. Box 98922, Lincoln, NE 68509-8922. Unscheduled testimony will be heard following scheduled testimony. Interested persons may also submit written comments to Carla Felix prior to the hearing, which will be entered into the hearing record if received at the Lincoln office by 5:00 P.M. CT, November 6, 2019.

Please notify the NDEE at least one week in advance of the EQC meeting if auxiliary aids or reasonable accommodations or alternate formats of materials are needed. Contact phone number is 402-471-2186. TDD users call 800-833-7352 and ask the relay operator to call us at 402-471-2186.

A public hearing will be held on the following:

1. Litter Reduction and Recycling Grant Program, 2020 Funding Percentage Allocations. The NDEE administers the Litter Reduction and Recycling Grant Fund in percentage amounts to grantees for projects within three categories: public education, cleanup, and recycling. Neb. Rev. Stat. §81-1561 requires the EQC to annually determine the percentages for each category. A statewide litter fee is the source of revenue for the fund. At this hearing, the EQC will take action on the NDEE recommendations for percentage

amounts. For the Year 2020, the NDEE recommends the following percentage allocations: recycling 20.1%, public education 75.0%, and cleanup 4.9% with additional approval to adjust these percentages by up to 20%. All persons affected by the proposed allocations are hereby notified that modifications may be offered to the proposed percentage allocations or the EQC may propose new allocations. The EQC will vote to adopt, amend or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

2. Amendments to Title 195 – Chemigation Regulations. Chapter 1 is deleted and reference to definitions is moved to new Chapter 1, which is Chapter 2, renumbered. Changes to Chapter 2 include renumbering it to Chapter 1, addition of definitions and references, deletion of language that restates statute, updates application requirements and chemical use, and renames chapter title to include applications, certification, and duties of permit holder. Changes to Chapter 3 remove language on permit issuance, denial, and revocation that repeats statute, and deletes the chapter. Changes to Chapter 4 remove permit renewal and expiration provisions which repeat statute, relocates non-transferability of permit provision to new Chapter 1, and deletes Chapter 4. Changes to Chapter 5 remove special permit requirements which are stated in statute, moves information regarding special permit to be submitted to new Chapter 2, and deletes Chapter 5. Changes to Chapter 6 remove requirements related to emergency permits which are stated in statute, and deletes Chapter 6. Changes to Chapter 7 remove fee language that duplicates statute, moves fee payment schedule to new Chapter 2, and deletes Chapter 7. Changes to Chapter 8 update language relating to natural resource district duties, and renumbers new Chapter 2. Changes to Chapter 9 update equipment standards and installation requirements, renumbers new Chapter 3, and adds maintenance to chapter title. Changes to Chapter 10 remove certain equipment replacement requirements that duplicate statute, moves remaining standards for equipment to new Chapter 2, and deletes Chapter 10. Changes to Chapter 11 remove inspection requirements that restate statute, move provision relating to permit suspension to new Chapter 2, and deletes Chapter 11. Changes to Chapter 12 move posting requirements to new Chapter 1, and delete Chapter 12. Change to Chapter 13 remove requirements for applicator training session and certification which repeat statute, move provision affording a hearing if certification revoked to new Chapter 1, and delete Chapter 13. Changes to Chapter 14 remove certain requirements for accident reporting that duplicate statute, move language on process for reporting accidents to new Chapter 1, and delete Chapter 14. Changes to Chapter 15 remove certain requirements for investigation and remediation of accidents that duplicate statute, move remaining requirements to new Chapter 1, and delete Chapter 15. Changes to Appendix I make minor changes and updates. The EQC will vote to adopt, amend or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

3. Amendments to Title 135 – Rules and Regulations for Mineral Exploration Holes. Chapters 9 through 12 are proposed for repeal because the language is duplicative of statute, is not needed to implement the statutorily-prescribed program, or restates general legal principles not needed in regulation. The EQC will vote to adopt, amend, or not

approve the NDEE proposal after hearing and considering all the testimony and written submissions.

4. Amendments to Title 200 – Petroleum Release Remedial Action Reimbursement Fund. Chapter 1, definitions, is proposed for deletion. Changes to Chapter 2 include a reference to definitions; make changes relating to the application for reimbursement; include provisions applicable to department review, bidding, reimbursement, reduction in reimbursement, auditing, and notice of department disapproval of an application currently contained in Chapter 3; include provisions relating to limitations on reimbursements currently contained in Chapter 4; include provisions on fixtures and tangible personal property currently in Chapter 5; and renumber Chapter 2 as new Chapter 1. Chapter 3 is proposed for deletion because department review provisions and requirements related to bidding, reimbursement, reduction in reimbursement, auditing, and notice of department disapproval of an application have been moved to and consolidated in new Chapter 1, and the remaining provisions are duplicative of statute or addressed in agency guidance. Chapter 4 is proposed for deletion because provisions relating to limitations on reimbursements are duplicative of statute. Chapter 5 on fixtures and tangible personal property is proposed for deletion because provisions have been moved to new Chapter 1 or have been addressed in agency guidance. Chapter 6 on department use of funds is proposed for deletion as duplicative of statute. Chapter 7 is proposed for deletion because it restates general statutory provisions relating to powers of the department, intervention, release notification, severability, appeals, and effective date of regulations. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

5. Amendments to Title 197 – Rules and Regulations for the Certification of Wastewater Treatment Operators. Changes to Chapter 1 add, delete, and modify definitions; and include provisions related to exemptions of wastewater treatment facilities exempted from regulation currently in Chapter 2. Chapter 2 is proposed for deletion because provisions have been moved to Chapter 1 or are no longer applicable. Changes to Chapter 3 include renumbering as Chapter 2; classifications of facilities, staffing and reporting requirements have been modified and updated; and tables added for ease of use. Changes to Chapter 4 include renumbering as Chapter 3; elimination of obsolete temporary and restricted certification provisions; and changes to improve readability. Changes to Chapter 5 include renumbering as Chapter 4; adding and modifying expiration and renewal and certificate requirements currently in Chapter 7; and reciprocity requirements currently in Chapter 8. Changes to Chapter 6 include renumbering to Chapter 5; and modifying applicant education, experience; and continuing education requirements currently in Chapter 7. Chapter 7 is proposed for deletion because provisions have been moved to other chapters or are no longer needed. Chapter 8 is proposed for deletion and reciprocity provisions have been moved to new Chapter 5. Changes to Chapter 9 include renumbering to Chapter 6; and modifying provisions applicable to contract operations and operators. Minor changes have been made to Appendices A and B for readability. No change made to Appendix C. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

6. Amendments to Title 198 – Rules and Regulations Pertaining to Agricultural Chemical Containment. Changes to Chapter 1 update add, delete, and update definitions. Changes to Chapter 2 update language for readability and delete obsolete provisions relating to when a secondary containment facility is required. Changes to Chapter 3 update language for readability and delete obsolete provisions relating to when a loadout facility is required. Changes to Chapter 4 update language for readability relating to location of secondary containment and loadout facility. Changes to Chapter 5 update language for readability relating to design requirements for secondary containment facility. Changes to Chapter 6 update language for readability relating to design requirements for loadout facilities and include an applicable date. Changes to Chapter 7 update language for readability for construction plans for secondary containment and loadout facilities. Changes to Chapter 8 update language for readability for management requirements for secondary containment and loadout facilities. Changes to Chapter 9 update language for readability and delete an obsolete provision. Appendix A is proposed to be deleted as not necessary to be included in order to implement regulatory program. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

7. Amendments to Title 129 – Nebraska Air Quality Regulations. Chapters 25, 39, and 40 are proposed for repeal. Chapter 25 relating to nitrogen oxides previously applied to only one source which is now subject to regulatory requirements in Chapter 18. Chapter 39 addresses visible emissions testing of motor vehicles which is no longer justified. Chapter 40 relating to a lead nonattainment designation in Douglas County which is obsolete now that Nebraska has been federally designated as in attainment for lead. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.



## FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Environment and Energy  
 Prepared by: Shelley Schneider, P.E. *Shelley Schneider*  
 Administrator, Water Permits Division  
 Date Prepared: September 27, 2019  
 Phone: (402) 471-2186  
 Title: 197  
 Chapter: 1 through 9, Appendices A, B, and C  
 Name: *Rules and Regulations for the Certification of Wastewater Treatment Operators in Nebraska*

State Status: Hearing Draft

Type of Fiscal Impact:

	State Agency	Political subdivision	Regulated Public
No Fiscal Impact	X	X	X
Increase Costs			
Decrease Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

**State Agency:** There is no fiscal impact related to the proposed amendments.

**Political Subdivision:** There is no fiscal impact related to the proposed amendments.

**Regulated Public:** There is no fiscal impact related to the proposed amendments.

NEBRASKA ADMINISTRATIVE CODE

Title 197 - ~~NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~RULES AND REGULATIONS FOR THE CERTIFICATION OF WASTEWATER TREATMENT OPERATORS

Chapter 1 – DEFINITIONS, APPLICABILITY

~~001 "Act" means~~In addition to the definitions in § 81-15,129 ~~the Wastewater Treatment Operator Certification Act~~, the following definitions will apply.

001.01 Catastrophic Condition is considered a medical condition such as cancer, heart condition, organ transplant, and any other major medical condition that limits an operator's ability to work.

~~002 "Base Metal" generally refers to regulated non-precious metals in wastewater (cadmium, copper, lead, nickel, zinc).~~

~~003 "Certificate" means a certificate of competency issued by the director or his or her duly authorized representative certifying that the operator has met the requirements for the specified operator classification of the certification program.~~

~~004 "Certified Operator" means an operator who holds a certificate issued by the director or his or her authorized representative.~~

~~005~~001.02 "Classification System" or "System" means the procedure used to classify wastewater treatment facilities including the point rating worksheets and classification tables in Appendix A and B, ~~hereby adopted and incorporated herein.~~

~~006 "Class I, Class II, Class III, Class IV, and Class L means the level of certification of an operator of a municipal, commercial, or compatible industrial wastewater treatment works.~~

~~007~~001.03 "Collection System" means the part of the wastewater treatment facility that includes the structures, equipment, and processes required to collect and transport wastewater from its point of origin to a wastewater treatment facility.

~~008 "Commercial Facility" means a privately owned wastewater treatment facility treating only domestic wastewater.~~

~~009~~001.04 "Compatible Industrial Facility" means a wastewater treatment facility treating or pretreating wastewater produced by an industry whose wastewater is treated similar to domestic wastewater.

~~010 "Industrial I, Industrial II, Industrial III, or Industrial IV means the level of certification of an operator of a non-compatible industrial wastewater treatment facility.~~

011001.05 "Continuing Education Unit (CEU)" is a standard unit of measurement meaning ten contact hours of participation in, and successful completion of an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction which is approved by the director or some nationally recognized association.

012001.06 "Contract Operation" means operation of a wastewater treatment facility by an individual operator who is not an employee of the owner of the wastewater treatment facility, or by a private firm employing certified operators, authorized to operate a facility through a contract with the owner of the wastewater treatment facility.

~~013 "Council" means the Environmental Quality Council.~~

~~014 "Department" means the Nebraska Department of Environmental Quality.~~

~~015 "Director" means the Director of the Nebraska Department of Environmental Quality.~~

016001.07 "Direct Responsible Charge (DRC)" means the person(s) designated by the owner to be the certified operator(s) responsible for making decisions regarding the daily operational activities of a wastewater treatment facility and decisions that will impact compliance with the National Pollutant Discharge Elimination System permit.

017001.08 "Domestic Wastewater" means human body waste and household type wastes including bath and toilet wastes, laundry wastes, kitchen wastes, and other similar wastes from households.

018001.09 "Exempt Facility" means a wastewater treatment facility that is not required to be operated by a certified operator.

019001.10 "Initiation of Operation" means the date on which a new or upgraded wastewater treatment facility is put into operation or is capable of being placed in operation for the purpose for which it was planned, designed, and built.

~~020 "Municipal Facility" means a wastewater treatment facility owned by a municipality that treats wastewater.~~

~~021 "Municipality" means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.~~

022001.11 "National Pollutant Discharge Elimination System (NPDES)" means the national system for the issuance, reissuance, modification, suspension, revocation, monitoring, and enforcing of permits pursuant to the Federal Water Pollution Control Act, 33 USC, 1342, as amended, and includes any State program which has been approved by the Administrator of the U.S. Environmental Protection Agency, in whole or

in part, pursuant to the Federal Water Pollution Control Act, 33 USC 1251, et seq., as amended.

~~023001.12~~ "Non-compatible Industrial Facility" means an wastewater treatment facility treating or pre-treating wastewater produced by an industry whose wastewater is not treated similar to domestic wastewater.

~~024001.13~~ "Non-discharging Lagoon Systems" means the shallow earthen basins, used for the treatment of wastewater by natural processes involving the use of both algae and bacteria, which do not discharge to waters of the state.

~~025001.14~~ "Operating Experience" means the length of time of service while functioning as a wastewater treatment facility operator.

~~026~~ "Operator" means any person who regularly makes recommendations or is responsible for process control decisions at a wastewater treatment facility. Operator shall not include a person whose duties are limited solely to laboratory testing or maintenance or who exercises general or indirect supervision only.

~~027001.15~~ "Population Equivalent Served" means the number of persons that would be required to contribute an equivalent quantity of waste. Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) population equivalents are 0.17 lbs. BOD per person per day and 0.20 lbs. SS per person per day, respectively.

~~028001.16~~ "Wastewater" means the combination of the liquid or water-carried wastes removed from residences, institutions, and commercial and industrial establishments, together with such ground water, surface water, and storm water as may be present.

~~029~~ "Wastewater Treatment Facility" or "Facility" means the structures, equipment, and processes required to collect, transport, and treat domestic or industrial wastes and to dispose of the effluent and sludge.

002 The following wastewater treatment facilities are hereby exempted from these regulations.

002.01 pH neutralization system.

002.02 Ash and coal pile runoff retention ponds.

002.03 Storm water retention ponds.

002.04 Non-contact cooling water discharges.

002.05 Construction sand and gravel operations.

002.06 Water treatment plant discharges.

002.07 Equalization Basins

002.08 pH adjustments used to break down oil immersions

002.09 Compatible industrial facilities which are awarded 15 points or less in accordance with the point rating system in Appendix B.

002.10 Non-compatible industrial facilities which are awarded 4 points or less in accordance with the point rating system in Appendix B and are not a Significant Industrial User as defined in Title 119, Chapter 1.

002.11 Livestock waste control facilities as defined in Title 130.

002.12 All onsite wastewater treatment facilities as defined in the Department's Title 124 Rules and Regulations.

003 Lagoon wastewater treatment facilities that land apply effluent or are non- discharging lagoon systems may be exempted for a four year period, by the director. To be eligible for exemption, new or modified wastewater treatment facilities are to notify the department within 90 days of startup and renew the exemption every four (4) years.

004 The department will evaluate other wastewater treatment facilities for exemption on a case by case basis. Exemptions may be granted, by the director, for the life of the wastewater treatment facility or for a four (4) year period, at the discretion of the director. Any modification of the wastewater treatment facility will require re-evaluation by the department.

005 All wastewater treatment facilities, not otherwise exempted, are to meet the requirements of this title in accordance with Neb. Rev. Stat. § 81-15,139.

Enabling Legislation: Neb. Rev. Stat. §81-15, 129 ~~and~~ §81-15, 130 (1)(10), and §81-15, 134.

~~Legal Citation: Title 197, Ch. 1, Nebraska Department of Environmental Quality.~~

~~Title 197—NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Chapter 2—EXEMPTIONS~~

~~001 The following wastewater treatment facilities are hereby exempted from these regulations.~~

~~001.01 pH neutralization system.~~

~~001.02 Ash and coal pile runoff retention ponds.~~

~~001.03 Storm water retention ponds.~~

~~001.04 Non-contact cooling water discharges.~~

~~001.05 Construction sand and gravel operations.~~

~~001.06 Water treatment plant discharges.~~

~~001.07 Equalization Basins~~

~~001.08 pH adjustments used to break down oil immersions~~

~~001.09 Compatible industrial facilities which are awarded 15 points or less in accordance with the point rating system in Appendix B.~~

~~001.10 Non-compatible industrial facilities which are awarded 4 points or less in accordance with the point rating system in Appendix B and are not a Significant Industrial User as defined in Title 127, Chapter 1.~~

~~001.11 Livestock waste control facilities as defined in Title 130.~~

~~001.12 Individual septic tank systems for domestic wastewater treatment and individual lagoon systems for domestic wastewater treatment as defined in the Department's Title 124 Rules and Regulations.~~

~~001.13 Septic tank systems classified for establishments (i.e. serving the flow from ten (10) or more bedrooms or 25 population equivalent).~~

~~002 Lagoon wastewater treatment facilities that land apply effluent or are non-discharging lagoon systems may be exempted for a four year period, by the director. New or modified wastewater treatment facilities shall notify the department within 90 days of startup. Wastewater treatment facilities qualifying for exemption must renew the exemption every four (4) years.~~

~~003 The department will evaluate other wastewater treatment facilities for exemption on a case by case basis. Exemptions may be granted, by the director, for the life of the wastewater treatment facility or for a four (4) year period, at the discretion of the director. Any modification of the wastewater treatment facility will require re-evaluation by the department.~~

~~Enabling Legislation: Neb. Rev. Stat. §81-15, 130; §81-15, 131; §81-15, 134.~~

~~Legal Citation: Title 197, Ch. 2, Nebraska Department of Environmental Quality.~~

NEBRASKA ADMINISTRATIVE CODE

Title 197 - ~~NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~ RULES AND REGULATIONS FOR THE CERTIFICATION OF WASTEWATER TREATMENT OPERATORS

Chapter ~~32~~ - CLASSIFICATIONS OF FACILITIES, STAFFING REQUIREMENTS AND REPORTING REQUIREMENTS FOR OWNERS OF WASTEWATER TREATMENT FACILITIES

001 All wastewater treatment facility operators are ~~required~~ to be certified by the director. The level of certification required for the operator(s) in direct responsible charge (DRC) of each municipal, commercial, or compatible wastewater treatment facility ~~shall~~ will correspond to the wastewater treatment facility's classification. A non-compatible industrial treatment facility ~~must~~ is to have one operator designated as DRC of the facility.

002 All wastewater treatment facilities ~~shall~~ will be operated ~~only~~ by operators certified at the classification level of the wastewater treatment facility, unless the wastewater treatment facility is exempted under provisions of Chapter ~~21~~ or the operator otherwise qualifies under provisions of Chapter ~~43~~.

002.01 Wastewater treatment facilities that are not staffed 24 hours a day, may use uncertified individuals to observe the facility during non-staffed times. All process control or operational changes made to the operation of a facility, during non-staffed periods, must be under the direction of and consultation with a certified operator.

003 Each municipal or commercial wastewater treatment facility ~~shall~~ will be classified by the department as a Class L, Class I, Class II, Class III, or Class IV wastewater treatment facility based upon complexity of treatment, population equivalent served, downstream water course conditions, and potential health hazards in accordance with the point rating system established in Appendix A. The director ~~shall~~ will determine a wastewater treatment facility's classification if the department is unable to classify using Appendix A. Classifications and level of certification for operators will be as follows:

<u>Points per Appendix A</u>	<u>Facility Classification</u>	<u>DRC Operator Certification: (Municipal/Compatible)</u>	<u>Other Staffing Requirements</u>
<u>15 or less (for Lagoons)</u>	<u>Class L</u>	<u>Class L or higher</u>	<u>N/A</u>
<u>30 or less (if not Class L)</u>	<u>Class I</u>	<u>Class I or higher</u>	<u>N/A</u>
<u>31 through 55</u>	<u>Class II</u>	<u>Class II or higher</u>	<u>Assistant operator at Class I or higher</u>
<u>56 through 75</u>	<u>Class III</u>	<u>Class III or higher</u>	<u>Assistant operator at Class II or higher; all other personnel</u>

			<u>commensurate with level of responsibility</u>
<u>76 or more</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV for shift supervisors serving as DRC; all other personnel commensurate with level of responsibility</u>

~~003.01 Lagoon wastewater treatment facilities which are awarded 15 points or less in accordance with the point rating system in Appendix A are classified as Class L. Each Class L wastewater treatment facility is required to have a certified DRC operator at the Class L level or higher.~~

~~003.02 Wastewater Treatment Facilities which are awarded 30 points or less in accordance with the point rating system in Appendix A and are not classified as Class L are classified as a Class I wastewater treatment facility. Each Class I wastewater treatment facility is required to have a certified DRC operator at the Class I level or higher.~~

~~003.03 Wastewater treatment facilities which are awarded 31 points or more but less than 56 points in accordance with the point rating system in Appendix A are classified as a Class II wastewater treatment facility. Each Class II wastewater treatment facility is required to have a DRC operator certified at least to the Class II level and an assistant operator certified at the Class I level or higher.~~

~~003.04 Wastewater treatment facilities which are awarded 56 points or more but less than 76 points in accordance with the point rating system in Appendix A are classified as a Class III wastewater treatment facility. Each Class III wastewater treatment facility is required to have a DRC operator certified at least at the Class III level and an assistant operator certified at the Class II level or higher. All other personnel defined as operators shall be certified at levels commensurate with their responsibility as determined by the DRC operator.~~

~~003.05 Wastewater treatment facilities which are awarded 76 points or more in accordance with the point rating system in Appendix A are classified as a Class IV wastewater treatment facility. Each Class IV wastewater treatment facility is required as a minimum to have the DRC operator in overall charge of the entire wastewater treatment facility and the shift supervisors serving as DRC operators certified at the Class IV level. All operators in charge of processes or making process control decisions will be certified at a level based on their delegated level of responsibility as determined by the DRC operator in overall charge of the entire wastewater treatment facility, using the point rating system in Appendix A.~~

004 Compatible industrial facilities: Each compatible industrial wastewater treatment facility, ~~shall~~will be classified by the department as an Class Industrial compatible I, II, III, IV, or exempt facility based upon complexity of treatment, downstream water course conditions, and potential health hazards in accordance with the point rating system established in Appendix B. The

director ~~shall~~will determine a wastewater treatment facility's classification if the department is unable to classify the facility, using Appendix B. Classifications and level of certification for operators will be as follows:

<u>Points per Appendix B</u>	<u>Facility Classification</u>	<u>DRC Operator Certification: (Municipal/Compatible)</u>	<u>Other Staffing Requirements</u>
<u>15 or less</u>	<u>Exempt</u>	<u>Exempt</u>	<u>N/A</u>
<u>16 through 30</u>	<u>Industrial I compatible</u>	<u>Class I or higher</u>	<u>N/A</u>
<u>31 through 55</u>	<u>Industrial II compatible</u>	<u>Class II or higher</u>	<u>Assistant operator at Class I or higher</u>
<u>56 through 75</u>	<u>Industrial III compatible</u>	<u>Class III or higher</u>	<u>Assistant operator at Class II or higher; all other personnel commensurate with level of responsibility</u>
<u>76 or more</u>	<u>Industrial IV compatible</u>	<u>Class IV</u>	<u>Class IV for shift supervisors serving as DRC; all other personnel commensurate with level of responsibility</u>

~~004.01 Compatible industrial facilities which are awarded 16 points or more but less than 31 points in accordance with the point rating system in Appendix B are classified as a Class I compatible industrial facility. Each Class I compatible industrial facility is required to have a DRC operator certified at the Class I level or higher.~~

~~004.02 Compatible industrial facilities which are awarded 31 points or more but less than 56 points in accordance with the point rating system in Appendix B are classified as a Class II compatible industrial facility. Each Class II compatible industrial facility is required to have a DRC operator certified at least at the Class II level and an assistant operator certified at the Class I level or higher.~~

~~004.03 Compatible industrial facilities which are awarded 56 points or more but less than 76 points in accordance with the point rating system in Appendix B are classified as Class III compatible industrial facilities. Each Class III compatible industrial facility is required to have a DRC operator certified at least at the Class III level and an assistant operator certified at the Class II level or higher. All other personnel defined as operators shall be certified at levels commensurate with their responsibility as determined by the DRC operator.~~

~~004.04 Compatible industrial facilities which are awarded 76 points or more in accordance with the point rating system in Appendix B are classified as Class IV compatible industrial facilities. Each Class IV wastewater treatment facility is required as a minimum to have the DRC operator in overall charge of the entire wastewater treatment facility and the shift supervisors serving as DRC operators certified at the Class IV level. All operators in charge of processes or making process control decisions will be certified at a level based on their delegated level of responsibility as determined by the DRC operator in overall charge of the entire wastewater treatment facility, using the point rating system in Appendix B.~~

005 Non-compatible industrial facilities: Each non-compatible industrial wastewater treatment facility, ~~shall~~ will be classified by the department as an Industrial ~~non-compatible~~ I, ~~Industrial-II~~, ~~Industrial-III~~, or ~~Industrial-IV~~ or exempt facility based upon complexity of treatment, downstream water course conditions, and potential health hazards in accordance with the point rating system established in Appendix B. The director ~~shall~~ will determine a wastewater treatment facility's classification if the department is unable to classify the facility, using Appendix B. Classifications and level of certification for operators will be as follows:

<u>Points per Appendix B</u>	<u>Facility Classification</u>	<u>DRC Operator Certification: (Physical/Chemical Industrial)</u>	<u>Other Staffing Requirements</u>
<u>4 or less</u>	<u>Exempt</u>	<u>Exempt</u>	<u>N/A</u>
<u>5 through 30</u>	<u>Industrial I non-compatible</u>	<u>Industrial I level or higher</u>	<u>N/A</u>
<u>31 through 55</u>	<u>Industrial II non-compatible</u>	<u>Industrial II level or higher</u>	<u>Assistant operator at Industrial I level or higher</u>
<u>56 through 75</u>	<u>Industrial III non-compatible</u>	<u>Industrial III level or higher</u>	<u>Assistant operator at Industrial II level or higher; all other personnel commensurate with level of responsibility</u>
<u>76 or more</u>	<u>Industrial IV non-compatible</u>	<u>Industrial IV level</u>	<u>Industrial IV level for shift supervisors serving as DRC; all other personnel commensurate with level of responsibility</u>

~~005.01 Non-compatible industrial facilities which are awarded 5 points or more but less than 31 points in accordance with the point rating system in Appendix B are classified as an Industrial I non-compatible industrial facility. Each Industrial I non-compatible industrial facility is required to have a DRC operator certified at the Industrial I level or higher.~~

~~005.02 Non-Compatible industrial facilities which are awarded 31 points or more but less than 56 points in accordance with the point rating system in Appendix B are classified as an Industrial II non-compatible industrial facility. Each Industrial II non-compatible industrial facility is required to have a DRC operator certified at least at the Industrial II level and an assistant operator certified at the Industrial I level or higher.~~

~~005.03 Non-compatible industrial facilities which are awarded 56 points or more but less than 76 points in accordance with the point rating system in Appendix B are classified as Industrial III non-compatible industrial facilities. Each Industrial III non-compatible industrial facility is required to have a DRC operator certified at least at the Industrial III level and an assistant operator certified at the Industrial II level or higher. All other personnel defined as operators shall be certified at levels commensurate with their responsibility as determined by the DRC operator.~~

~~005.04 Non-compatible industrial facilities which are awarded 76 points or more in accordance with the point rating system in Appendix B are classified as Industrial IV non-compatible industrial facilities. Each Industrial IV non-compatible industrial facility is required as a minimum to have the DRC operator in overall charge of the entire wastewater treatment facility and the shift supervisors serving as DRC operators certified at the Industrial IV level. All operators in charge of processes or making process control decisions will be certified at a level based on their delegated level of responsibility as determined by the DRC operator in overall charge of the entire wastewater treatment facility, using the point rating system in Appendix B.~~

006 Reporting Requirements for wastewater treatment facility owners and operators are as follows:

006.01 The owner of a wastewater treatment facility ~~shall~~ will:

006.01A notify the department , in writing, within 30 days of when a DRC operator leaves or is hired;

006.01B furnish the department upon request the names, addresses, and positions of all operators; and

006.01C notify the department prior to construction of any process modifications affecting the quality of effluent or plant capacity.

~~006.02 The owner of a wastewater treatment facility shall furnish the department upon request the names, addresses, and positions of all operators.~~

~~006.03 The owner of a wastewater treatment facility shall notify the department prior to construction of any process modifications affecting the quality of effluent or plant capacity.~~

006.024 The DRC operator in overall charge of the entire Class IV or Industrial IV wastewater treatment facility ~~shall~~ will submit a staffing plan to the department every year by December 31st. Staffing plans will include organizational charts identifying the DRC operator, shift supervisors who are DRC operators of shifts, and other operators working with treatment processes or making process control decisions.

~~006.04A Staffing plans shall include organizational charts which identify the DRC operator in overall charge of the entire facility.~~

~~006.04B Staffing plans shall identify shift supervisors who are in DRC of the shifts.~~

~~006.04C Staffing plans shall identify other operators working with treatment processes or making process control decisions.~~

006.024AD Staffing plans ~~shall~~ will also include an emergency plan. The emergency plan ~~shall~~ will describe how a treatment facility will be monitored during non-staffed operation, who will be contacted in the event of an emergency, and who will be in DRC of the plant during an emergency situation.

006.024BE Prior to initiation of operation, all new or upgraded Class IV or Industrial- IV wastewater treatment facilities ~~shall~~ will submit a staffing plan for approval by the director, outlining levels of certification for all operators.

007 New wastewater treatment facilities or wastewater treatment facilities reclassified due to an upgrade ~~must~~ are to have properly certified operator(s) prior to initiation of operation.

008 Operation of wastewater treatment facilities may be allowed from a remote work station by the director when:

008.01 The owner can demonstrate a capability to comply with all NPDES permit requirements and protect the public health and the environment.

008.02 The level of certification of the DRC operator at the remote workstation ~~shall~~ will be at least at the level of the classification of the facility, which is being operated from a remote workstation.

008.03 Where multiple facilities are operated from a common remote work station the DRC operator and backups ~~shall~~ will be certified at the Class IV level. Where multiple non-compatible industrial facilities are operated from a common remote work station the DRC operator ~~shall~~ will be certified at the Industrial IV level.

008.04 The wastewater treatment facility which is being operated remotely will be readily accessible to the certified operator and will be less than one hour travel time away from the location of the DRC operator.

008.05 The owner will provide a staffing plan which includes all the operators who are responsible for operation of the treatment plant(s) which are being remotely operated.

008.06 The owner will provide a back-up emergency operation plan which describes how the plant to be remotely operated will be operated in case of an emergency.

009 Operators certified to operate municipal, commercial, or compatible industrial facilities (Class L and Class I-Class IV) may not operate a non-compatible industrial facility without obtaining the appropriate industrial certification license (Industrial I – Industrial IV).

010 Operators certified to operate a non-compatible industrial facility (Industrial I – Industrial IV) may not operate municipal, commercial, or compatible industrial facilities without obtaining the appropriate certification license (Class L and Class I-Class IV).

Enabling Legislation: Neb. Rev. Stat. §81-15,130; §81-15,131; §81-15,134.

~~Legal Citation: Title 197, Ch. 3, Nebraska Department of Environmental Quality.~~

NEBRASKA ADMINISTRATIVE CODE

Title 197 - ~~NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~ RULES AND REGULATIONS FOR THE CERTIFICATION OF WASTEWATER TREATMENT OPERATORS

Chapter ~~3~~4 - OPERATOR CERTIFICATION, TYPES OF CERTIFICATES

001 The director will issue Class L, Class I, Class II, Class III, Class IV, Industrial I, Industrial II, Industrial III, and Industrial IV certificates to operators who pass the respective certification test and also meet the education and experience requirements.

002 Class L and Class I, wastewater treatment facility owners are eligible to obtain temporary certificates for their operators.

~~002.01 The director may issue a temporary certificate to an applicant who is a new operator at a Class L or a Class I wastewater treatment facility which requires only one operator. When issued, this A temporary certificate issued pursuant to Neb. Rev. Stat. § 81-15,135 is valid for a period of one year from the date of hire. During the period of this temporary certification, the operator must complete all necessary requirements to obtain certification. —~~

002.02 The Class L temporary certificate and the Class I temporary certificate are operator and site specific and may not be transferred to another facility or operator.

002.03 The director will not issue a temporary certificate at any Class L and Class I wastewater treatment facilities in consecutive years without acceptance of written justification of due cause or extenuating circumstances.

002.04 Owners ~~shall~~may request a temporary certificate for their operator within 30 days of hiring the operator.

~~003~~ Owners of non-compatible industrial wastewater treatment facilities are eligible to obtain temporary certificates for their uncertified operators.

~~003.01 The director may issue a temporary certificate to an applicant who is a new operator at an Industrial I wastewater treatment facility in accordance with Neb. Rev. Stat. § 81-15,135. When issued, this temporary certificate is valid for a period of one year from the date of hire. During the period of this temporary certification, the operator must complete all necessary requirements to obtain certification. —~~

~~003.02~~ The temporary certificate is operator specific and site specific and may not be transferred to another facility or operator.

0032.03 The director will not issue a temporary certificate at any wastewater treatment facility in consecutive years without acceptance of written justification of due cause or extenuating circumstances.

0032.04 Owners ~~shall~~ may request a temporary certificate for their operator within 30 days of hiring the operator.

0043 Provisional certification will be issued to applicants who pass the certification test for any level of classification but do not meet all of the educational and experience requirements. Operator(s) may request removal of provisional status upon completion of education and experience requirements.

0043.01 The owner of a wastewater treatment facility may request the department to allow an operator with a provisional certificate to be in DRC of their wastewater treatment facility.

0043.02 The director ~~has the discretion to~~ may authorize an operator with a provisional certificate to be in DRC of a wastewater treatment facility if the operator has obtained a level of provisional certification which is equivalent to the facility classification.

~~004 Restricted certification is available to applicants who qualify for alternative testing as addressed in Chapter 5, Section 010. Restricted certification of an operator is valid only at the wastewater treatment facility the applicant was tested to operate.~~

005 New or promoted employees hired as operators in a wastewater treatment facility will have up to twelve months (from hiring date) to obtain the required level of certification of the position, provided the employee takes the certification exam at least once within six months of hiring or promotion.

Enabling Legislation: Neb. Rev. Stat. §81-15,130(1),(3),(9); §81-15,131; §81-15,132; §81-15,133; §81-15,135 and §81-15,138.

~~Legal Citation: Title 197, Ch. 4, Nebraska Department of Environmental Quality.~~

NEBRASKA ADMINISTRATIVE CODE

Title 197 - ~~NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~ RULES AND REGULATIONS FOR THE CERTIFICATION OF WASTEWATER TREATMENT OPERATORS

Chapter ~~45~~ - CERTIFICATION APPLICATION, ~~AND~~ EXAMINATION PROCEDURES, EXPIRATION AND RENEWAL

001: Application.

001.01 An applicant is ~~required~~ to submit an application which contains information regarding education, and work experience to the department with the respective application fee prescribed in Appendix C, ~~hereby adopted and incorporated herein~~. The department will notify applicants if additional information is required.

001.02 When an application for certification is denied, the department will notify the applicant in writing and explain the reason for denial. Upon notice of denial, the applicant may request a hearing following the procedure ~~referred to in Chapter 11~~ Neb. Rev. Stat. § 81-1507.

001.03 All applications received less than 30 days prior to a scheduled examination date may be held for the next scheduled examination date.

~~004 A minimum of four examinations per year will be scheduled across the state.~~

~~005~~1.04 After receipt of the application, the department will review the application and will schedule a date, time and place of examination for the applicant, or notify the applicant otherwise.

~~006~~1.05 When the applicant is ineligible for certification, ~~as prescribed in Chapter 10, Section 004~~ due to revocation of prior certification, the department will notify the applicant in writing and explain the reason for ineligibility. Upon notice of ineligibility, the applicant may request a hearing, following the procedure ~~referred to in Chapter 11~~ Neb. Rev. Stat. § 81-1507.

002 Examination

002.01 A minimum of four examinations per year will be scheduled across the state.

~~007~~2.02 Applicants must attain a minimum grade of seventy percent for passage of an examination. All applicants ~~shall~~ will be notified regarding the examination results by the department in writing as soon as the results of the examination are available.

~~008~~2.03 Upon failure to pass an examination, an applicant ~~shall~~ will be permitted to be re-examined at subsequent examinations. Applicants desiring to be re-examined ~~shall~~ are

to submit their application together with the retesting fee as prescribed in Appendix C. Applicants failing three (3) exams in succession ~~shall~~ are to obtain a minimum of 1 CEU of applicable training prior to retesting.

0092.04 All examination records ~~shall~~ will be filed and retained by the department for three years.

### 003 Expiration and Renewal.

003.01 Expiration, notification, and renewal is in accordance with Neb. Rev. Stat. § 81-15,138.

003.02 The department will notify the certified operator regarding expiration at the last known address. Failure of the department to notify the certified operator of expiration does not relieve the certified operator of the responsibility for renewal.

003.03 As a prerequisite for renewal, each certified operator will obtain a minimum of two (2) CEU's of training approved by the department during the two (2) years prior to expiration. Excess CEU's earned in a two (2) year interval may be carried over into the next two (2) year interval up to the maximum amount of one (1) CEU.

003.04 The certificate renewal fee as prescribed in Appendix C is to accompany the renewal application.

003.05 The certificate renewal date may be changed for the convenience of the certified operator with adequate justification, at the discretion of the director. Renewal fees will be prorated in such cases.

003.06 Certification Status during Military Deployment or Catastrophic Conditions. Certified operators may request their certification status be placed temporarily on hold during times of military deployment or a catastrophic condition. Upon request from the operator, in accordance with this section, the Department will place a hold on the certification in such cases until such time as the operator is in a return to work status. The operator, or wastewater facility on behalf of the operator, is to notify the Department within 30 days of a military deployment or catastrophic condition and within 30 days of the operator returning to work. While the certification is placed on hold, the operator will not be required to renew or obtain CEUs. Upon returning to work, the operator will have six (6) months to obtain necessary CEUs and renew certification, as appropriate.

0054 Reciprocity. Certificates of an equivalent class may be issued, without examination, to any operator applying for certification who holds a valid certificate from another recognized wastewater operator certification program having requirements for certification which the director considers similar to the standards established in these regulations.

0045.01 Applications are to be made to the director as described in this Chapter. The application fee in Appendix C is to accompany the application.

0045.02 Certification by reciprocity will not be available for a person whose certification has been denied revoked or suspended.

Enabling Legislation: Neb. Rev. Stat. ~~§81-15,130(1)(3)(4)(5)(6)(7)(8)~~, ~~and~~ §81-15,131, §81-15,138, and §81-15,140.

~~Legal Citation: Title 197, Ch.5, Nebraska Department of Environmental Quality.~~

NEBRASKA ADMINISTRATIVE CODE

Title 197 - ~~NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~ RULES AND REGULATIONS FOR THE CERTIFICATION OF WASTEWATER TREATMENT OPERATORS

Chapter ~~65~~ – EDUCATION, ~~AND~~ EXPERIENCE REQUIREMENTS, AND CONTINUING EDUCATION

001 The director ~~shall~~ will evaluate qualifications of operators based on education, operating experience, knowledge of wastewater characteristics, treatment processes, and wastewater treatment facility operation relating to the classification of wastewater treatment facilities.

002 All applicants for a Class I, Class L, and Industrial I operator's certificate ~~shall~~ are to meet the following education or experience requirement:

002.01 One year of work experience in a wastewater treatment facility;

002.02 Completion of high school education or the equivalent may be substituted for one year of work experience.

003 All applicants for a Class II or an Industrial II operator's certificate ~~shall~~ are to meet the following education or experience requirement:

003.01 Two years of work experience in a wastewater treatment facility;

003.02 Completion of high school education or the equivalent may be substituted for one year of work experience;

003.03 Completion of two years of ~~college or technical~~ post-high school or equivalent education in a curriculum related to wastewater facility operation and design may be substituted for two years of work experience.

004 All applicants for a Class III, Class IV, Industrial III, or Industrial IV operator's certificate ~~shall~~ are to meet the following education or experience requirement:

004.01 Four years of work experience in a wastewater treatment facility with at least two years experience in a Class III, Class IV, or an Industrial III, or Industrial IV facility;

004.02 Completion of a ~~four-year~~ college degree majoring in environmental engineering, environmental sciences, or the equivalent ( as determined by the director ) may be substituted for three years of work experience;

004.03 Completion of two years of ~~college or technical~~ post-high school or equivalent education related to the wastewater facility operation and design may be substituted for two years of work experience.

005 Continuing Education. All CEU's for initial qualifications or certificate renewal will be subject to review for approval to insure that the training is applicable to wastewater treatment facility operation and meets CEU criteria. Training records are to be maintained by the operator and submitted to the department as part of application for certificate renewal. The department will verify successful completion of approved training.

005.01 Qualified education programs include all wastewater courses and related technical courses, workshops, correspondence courses, and other education experiences approved by the department.

005.02 Training may be provided by wastewater operator personnel to other operators. This type of training may meet CEU requirements as long as prior approval of training to be provided is obtained from the department. Training submitted to the department for approval is to meet the following criteria:

005.02A Instruction are to be provided by an operator certified at a level equal to or greater than the classification level of the facility whose operator is receiving instruction, or by a trainer that has submitted information demonstrating qualifications for specific training activities.

005.02B An outline of the training to be provided is to be submitted and is to include the time allotted to each main topic.

005.02C A list of the teacher's objectives is to be submitted documenting the essential points of the instruction, need-to-know information and the methods used to illustrate these principles.

005.02D Written evidence of successful completion of the training is to be submitted to the department by the instructor within thirty (30) days following the training and a copy provided to the operator for his/her training record.

Enabling Legislation: Neb. Rev. Stat. §81-15,130(1)(2)(3)(4) and §81-15,131.

~~Legal Citation: Title 197, Ch. 6, Nebraska Department of Environmental Quality.~~

~~Title 197—NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Chapter 7—OPERATOR CERTIFICATE RENEWAL~~

~~001—Certificates shall expire two years from the date of issuance.~~

~~002—The department shall notify the certified operator regarding expiration at the last known address at least sixty (60) days prior to the expiration date of the certificate. Failure of the department to notify the certified operator of expiration does not relieve the certified operator of the responsibility for renewal. Late renewals will be accepted by the department no more than ninety (90) days beyond the expiration date.~~

~~003—As a prerequisite for renewal, each certified operator shall obtain a minimum of two (2) CEU's of training approved by the department during the two (2) years prior to expiration. Excess CEU's earned in a two (2) year interval may be carried over into the next two (2) year interval up to the maximum amount of one (1) CEU. For non-compatible industrial operators, at least 0.3 CEUs (3 contact hours) of the required 2.0 CEUs shall be training in operations of industrial facilities. An operator that is certified as both a Municipal and non-compatible Industrial operator needs only 2.0 CEUs total to renew both licenses. At least 0.3 CEUs (3 contact hours) must be in training in the operation of industrial facilities.~~

~~003.01—All CEU's for initial qualifications or certificate renewal shall be subject to review for approval to insure that the training is applicable to wastewater treatment facility operation and meets CEU criteria. Identification of approved training, appropriate CEU assignment, and verification of successful completion is the responsibility of the department. Training records shall be maintained by the operator and submitted to the department as part of application for certificate renewal.~~

~~003.02—Qualified education programs include all wastewater courses and related technical courses, workshops, correspondence courses, and other education experiences approved by the department. Examples of qualified programs and their eligible CEU's include:~~

~~003.02A—College level course for three (3) quarter hours or two (2) semester hours credit—3 CEU's.~~

~~003.02B—One year of applicable post high school education (45 quarter hours or 30 semester hours)—45 CEU's.~~

~~003.02C—Courses related to operation of wastewater treatment plants offered by the University of California at Sacramento—4.5 or 9.0 CEU's.~~

~~003.03—Training may be provided by wastewater operator personnel to other operators. This type of training may meet CEU requirements as long as prior approval of training to be provided is obtained from the department. Training submitted to the department for approval must meet the following criteria:~~

~~003.03A~~ Instruction should be provided by an operator certified at a level equal to or greater than the classification level of the facility whose operator is receiving instruction, or by a trainer that has submitted information demonstrating qualifications for specific training activities.

~~003.03B~~ An outline of the training to be provided should be submitted and should include the time allotted to each main topic.

~~003.03C~~ A list of the teacher's objectives should be submitted documenting the essential points of the instruction, need to know information and the methods used to illustrate these principles.

~~003.04~~ Written evidence of successful completion of the training must be submitted to the department by the instructor within thirty (30) days following the training and a copy provided to the operator for his/her training record.

~~004~~ The certificate renewal fee as prescribed in Appendix C shall accompany the renewal application.

~~005~~ The certificate renewal date may be changed for the convenience of the certified operator with adequate justification, at the discretion of the director. Renewal fees will be prorated in such cases.

Enabling Legislation: Neb. Rev. §81-15,130(1)(4)(7)(8) and §81-15,138.

Legal Citation: Title 197, Ch. 7, Nebraska Department of Environmental Quality.

~~Title 197—NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Chapter 8—RECIPROCITY~~

~~001—Certificates of an equivalent class may be issued, without examination, to any operator applying for certification who holds a valid certificate from another recognized wastewater operator certification program having requirements for certification which the director considers similar to the standards established in these regulations.~~

~~001.01—Restricted or provisional certification may be issued if requirements for the operator's current certification are in conflict or lower than the classes set forth in these regulations as described in Chapter 4.~~

~~001.02—Application shall be made to the director as described in Chapter 5. The application fee in Appendix C must accompany the application.~~

~~001.03—Certification by reciprocity shall not be available for a person whose certification has been denied, revoked or suspended.~~

~~Enabling Legislation: Neb. Rev. §81-15,130(1) and §81-15,140.~~

~~Legal Citation: Title 197, Ch. 8, Nebraska Department of Environmental Quality.~~

NEBRASKA ADMINISTRATIVE CODE

Title 197 - ~~NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~ RULES AND REGULATIONS FOR THE CERTIFICATION OF WASTEWATER TREATMENT OPERATORS

Chapter ~~96~~ -ADDITIONAL REQUIREMENTS FOR CONTRACT OPERATION

001 The following requirements are applicable to owners who hire contract operators to operate their wastewater treatment facility. The owner of a wastewater treatment facility will:

001.01 ~~The owner of a wastewater treatment facility shall~~ notify the department within 30 days of hiring a contract operator; and

001.02 ~~The owner of a wastewater treatment facility shall~~ provide the department with a copy of the contract or other information detailing the contract operator's responsibilities and the owner's responsibilities.

002 The following requirements are applicable to contract operators hired to operate a wastewater treatment facility. The contract operator will:

002.01 ~~The contract operator who operates more than one wastewater treatment facility shall~~ provide the department with a list of all facilities that they are under contract to operate;

002.02 ~~The contract operator shall~~ notify the department within 30 days of entering a contract to operate a wastewater treatment facility;

002.03 ~~The contract operator shall~~ provide the department with the names of their employees who are DRC operators and their work assignments for specific wastewater treatment facilities. Information regarding backup or assistant operators for each wastewater treatment facility will also be provided. ~~Also, †~~The contract operator ~~shall~~will notify the department within 30 days of any changes to personnel assigned to operate the wastewater treatment facilities that the contract operator is hired to operate;

002.04 ~~The contract operator shall~~ provide the department with an emergency operating plan, which describes how the wastewater treatment facility to be operated by the contract operator will be operated in case of an emergency within 90 days of entering into a contract to operate a wastewater treatment facility;

002.05 ~~The contract operator~~have a response time to an alarm or emergency at the wastewater treatment facility ~~shall be~~with less than one hour travel time.

002.06 ~~The contract operator shall~~ provide a staffing plan demonstrating compliance with the requirements of Chapter 23.

Enabling Legislation: Neb. Rev. §81-15, 130(1) and §81-15, 131.

~~Legal Citation: Title 197, Ch. 9, Nebraska Department of Environmental Quality.~~

# APPENDIX A

## Municipal/Commercial Wastewater Treatment Plant Point Rating System Wastewater Treatment Plant Point Rating System (Non-Industrial/Municipal)

A wastewater system with only collection, lift stations, and chlorination is considered a collection system and not a wastewater treatment plant. Each unit process ~~should~~ will have points assigned only once.

Item	Points	Your Plant
<b>Size (2 point minimum to 20 point maximum)</b>		
Maximum population equivalent (PE) or part served, peak day (1 point minimum to 10 point maximum)	1 pt per 10,000 or part	
Design flow average day or peak month's part flow average day, whichever is larger (1 point minimum to 10 point maximum)	1 pt per MGD or part	
<b>Variation in raw waste (0 point minimum to 6 point maximum)<sup>1</sup></b>		
Variations do not exceed those normally or typically expected	0	
Recurring deviations or excessive variations of 100 to 200% in strength and/or flow	2	
Recurring deviations or excessive variations of more than 200% in strength and/or flow	4	
Raw wastes subject to toxic waste discharges	6	
Impact of septage or truck-hauled waste (0 point minimum to 4 point maximum)		
<b>Preliminary treatment</b>		
Plant pumping of main flow	3	
Screening, comminution	3	
Grit removal	3	
Equalization	1	
<b>Primary Treatment</b>		
Clarifiers	5	
Imhoff tanks or similar	5	
<b>Secondary Treatment</b>		
Fixed-film reactor	10	
Activated sludge	15	
Stabilization ponds without aeration	5	
Stabilization ponds with aeration	8	
<b>Tertiary Treatment</b>		
Polishing ponds for advanced waste treatment	2	
Chemical/physical advanced waste treatment w/o secondary	15	
Chemical/physical advanced waste treatment following secondary	10	
Biological or chemical/biological advanced waste treatment	12	
Nitrification by designed extended aeration only	2	
Ion exchange for advanced waste treatment	10	
Reverse osmosis, electro dialysis and other membrane filtration techniques	15	
Advanced waste treatment chemical recovery, carbon regeneration	4	
Media filtration	5	
<b>Additional Treatment Processes</b>		
Chemical additions (2 points each for a maximum of 6 points)	6	
Dissolved air flotation (for other than sludge thickening)	8	
Intermittent sand filter	2	
Recirculating intermittent sand filter	3	
Microscreens	5	
Generation of oxygen	5	
<b>Solids Handling</b>		
Solids stabilization	5	
Gravity thickening	2	
Mechanical dewatering	8	

Anaerobic digestion of solids	10	
Utilization of digester gas for heating or cogeneration	5	
Aerobic digestion of solids	6	
Evaporative sludge drying	2	
Solids reduction (including incineration, wet oxidation)	12	
On-site landfill for solids	2	
Solids composting	10	
Land application of biosolids by contractor	2	
Land application of biosolids under direction of facility operator in direct responsible charge	10	
<b>Disinfection (0 point minimum to 10 point maximum)</b>		
Chlorination or ultraviolet irradiation	5	
Ozonation	10	
<b>Effluent discharge (0 point minimum to 10 point maximum)</b>		
Mechanical post aeration	2	
Direct recycle and reuse	6	
Land treatment and disposal (surface or subsurface)	4	
<b>Instrumentation (0 point minimum to 6 point maximum)<sup>3</sup></b>		
Use of SCADA or similar instrumentation systems to provide data w/ no process operation	0	
Use of SCADA or similar instrumentation systems to provide data w/ limited process operation	2	
Use of SCADA or similar instrumentation systems to provide data w/ moderate process operation	4	
Use of SCADA or similar instrumentation systems to provide data w/ extensive or total process operation	6	
<b>Laboratory control (0 point minimum to 15 point maximum)<sup>2</sup></b>		
<b>Bacteriological/biological (0 point minimum to 5 point maximum)</b>		
..Lab work done outside the plant	0	
..Membrane filter procedures	3	
..Use of fermentation tubes or any dilution method; fecal coliform determination	5	
<b>Chemical/physical (0 point minimum to 10 point maximum)</b>		
I.Lab work done outside the plant	0	
II.Push-button or visual methods for simple tests such as pH, settleable solids	3	
III.Additional procedures such as DO, COD, BOD, gas analysis, titrations, solids, volatile content	5	
IV.More advanced determinations such as specific constituents; nutrients, total oils, phenols	7	
V.Highly sophisticated instrumentation such as atomic absorption, gas chromatography	10	
	Total Points	

- 1 The key concept is frequency and/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, with points from 0 to 6.
- 2 The key concept is to credit laboratory analyses done on-site by plant personnel under the direction of the operator in direct responsible charge with points from 0 to 15.
3. Supervisory Control and Data Acquisition (SCADA) system.

## APPENDIX B

### Industrial Wastewater Treatment Plant Point Rating System

A wastewater system with only collection, lift stations, and chlorination is considered a collection system and not a wastewater treatment plant. Each unit process ~~should~~will have points assigned only once.

Item	Points	Your Plant
<b>Size (1 point minimum to 10 point maximum)</b>		
Design flow average day or peak month's flow average day, whichever is larger (1 point minimum to 10 point maximum)	1 pt/MGD or part	
<b>Preliminary Treatment</b>		
Grease removal	3	
Plant pumping of main flow	3	
Screening, comminution, microscreens	3	
Grit removal	3	
Equalization	1	
Sedimentation/clarification	5	
<b>Primary Treatment</b>		
Dissolved air flotation	3	
Coagulation/flocculation	5	
<b>Secondary Treatment</b>		
Bio-filtration with secondary clarifiers	10	
Activated sludge w/ secondary clarifiers (including extended aeration, oxidation ditches)	15	
Stabilization ponds without aeration	5	
Stabilization ponds with aeration	8	
<b>Tertiary Treatment</b>		
Ion exchange for advanced waste treatment	10	
Reverse osmosis, electrodialysis and other membrane filtration techniques	15	
Chemical recovery, carbon regeneration	4	
Polishing ponds for advanced waste treatment	2	
Chemical/physical advanced waste treatment w/o secondary	15	
Chemical/physical advanced waste treatment following secondary	10	
Biological or chemical/biological advanced waste treatment	12	
<b>Additional Treatment Processes</b>		
pH adjustment	1	
Oil separation	3	
Chemical pretreatment (except chlorination, enzymes)	4	
Filtration	6	
Air stripping	5	
<b>Solids Handling</b>		
Solids conditioning	2	
Solids thickening	5	
Anaerobic digestion of solids	10	
Aerobic digestion of solids	6	

Evaporative sludge drying	2	
Irrigation of solids	5	
Mechanical dewatering	8	
Solids reduction (including incineration, wet oxidation)	12	
On-site landfill for solids	2	
Solids composting	10	
<b>Disinfection (0 point minimum to 10 point maximum)</b>		
No disinfection	0	
Chlorination or comparable	5	
On-site generation of disinfectant	5	
<b>Effluent Discharge (0 point minimum to 21 point maximum)</b>		
Post aeration	4	
Receiving stream sensitivity (0 point minimum to 6 point maximum) <sup>1</sup>		
VII."Effluent limited segment" in US EPA terminology; secondary treatment is adequate	0	
VIII.More than secondary treatment is required	2	
IX."Water quality limited segment" in US EPA terminology; stream conditions are very critical (dry run, for example) and a very high degree of treatment is required	3	
X.Direct recycle and reuse	6	
Land disposal,evaporation	2	
Subsurface disposal	4	
Biological or chemical scrubbers for odor control	5	
<b>Instrumentation (0 point minimum to 6 point maximum)<sup>3</sup></b>		
The use of SCADA or similar instrumentation systems to provide data with no process operation	0	
The use of SCADA or similar instrumentation systems to provide data with limited process operation	2	
The use of SCADA or similar instrumentation systems to provide data with moderate process operation	4	
The use of SCADA or similar instrumentation systems to provide data with extensive or total process operation	6	
<b>Laboratory control (0 point minimum to 20 point maximum)<sup>2</sup></b>		
Bacteriological/biological (0 point minimum to 10 point maximum)		
XI.Lab work done outside the plant	0	
XII.Membrane filter procedures	3	
XIII.Use of fermentation tubes or any dilution method; fecal coliform determination	5	
XIV.Biological identification	7	
XV.Viral studies or similarly complex work conducted on-site	10	
Chemical/physical (0 point minimum to 10 point maximum)		
XVI.Lab work done outside the plant	0	
XVII.Push-button or visual methods for simple tests (pH, settleable solids)	3	
XVIII.Additional procedures (DO, COD, BOD gas analysis, titrations, solids, volatile content)	5	
XIX.More advanced determinations (specific constituents; nutrients, total oils, phenols)	7	
XX.Highly sophisticated instrumentation (atomic absorption, gas chromatography)	10	
<b>Your Plant Total</b>		

1. The key concept is the degree of dilution provided under low flow conditions with points from 0 to 6.

2. The key concept is to credit laboratory analyses done on-site by plant personnel under direct responsible charge with points from 0 to 20.

3. Supervisory Control and Data Acquisition (SCADA) system.

## **APPENDIX C**

### **FEE SCHEDULE**

Application for Certification by Examination	\$150
Application for Retest	\$125
Application for Certification by Reciprocity	\$150
Application for Certificate Renewal	\$150
Application for One Year Temporary Certificate	\$125
Training Courses	Set Prior to Course
Non Discharging Four Year Registration Exemption	\$100