

**3745-7-01 Professional operator certification definitions.**

Except as otherwise noted, the definitions in rule 3745-81-01 of the Administrative Code shall apply to this chapter.

- (A)
- (1) "Active instruction" means the time when a professional operator is receiving instruction. This does not include break time, introductions or question and answer sessions in excess of fifteen minutes. A professional operator shall not claim hours on a renewal application other than those received in active instruction.
  - (2) "Agency" means the Ohio EPA.
  - (3) "Automated" means the ability to monitor and control water and wastewater treatment processes and the status of treatment components by computer or electronic means.
  - (4) "Available" means able to be contacted as needed twenty-four hours a day, seven days a week to make operational decisions in a timely manner.
  - (5) "Average daily flow" for the purpose of this chapter means the average of the sixty highest daily flows during any one calendar year period.
- (B) [Reserved.]
- (C)
- (1) "Certified professional operator" or "professional operator" means an individual with valid certification issued pursuant to this chapter.
  - (2) "Certified professional operator of record" or "professional operator of record" means the on-site certified professional operator or one of the on-site certified professional operators responsible for the technical operation of one or more of the following:
    - (a) A public water system.
    - (b) A water treatment plant, if a public water system has more than one water treatment plant.
    - (c) A distribution system.
    - (d) A sewerage system.
    - (e) A treatment works.
    - (f) A wastewater treatment facility, if a treatment works has more than one wastewater treatment facility.
  - (3) "Complete application" means an application submitted with all required information on the form completed and all appropriate fees, transcripts and documentation attached. Applications missing any of the listed items shall not be considered complete.
  - (4) "Contact hours" means time spent by a certified professional operator in approved formal or informal training.
  - (5) "Continuous monitoring" means the monitoring and recording of parameters accomplished by either

meters or manual samples at least every fifteen minutes.

- (6) "Contract operations company" means a person which has been approved by the director to employ or subcontract with certified professional operators and contracts with public water systems or wastewater treatment facilities to provide the professional operator services required by this chapter.
- (7) "Contracted professional operator" means an individual who either works for a contract operations company or who individually contracts with public water systems or wastewater treatment facilities to provide the professional operator services required by this chapter.
- (8) "Core person ID" means the unique identifying number assigned to a person by the agency. For certified professional operators, this number is the middle digits of their certification number.
- (9) "Council" means the professional operator certification advisory council as established in rule 3745-7-10 of the Administrative Code.
- (D) "Director" means the director of the Ohio EPA or the director's duly authorized representative.
- (E) "Expired certificate" means a certificate which has not been renewed by December thirty-first of the renewal year. An expired certificate may be renewed within six months of the expiration date in accordance with rule 3745-7-15 of the Administrative Code.
- (F) "Field" means the field of practice for which a professional operator is certified. Water supply, water distribution, wastewater treatment, and wastewater collection are each fields of certification.
- (G) "Green leaf training provider" means a training provider that is approved by the director to issue trainer-specific contact hour course approval numbers.
- (H) [Reserved.]
- (I) "Invalid certificate" means a certificate which expired and was not renewed within six months of the expiration date.
- (J) [Reserved.]
- (K) [Reserved.]
- (L) [Reserved.]
- (M) "Management experience" means experience obtained while supervising, directing, or controlling the affairs associated with a public water system or treatment works. Such experience shall include, but not be limited to, being directly responsible for plant operations, supervising operating staff, and being responsible for personnel issues. Experience gained in the position of shift supervisor at a class III or IV facility shall qualify as management experience.
- (N) "NPDES" means national pollutant discharge elimination system.
- (O)
  - (1) "One year" means two thousand eighty hours when referring to operating experience. This is equal to forty hours per week for fifty-two weeks. When referring to educational experience one year shall constitute at least four hundred fifty hours of applicable course work.
    - (a) "Nine months" means fifteen hundred sixty hours when referring to operating experience.

(b) "Six months" means one thousand forty hours when referring to operating experience.

(2) "Operating experience" means time performing the day-to-day activities necessary to ensure the proper performance and operation of the equipment or processes of a public water system, treatment works, or sewerage system. Experience for the water supply or water distribution examination may only be obtained at a public water system as defined in this rule.

(a) From the effective date of this rule until one year after the effective date of this rule, types of experience related to a public water system, a treatment works, a water distribution system, or a sewerage system that qualify as operating experience include the following:

(i) Experience while in the military with providing potable water or wastewater treatment.

(ii) On-site investigations and inspections of operations that require coordination of work with active treatment processes, collection, or distribution systems.

(iii) Laboratory analyses if the analyses are conducted in the laboratory of the owner of a public water system, treatment works or sewerage system.

(iv) Construction inspection and engineering design that require coordination of the inspection or design with the operation of the active treatment processes, collection, or distribution systems.

(v) Industrial wastewater treatment.

(b) Beginning one year after the effective date of this rule, types of experience related to a public water system, a treatment works, a water distribution system, or a sewerage system that qualify as operating experience include the following:

(i) Experience while in the military with providing potable water or wastewater treatment.

(ii) On-site investigations and inspections of operations that require coordination of work with active treatment processes, collection, or distribution systems.

(iii) Hands-on operation and maintenance of a public water system, a treatment works, a water distribution system or a sewerage system.

(iv) Experience in ensuring compliance with primary and secondary maximum contaminant levels, action levels and permit limits through the evaluation of facility process control parameters.

(v) Industrial wastewater treatment.

(c) From the effective date of this rule until one year after the effective date of this rule, types of experience related to a public water system, a treatment works, a water distribution system, or a sewerage system that qualify as operating experience but may count for no more than twenty-five per cent of the operating experience requirement of each field include the following:

(i) Sludge handling or hauling, if part of a treatment works.

(ii) On-site supervisory control and data acquisition ("SCADA") systems monitoring.

(d) Beginning one year after the effective date of this rule, for applicants whose actual job responsibilities solely consist of one or more of the following types of experience, in conjunction with the applicant's job description, the experience shall qualify as operating experience but may count for no more than twenty-five per cent of the operating experience requirement of each field:

- (i) Sludge handling or hauling, if part of a treatment works.
  - (ii) On-site supervisory control and data acquisition ("SCADA") systems monitoring.
  - (iii) Laboratory analyses if the analyses are conducted in the laboratory of the owner of a public water system, treatment works or sewerage system.
  - (iv) Pretreatment, if part of a treatment works or sewerage system, where pretreatment is the only job duty.
  - (v) Collection system experience when applying for a wastewater treatment examination or certificate.
  - (vi) Distribution experience when applying for a water supply examination or certificate.
  - (vii) Construction inspection and engineering design that require coordination of the inspection or design with the operation of the active treatment process, sewerage or distribution systems.
  - (viii) Source water protection and watershed management.
- (e) From the effective date of this rule until one year after the effective date of this rule, the following types of experience related to a public water system, a treatment works, a water distribution system, or a sewerage system shall not qualify as operating experience:
- (i) Clerical duties.
  - (ii) Commercial laboratory work.
  - (iii) Sludge handling and hauling if not part of a treatment works.
  - (iv) Academic research.
  - (v) Meter reading only.
  - (vi) Experience as a laborer, if only responsible for mowing grass, painting tanks, etc.
  - (vii) Investigations and inspections of operations that do not require coordination of work with active treatment processes, collection, or distribution systems.
  - (viii) Construction inspections and engineering design that do not require coordination of work with active treatment processes, collection, or distribution systems.
  - (ix) Off-site monitoring of SCADA.
  - (x) Septage hauling.
- (f) Beginning one year after the effective date of this rule, the following types of experience related to a public water system, a treatment works, a water distribution system, or a sewerage system shall not qualify as operating experience:
- (i) Clerical duties.
  - (ii) Commercial laboratory work.
  - (iii) Sludge handling and hauling if not part of a treatment works.

- (iv) Academic research.
- (v) Meter reading only.
- (vi) Experience as a laborer, if only responsible for mowing grass, painting tanks, etc.
- (vii) Investigations and inspections of operations that do not require coordination of work with active treatment processes, collection, or distribution systems.
- (viii) Construction inspections and engineering design that do not require coordination of work with active treatment processes, collection, or distribution systems.
- (ix) Off-site monitoring of SCADA.
- (x) Septage hauling.
- (xi) Septic tank maintenance or operation.

## (P)

- (1) "Person" means any individual; corporation; company; association; partnership; the state; or any political subdivision, agency, institution, or instrumentality thereof; any interstate body created by compact; or the federal government or any department, agency, or instrumentality thereof.
- (2) "Population," for the purpose of this chapter only, means the following:
  - (a) For community public water systems, population shall be determined in accordance with paragraph (P)(11)(a) of rule 3745-81-01 of the Administrative Code and the addition of the average of the highest sixty days for any non-community population determined using the methods identified in paragraph (P)(11)(b) of rule 3745-81-01 of the Administrative Code. In the event a certificate of occupancy or seating capacity is used in accordance with paragraph (P)(11)(b) of rule 3745-81-01 of the Administrative Code, an average does not need to be calculated.
  - (b) For noncommunity public water systems, population shall be the average of the highest sixty days for any non-community population determined using the methods identified in paragraph (P)(11)(b) of rule 3745-81-01 of the Administrative Code. In the event a certificate of occupancy or seating capacity is used in accordance with paragraph (P)(11)(b) of rule 3745-81-01 of the Administrative Code, an average does not need to be calculated.
- (3) "Precipitative softening" means a series of processes to remove hardness using lime or any other chemicals to cause chemical precipitation prior to filtration.
- (4) "Private sewer" means a sewer or sewerage system that is not public.
- (5) "Public sewer" means a sewer or sewerage system that is owned by a municipality, county, or state entity or any public body created under state law that has authority over sewerage.
- (6) "Public water system" is defined in rule 3745-81-01 of the Administrative Code.

(Q) [Reserved.]

(R) [Reserved.]

(S)

(1) "Sewage sludge facility" is as defined in rule 3745-40-01 of the Administrative Code.

(2) "Sewerage system" is as defined in section 6111.01 of the Revised Code.

(T)

(1) "Technical operation" means the act of making process control or system integrity decisions which directly impact the quality or quantity of water or effluent.

(2) "Treatment works" is as defined in section 6111.01 of the Revised Code.

(U) [Reserved.]

(V)

(1) "Valid certificate" means a certificate that is not expired, suspended, revoked or invalid.

(2) "Visit" means a period of time when a person is on-site at a public water system, treatment works, or sewerage system that is sufficient to perform routine sampling (e.g. flow, chlorine residual, and pH measurements), maintenance, or observation of a public water system, sewerage systems, or treatment works in order to ensure compliance and proper operation.

(W)

(1) "Wastewater" means water containing sewage, industrial waste, or other wastes.

(2) "Wastewater collection system" shall mean "sewerage system" as defined in section 6111.01 of the Revised Code.

(3) "Wastewater treatment facility" is as defined in rule 3745-33-01 of the Administrative Code. A treatment works may be comprised of more than one wastewater treatment facility.

(4) "Water treatment plant" means any type of equipment, device, treatment unit, or structure that in some way alters the physical, chemical, or microbiological quality of the water, excluding booster chlorination facilities within the distribution system of a public water system that has a classified water treatment plant. A public water system may be comprised of more than one water treatment plant.

(5) "Week" for the purposes of the rules in this chapter means a seven-day period beginning on Sunday and ending on the following Saturday.

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03/04/16

**3745-7-02 Certified professional operators of record.****(A) Responsibilities.**

- (1) Each person owning or operating a public water system, except as provided for in paragraph (B) of this rule, shall designate one or more professional operators of record to oversee the technical operation of the public water system or each water treatment plant and distribution system within the public water system. Each professional operator of record shall have a valid certification of a class equal to or greater than the classification of the public water system, distribution system or water treatment plant except as provided for in paragraphs (E) to (G) of this rule.
    - (a) The owner and professional operator of record of a public water system shall notify the director of the identity of a professional operator of record upon initiation or termination of service or upon request by the director.
    - (b) Notification shall be made on a form acceptable to the director within three days of initiation or termination of service or a request by the director.
  - (2) Each person owning or operating a treatment works or public sewerage system shall designate one or more professional operator of record to oversee the technical operation of the treatment works, sewerage system, or each wastewater treatment facility. Except as provided for in paragraphs (E) to (G) of this rule, each professional operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works, sewerage system, or wastewater treatment facility.
    - (a) The owner and professional operator of record of a treatment works or sewerage system shall notify the director of the identity of a professional operator of record upon initiation or termination of service or upon request by the director.
    - (b) Notification shall be made on a form acceptable to the director within three days of initiation or termination of service or a request by the director.
  - (3) Each person owning or operating a private sewerage system that has been classified by the director in accordance paragraph (B)(1)(d) of rule 3745-7-04 of the Administrative Code, shall designate one or more professional operator of record to oversee the technical operation of the private sewerage system. Except as provided for in paragraphs (E) to (G) of this rule, each professional operator of record shall have a valid certification of a class equal to or greater than the classification of the private sewerage system.
    - (a) The owner and professional operator of record of a private sewerage system shall notify the director of the identity of a professional operator of record upon initiation or termination of service or upon request by the director.
    - (b) Notification shall be made on a form acceptable to the director within three days of initiation or termination of service or a request by the director.
- (B) Transient noncommunity ground water public water systems without treatment for arsenic, nitrate or 4-log removal of viruses, serving populations of two hundred fifty or fewer, are not required to place the technical operation of such a public water system under a professional operator of record unless the director determines that a professional operator of record is necessary.
- (C) The certified professional operator of record required by paragraph (A) or (B) of this rule shall be an employee of the person owning or operating the public water system, treatment works, or sewerage system,



except as provided in paragraph (D) of this rule.

- (D) Owners of public water systems, sewerage systems, or treatment works may enter into a contract with an approved contracted professional operator or contract operations company for the services of one or more appropriately certified professional operators to serve as the professional operator of record provided the following:
- (1) The contract requires that the certified professional operator of record be available to respond to emergencies and provide the services necessary to maintain the reliable operation of the system.
  - (2) The contract clearly defines the responsibilities of the owner and the professional operator of record.
  - (3) The contract complies with the staffing requirements of paragraphs (C) to (E) of rule 3745-7-03 of the Administrative Code and paragraphs (C) to (D) of rule 3745-7-04 of the Administrative Code.
  - (4) The contracted professional operator of record shall perform duties as identified in rule 3745-7-09 of the Administrative Code.
- (E) The director may approve a professional operator with a valid class III certificate to be the professional operator of record for a class IV public water system or class IV treatment works for a period no longer than two years, if the class III professional operator has applied for and received approval to take a class IV examination in accordance with rule 3745-7-06 of the Administrative Code and maintains a valid class III certificate for the duration of time for which the director grants approval in accordance with this paragraph. A public water system or wastewater treatment works may only use this exemption for a total of thirty months within a five-year period.
- (F) Upon request, the director may approve an individual who passes the class I water supply examination, but does not have the necessary experience, to be the professional operator of record for a class I public water system with a population of less than two hundred fifty, provided the following conditions are met:
- (1) The professional operator holds a valid class A certificate.
  - (2) The professional operator is a full time (forty hours per week) employee of the facility where the public water system is located and has provided assistance in the operation of the treatment system to the class I professional operator of record for at least one year.
  - (3) The professional operator completes at least three hours of training specific to the type of treatment being used by the public water system and submits verification with the request.
  - (4) The public water system does not have an active enforcement action or violations related to maximum contaminant levels, treatment techniques, and monitoring or reporting within the last five years.
  - (5) The professional operator is prohibited from operating any other public water system.
  - (6) The professional operator remains a full time employee of the facility during the time of the exemption.
  - (7) The professional operator complies with the class I minimum staffing requirements.
  - (8) The professional operator obtains twelve contact hours every two years. At least six of those contact hours must be related to operation and maintenance, and at least three of those six hours must be related to the specific treatment in operation at the public water system.

The director shall withdraw the exemption if the public water system or professional operator does not

comply with requirements in paragraphs (F)(1) to (F)(8) of this rule.

(G) Upon request, the director may approve an individual who passes the class I water supply examination, but does not have the necessary experience, to be the professional operator of record for a health care facility that purchases water from a public water system and adds treatment for the control of Legionella provided the following conditions have been met:

- (1) The professional operator holds a valid class A certificate.
- (2) The professional operator is a full time (forty hours per week) employee of the facility where the public water system is located and has provided assistance in the operation of the treatment system to the class I professional operator of record for at least one year.
- (3) The professional operator completes at least three hours of training specific to the type of treatment being used by the public water system and submits verification with the request.
- (4) The public water system does not have an active enforcement action or violations related to maximum contaminant levels, treatment techniques, and monitoring or reporting within the last five years.
- (5) The professional operator is prohibited from operating any other public water system.
- (6) The professional operator remains a full time employee of the facility during the time of the exemption.
- (7) The professional operator complies with the class I minimum staffing requirements.
- (8) The professional operator obtains twelve contact hours every two years. At least six of those contact hours must be related to operation and maintenance, and at least three of those six hours must be related to the specific treatment in operation at the public water system.

The director shall withdraw the exemption if the public water system or the professional operator does not comply with requirements in paragraphs (G)(1) to (G)(8) of this rule.

(H) Nothing in this rule shall preclude the director from initiating action in accordance with paragraph (E) of rule 3745-7-03 of the Administrative Code or paragraph (D) of rule 3745-7-04 of the Administrative Code.

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**3745-7-03 Public water system classification and staffing requirements.**

Each public water system or water treatment plant and distribution system within a public water system shall be classified in accordance with this rule, with the exception of transient noncommunity public water systems using groundwater, without treatment for nitrate, arsenic or 4-log removal of viruses and having the potential to serve populations of two hundred fifty or fewer. In lieu of making a potential to serve population determination of two hundred fifty or fewer, a transient noncommunity public water system may demonstrate an average daily flow of less than one thousand two hundred fifty gallons per day.

All systems classified under this rule shall provide the minimum staffing required in accordance with this rule.

**(A) Applicability.**

- (1) Public water systems or water treatment plants and distribution systems within a public water system shall be classified in accordance with this rule and shall be staffed in accordance with paragraph (C) of this rule by either a professional operator of record pursuant to paragraph (A)(1) of rule 3745-7-02 of the Administrative Code or a backup professional operator pursuant to paragraphs (C)(3)(c), (C)(3)(d) and (C)(3)(e) of this rule.
- (2) The owner of a public water system may request that the director reclassify the facility in accordance with the provisions of this rule at any time.

**(B) Classification.**

- (1) A public water system or water treatment plant and distribution system within a public water system shall be classified in accordance with paragraphs (B)(2) to (B)(3) of this rule based on the approved design flow, degree of risk to public health or the environment, and the complexity of the treatment plant operation.
  - (a) The classification of a particular public water system or water treatment plant and distribution system within a public water system may change when there are system changes that affect the quality of the source, the complexity of treatment or the distribution system, the population the system has the potential to serve, or potential public health hazards.
  - (b) The director shall issue a certificate to each public water system indicating the classification of each water treatment plant and distribution system within the system. The owner shall display each certificate for public examination at the water treatment plant or principal office of the public water system.

**(2) Distribution system.**

- (a) The director shall classify as a class I water distribution system:
  - (i) The distribution system of each public water system if the system has the potential to serve a population of less than twenty-five thousand per day and is not part of a class A public water system as defined in table 1 of this rule.
  - (ii) Each public water system that consists solely of a distribution system if the system has the potential to serve a population of less than twenty-five thousand per day and is not part of a class A public water system as defined in table 1 of this rule.

- (b) For distribution systems that are not classified as a class I water distribution system under paragraph (B)(2)(a) of this rule and are not part of a class A public water system as defined in table 1 of this rule, the director shall classify the distribution system of each public water system and each public water system that consists solely of a distribution system as a class II water distribution system.
  - (c) Each public water system that purchases water from another public water system and provides additional treatment shall have the treatment system classified in accordance with table 1 of this rule.
- (3) Unless classified as a class A system in accordance with number 10 of table 1 of this rule, public water systems shall be classified according to the criteria in numbers 1-9 of table 1 of this rule.

Table 1. Classification of class A, I, II, III, and IV public water systems

|    | System characteristics   | Design flow*      | Classification |
|----|--|-------------------|----------------|
| 1. | Surface water treatment, excluding slow sand filtration  | More than 5.0 MGD | Class IV       |
|    |  | 5.0 MGD or less   | Class III      |
| 2. | Slow sand filtration surface water treatment   | All               | Class II       |
| 3. | Ground water treatment to remove any chemical contaminant with a maximum contaminant level (arsenic, nitrate, etc.) -or- precipitative softening ground water treatment  | More than 5.0 MGD | Class III      |
|    |  | 0.5 to 5.0 MGD    | Class II       |
|    |  | Less than 0.5 MGD | Class I        |
| 4. | Ground water treatment for any contaminant with a secondary maximum contaminant level# or that only involves adding a disinfectant, but in either case excluding precipitative softening ground water treatment  | More than 5.0 MGD | Class III      |
|    |  | 2.5 to 5.0 MGD    | Class II       |
|    |  | Less than 2.5 MGD | Class I        |
| 5. | Nontransient noncommunity groundwater treatment systems that have the potential to serve a population > 250 or a daily average flow >1250 gallons per day and serve a population < 1,000 not meeting the criteria of paragraph (1) and paragraph (4) of this table | Not applicable    | Class I        |
| 6. | A transient noncommunity groundwater system that has the potential to serve a population < 250 or an average daily flow of 1250 gallons per day or less which treats for nitrate, arsenic or 4-log   | Not applicable    | Class I        |

Table 1. Classification of class A, I, II, III, and IV public water systems

|     |   |                |          |
|-----|---|----------------|----------|
|     | virus inactivation and removal  |                |          |
|     |   |                |          |
| 7.  | A purchased water system that provides additional treatment and has the potential to serve a population of twenty-five thousand per day or greater  | Not applicable | Class II |
|     |   |                |          |
| 8.  | A purchased water system that provides additional treatment, does not meet the criteria in paragraph (10) of this table and has the potential to serve a population of less than twenty-five thousand per day   | Not applicable | Class I  |
|     |   |                |          |
| 9.  | Public water systems meeting the criteria of paragraphs (10)(a) to (10)(c) but not paragraph (10)(d) of this table  | Not applicable | Class I  |
|     |   |                |          |
| 10. | Public water systems meeting all of the following criteria:   | Not applicable | Class A  |
|     | (a) Is a community or nontransient noncommunity public water system that has the potential to serve a population of no more than 250 or produces an average daily flow of less than 1250 gallons per day, or a transient noncommunity public water system that has the potential to serve a population greater than 250 or produces an average daily flow of greater than 1250 gallons per day. |                |          |
|     | (b) Uses only purchased water or a ground water source  |                |          |
|     | (c) Does not provide precipitative softening or treat for a chemical contaminant with a maximum contaminant level or action ll as defined in rule 3745-81-01 of the Administrative Code   |                |          |
|     | (d) Has no serious public health or environmental hazard associated with the operation of the public water system   |                |          |

\* MGD = Million gallons per day

# "Secondary maximum contaminant level" is as defined in rule 3745-82-01 of the Administrative Code.

(C) Staffing.

- (1) A professional operator of record shall, at a minimum, be physically present at the public water system and fulfill the time requirements, as detailed in table 2, and perform technical operation as assigned by

the owner of a public water system or their designee. Time spent working on equipment within the service area of a public water system, as part of a professional operator of record's normal job responsibilities, shall count toward the minimum staffing time requirements.

Table 2. Minimum staffing requirements for a professional operator of record

| System classification  | Staffing requirement                                 |
|--|--|
| Class A without treatment or only treating with a cartridge filter | At least 30 minutes per week.                        |
| Class A with treatment   | 2 days per week for a minimum of 1 hour per week.    |
| Class I  | 3 days per week for a minimum of 1.5 hours per week. |
| Class II   | 5 days per week for a minimum of 20 hours per week.  |
| Class III and IV   | 5 days per week for a minimum of 40 hours per week.  |

(2) Distribution system staffing.

- (a) The owner of a class I distribution system shall ensure that a professional operator of record or a professional operator that is certified in the field of water distribution or water supply, class A operators excluded, performs visits to any portion of the distribution system at least three days per week. The owner of the distribution system shall maintain documentation regarding their authorization of individuals other than the professional operator of record to perform these visits. The individual performing the visit shall document the visit in the log book and report any problems to the professional operator of record.
- (b) The owner of a class II distribution system shall ensure that a professional operator of record or a professional operator that is certified in the field of water distribution or water supply, class A operators excluded, performs visits to any portion of the distribution system at least five days per week. The owner of the distribution system shall maintain documentation regarding the authorization of individuals other than the professional operator of record to perform these visits. The individual performing the visit shall document the visit in the log book and report any problems to the professional operator of record.

(3) Exceptions.

- (a) During periods when the public water system is not producing or treating water it shall not be necessary to meet the staffing requirements in paragraph (C)(1) of this rule.
- (b) Upon application by the owner of the system using a form acceptable to the director, and the director's approval of the system operating plan described in paragraph (C)(3)(b)(i) of this rule, the director shall reduce the minimum staffing requirement for the professional operator of record of a class II, III, or IV public water system to no less than five days a week for a minimum of ten hours per week. The director shall not grant a reduction to a public water system where a professional operator of record cannot respond to operational problems within one hour, a public water system that has a history of noncompliance with maximum contaminant levels, treatment techniques, sampling, reporting, or any other violations related to the public water system, or a public water system under formal enforcement.
  - (i) Public water systems shall submit an operating plan for the system as part of the application for a staffing reduction. The operating plan shall include a description of the level of automation and

continuous monitoring at the facility, a standard operating procedure for any such automation or continuous monitoring equipment, and a detailed operations schedule showing the number of professional operators, the certification level, and the number of hours spent per week at the public water system. The description of the continuous monitoring shall include a description of the calibration frequency, verification of calibration and records maintenance. Reductions in minimum staffing for the professional operator of record may be granted in accordance with the criteria in Table 3 and Table 4 of this rule, either singly or in combination, based on the information provided in the system's operating plan. In no case shall a reduction of greater than thirty hours per week be granted for a class III or IV facility, or ten hours per week for a class II facility.

Table 3. Reductions in minimum professional operator of record staffing based on facility staffing levels

|  | Professional operator of record staffing may be reduced by 5 hours per week if:  | Professional operator of record staffing may be reduced by 10 hours per week if:   | Professional operator of record staffing may be reduced by 15 hours per week if:   | Professional operator of record staffing may be reduced by 20 hours per week if:   |
|--|--|--|--|--|
| Plant staffing at class III or IV water treatment plants | There is another professional operator certified at a level no more than 2 classes below that of the public water system onsite at the water treatment plant 2 hours per day 5 days per week | There is another professional operator certified at a level no more than 2 classes below that of the public water system onsite at the water treatment plant 4 hours per day 5 days per week | There is another professional operator certified at a level no more than 2 classes below that of the public water system onsite at the water treatment plant 6 hours per day 5 days per week | There is another professional operator certified at a level no more than 2 classes below that of the public water system onsite at the water treatment plant 8 hours per day 5 days per week |
| Plant staffing at class II water treatment plants        | There is a class I professional operator onsite at the water treatment plant 3 hours per day 5 days per week   | There is a class I professional operator onsite at the water treatment plant 4 hours per day 5 days per week   | Not applicable   | Not applicable   |
| Plant staffing at class II water treatment plants        | There is a Class 1 professional operator in training onsite at the water treatment plant for 6 hours a day 5 days per week   | There is a Class 1 professional operator in training onsite at the water treatment plant for 8 hours a day 5 days per week   | Not applicable   | Not applicable   |



Table 4. Reductions in minimum professional operator of record staffing based on level of automation or continuous monitoring

|   | Professional operator of record staffing may be reduced by 5 hours per week if:   | Professional operator of record staffing may be reduced by 10 hours per week if:                                      | Professional operator of record staffing may be reduced by 15 hours per week if:   | Professional operator of record staffing may be reduced by 20 hours per week if:  |
|---|---|---|--|---|
| Automation or continuous monitoring at class II, III or IV plants | The water treatment plant has supervisory control and data acquisition ("SCADA") and continuous monitoring for MCL and treatment technique monitoring (turbidity, fluoride, pH, flow, temperature and chlorine residual, if applicable) | The water treatment plant is automated with continuous monitoring for the parameters required in the 5 hour reduction | The water treatment plant is automated with continuous monitoring for the parameters required in the 5 hour reduction and the water treatment plant must also have personnel onsite at the water treatment plant or an electronic notification system that notifies the professional operator of record when there are problems with the water treatment plant | The water treatment plant is automated with continuous monitoring for the parameters required in the 5 hour reduction and an electronic notification system or certified professional operators on each shift that will notify the professional operator of record when there are problems with the water treatment plant. The water treatment plant must also have the ability to be operated remotely or have a certified professional operator respond within 30 minutes |

(ii) Any change in the circumstances under which the reduction was approved (e.g., retirement of a professional operator listed in the approved staffing plan, loss of the professional operator of record, reduction in the workforce, removal or failure of automation or continuous monitoring, etc.) will require that the system immediately return to compliance with the minimum staffing requirements in paragraph (C)(1) of this rule. This provision shall not preclude a public water

system from submitting a modified operating plan.

- (iii) For a system operating plan to receive director's approval under table 4 of this rule, continuous monitors shall be calibrated in accordance with manufacturer standards or applicable regulations, whichever is more stringent. Calibration verification shall be conducted at least once per week or in accordance with applicable regulations, whichever is more stringent. Records of the calibrations and verifications shall be maintained for three years.
- (c) The professional operator of record of a class II, III, or IV public water system or class II water distribution system may be replaced by a backup professional operator with a certificate one classification lower than the public water system's classification for a period of up to thirty consecutive days. The use of this provision does not require notification to the agency. The operational records shall clearly indicate every time the backup professional operator is being used to meet the minimum staffing requirement. This provision may not be used to routinely circumvent minimum staffing requirements. In the case of systems which utilize an established flex work schedule of four ten-hour days, the use of a professional operator with a certificate one classification less than the facility to staff the facility on the fifth day of the week shall not be considered an attempt to circumvent the minimum staffing requirements.
- (d) Upon proper justification, such as military leave or long term illness, the director may authorize the replacement of the professional operator of record for a class II, III, or IV public water system or class II water distribution system by a backup professional operator with a certificate one classification lower than the facility for a period of greater than thirty consecutive days. Such requests shall be made in writing to the district office in which the system is located.
- (e) If the designated professional operator of record is unable to meet the minimum staffing requirements at a class A or class I public water system, then a professional operator with a certificate equal to or higher than the public water system may serve as the professional operator of record until such time as the designated professional operator of record is available. The operational records shall clearly indicate every time the backup professional operator is being used to meet the minimum staffing requirement. The use of this provision does not require notification to the agency unless the use of the backup professional operator exceeds thirty consecutive days. In the event the use of a backup professional operator under this provision exceeds thirty consecutive days, the owner or professional operator shall provide notice in accordance with paragraph (A)(1) of rule 3745-7-02 of the Administrative Code.
- (f) Any professional operator fulfilling the role of a backup professional operator shall be held responsible for any violations that occur during the period when they are acting as the backup professional operator.
- (g) In the event a public water system has more than one water treatment plant within one hundred feet of another water treatment plant, the public water system may submit a request on a form acceptable to the director, for a fifty per cent reduction of the hourly minimum staffing requirements for each water treatment plant. The request shall include documentation of the distance between the two facilities and documentation that the facilities are not under enforcement and have been in compliance with maximum contaminant levels, treatment techniques, sampling, reporting and professional operator certification requirements for the three years prior to the request. Upon receiving a complete application, the director may approve the minimum staffing reduction. Any change in the circumstances under which the reduction was approved (e.g., enforcement action entered, violation of the professional operator certification requirements, monitoring violations, etc.)

will require that the system immediately return to compliance with the minimum staffing requirements in paragraph (C)(1) of this rule. This provision shall not preclude the public water system from submitting a modified operating plan. A reduction granted under this provision in combination with any other reductions available in this rule shall not reduce the minimum staffing requirements at a class II, III or IV facility to less than five days per week for a minimum of ten hours per week.

(D) Additional staffing requirements.

- (1) The professional operator of record of the public water system or backup professional operator authorized under paragraphs (C)(3)(c), (C)(3)(d) and (C)(3)(e) of this rule shall be available during all periods of public water system operation.
- (2) Visits to all public water systems classified in accordance with this rule shall be performed by the owner, supplier, or a representative or agent of the owner or supplier seven days per week and noted in the operational and maintenance records required by rule 3745-7-09 of the Administrative Code. Visits shall not be necessary when the public water system is not in operation.
- (3) In the event a public water system can document the existence of automation and continuous monitoring which provides a greater level of reasonable assurance that a facility is maintaining compliance, the system may request a waiver of the visit requirement contained in paragraph (D)(2) of this rule. In order to request a waiver, the public water system shall submit a request on a form acceptable to the director. The public water system shall demonstrate the system continuously monitors flow, pH, turbidity, disinfection and fluoridation, if applicable, at the entry point to the distribution system. The public water system shall also demonstrate the system continuously monitors chlorination, if applicable, at representative points in the distribution system. The public water system shall document alarm set points for each parameter that are protective of human health. Set points shall be set in such a manner that an appropriately certified professional operator can respond to correct a problem prior to the violation of regulatory limits. The public water system shall document that the monitoring system has the ability to notify public water system personnel when a value outside a set point has been detected. The public water system shall demonstrate the ability for a professional operator, certified at a level equal to or higher than that of the public water system, to respond to the system within an hour of a value outside a set point being detected.

The meters shall be calibrated in accordance with Ohio EPA regulations or manufacturer standards, whichever is more stringent. At a minimum, the calibration of all continuous monitors shall be verified on a weekly basis. Flow meter readings shall be within a plus or minus ten per cent of the reading determined by the method for calibration verification. Readings for chemical monitors shall be within the acceptable limits established in the "Ohio EPA, Laboratory Manual for Chemical Analyses of Public Drinking Water 2014."

In the event the calibration verification determines the monitor is outside of acceptable limits, the public water system shall immediately notify the district office of the problem and return to having an owner's representative visit the facility seven days per week. Once the meter has been repaired or recalibrated, the facility may discontinue having an owner's representative visit seven days per week and return to the monitoring approved by the director.

All of the information required in paragraph (D)(3) of this rule, shall be documented in the facility's operation and maintenance records. In the event any of the following occur, the public water system shall return to having an owner's representative visit the facility on a daily basis:

- (a) Failure of the continuous monitoring equipment.
- (b) Failure to follow the procedures identified in paragraph (D)(3) of this rule.
- (c) Failure to maintain the appropriate records.
- (d) Enforcement is initiated against the public water system.

(E) The classification of a professional operator of record, and the numbers of days per week and hours per week for staffing requirements specified in paragraph (C) of this rule are minimum requirements. In order to protect public health and welfare and based on specific circumstances or treatment complexity at a public water system, the director may require a public water system to be operated by a professional operator of record with a higher classification than the minimum requirement, or may require one or more professional operator of record to visit a public water system or water treatment plant and distribution system within a public water system more frequently and for more hours per week than the minimums required by this rule.

[Comment: This rule incorporates the "Ohio EPA Laboratory Manual for the Chemical Analyses of Drinking Water 2014" by reference. Copies are available at [http://epa.ohio.gov/portals/28/documents/labcert/CHEMMAN%202014\\_final.pdf](http://epa.ohio.gov/portals/28/documents/labcert/CHEMMAN%202014_final.pdf) and at the "Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH, 43215." Copies can also be obtained by contacting the laboratory certification office at 614-644-4245.]

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**3745-7-04 Treatment works and sewerage system classification and staffing requirements.**

In accordance with this rule, all treatment works, sewerage systems, or wastewater treatment facilities within a treatment works shall be classified as a class A, I, II, III, or IV treatment works or class I or II sewerage systems and shall provide the minimum staffing required for that classification of wastewater treatment facility. Industrial wastewater treatment plants shall be classified in accordance with paragraph (B)(3)(c) of this rule.

**(A) Applicability.**

- (1) The classification and staffing requirements in paragraphs (B)(1)(a), (B)(2), and (C) of this rule shall be incorporated into all new or renewed NPDES permits. The staffing requirements in paragraph (C) shall be fulfilled by either a professional operator of record pursuant to paragraph (A)(2) of rule 3745-7-02 of the Administrative Code or a backup professional operator pursuant to paragraphs (C)(2)(c), (C)(2)(d) and (C)(2)(e) of this rule. Until such time as an NPDES permit is renewed to incorporate the classification and minimum staffing requirements of this rule, the treatment works, sewerage system or wastewater treatment facility within a treatment works shall maintain the same level of classification and staffing as that on December 21, 2006.
- (2) The owner of a treatment works or sewerage system may request that the director reclassify the facility in accordance with the provisions of this rule at any time.
- (3) One, two, and three family dwellings with household sewage treatment systems shall be excluded from the requirements of this rule.

**(B) Classification****(1) Sewerage systems**

- (a) A class A treatment works includes the treatment plant and sewerage system.
- (b) Each public sewerage system that is a tributary to a class I treatment works shall be classified as a class I sewerage system. Each public sewerage system that is a tributary to a class II, III, or IV treatment works shall be classified as a class II sewerage system.
- (c) Each sewerage system for which an NPDES permit has been issued by the director, other than those sewerage systems described in paragraphs (B)(1)(a) and (B)(1)(b) of this rule, shall be classified as a class II sewerage system.
- (d) The director may classify a private sewerage system that is a tributary to a public treatment works or public sewerage system. Factors the director may consider include, but are not limited to, wet weather capacity problems, failure to properly operate and maintain the system and potential public health or environmental risks.

**(2) Treatment works.**

- (a) Treatment works classification shall be based on design flow of the treatment works and the final effluent limits for the treatment works for monthly average concentrations of carbonaceous biochemical oxygen demand, total suspended solids, and summer month ammonia nitrogen designated in the treatment works' NPDES permit. All treatment lagoon systems with a design flow greater than 0.025 million gallons per day (MGD) shall be classified as class I systems.

(b) Class A, I, II, III, and IV treatment works shall be classified according to the following tables:

Classification of treatment works where one or more of the final effluent limits for monthly average concentration is less than or equal to: 10 mg/L carbonaceous biochemical oxygen demand, 12 mg/L total suspended solids, or 1 mg/L ammonia nitrogen

| Design Flow                                   | Classification |
|---|----------------|
| Less than or equal to 0.025 MGD               | Class A        |
| Greater than 0.025 MGD but less than 0.15 MGD | Class I        |
| 0.15 MGD to less than 1.0 MGD                 | Class II       |
| 1.0 MGD to less than 5.0 MGD                  | Class III      |
| 5 MGD and above                               | Class IV       |

Classification of treatment works where all of the final effluent limits for monthly average concentration are greater than: 10 mg/L carbonaceous biochemical oxygen demand, 12 mg/L total suspended solids, and 1 mg/L ammonia nitrogen

| Design Flow                                   | Classification |
|---|----------------|
| Less than or equal to 0.025 MGD               | Class A        |
| Greater than 0.025 MGD but less than 0.25 MGD | Class I        |
| 0.25 MGD to less than 2.0 MGD                 | Class II       |
| 2.0 MGD to less than 7.5 MGD                  | Class III      |
| 7.5 MGD and above                             | Class IV       |

- (3) The director may classify the following types of treatment works as class A, I, II, III, or IV treatment works. The classification may be included in a permit-to-install or NPDES permit issued to the following treatment works:
- (a) Treatment works that do not discharge to waters of the state.
  - (b) Sewage sludge treatment works.
  - (c) An industrial water pollution control facility that is operated with biological treatment (except lagoons). For the purposes of this chapter activated sludge treatment works means a treatment works that produces an activated mass of microorganisms capable of stabilizing waste aerobically.
  - (d) Other treatment works.
- (4) The director may raise the classification of a particular treatment works or sewerage system. Factors the director may consider include, but are not limited to, the complexity of treatment, downstream use designation as defined in Chapter 3745-1 of the Administrative Code, wet weather capacity problems, pretreatment program complexity, sewage sludge management complexity, past and present compliance with NPDES permit requirements, or potential public health or environmental risks.
- (5) After the situation which caused an increase in classification due to paragraph (B)(4) of this rule is corrected, then a facility may request a permit modification to revert to their original classification in accordance with this rule. Such requests shall be made in writing to the appropriate district office.

(C) Staffing.

- (1) At a minimum, the professional operator of record shall be physically present at the treatment works and fulfill the time requirements in the following table and perform technical operation as assigned by the permittee of the treatment works. Time spent working on equipment within the service area of a treatment works, as part of a professional operator of record's normal job responsibilities, shall count toward the minimum staffing time requirements.

Minimum staffing requirements for the professional operator of record

| System classification | Staffing requirement                                |
|-----------------------|---|
| Class A               | 2 days per week for a minimum of 1 hour per week    |
| Class I               | 3 days per week for a minimum of 1.5 hours per week |
| Class II              | 5 days a week for a minimum of 20 hours per week    |
| Class III and IV      | 5 days a week for a minimum of 40 hours per week    |

- (2) Sewerage system staffing.

- (a) The owner of a class I sewerage system shall ensure that a professional operator of record or a professional operator that is certified in the field of wastewater collection or wastewater treatment, class A operators excluded, shall perform visits to any portion of the sewerage system at least three days per week. The owner of the sewerage system shall maintain documentation regarding their authorization of individuals other than the professional operator of record to perform these visits. The individual performing the visit shall document the visit in the log book and report any problems to the professional operator of record.
- (b) The owner of a class II sewerage system shall ensure that a professional operator of record or a professional operator that is certified in the field of wastewater collection or wastewater treatment, class A operators excluded, performs visits to any portion of the sewerage system at least five days per week. The owner of the sewerage system shall maintain documentation regarding the authorization of individuals other than the professional operator of record to perform these visits. The individual performing the visit shall document the visit in the log book and report any problems to the professional operator of record.

- (3) Exceptions.

- (a) Upon application on a form acceptable to the director by the permittee and the director's approval of the operating plan described in paragraph (C)(3)(a)(i) of this rule, the director shall reduce the minimum staffing requirement for a professional operator of record of a class II, III, or IV treatment works to no less than five days a week for a minimum of ten hours per week. However, the director shall not grant a reduction to a treatment works where a professional operator of record cannot respond to operational problems within one hour. Nor will the director grant a reduction to a treatment works that has a history of noncompliance with sampling, reporting, effluent limits or any other violations related to the treatment process, including but not limited to, grit removal, primary clarification, aeration, secondary clarification, filtration, sludge, or biosolids handling. The director also shall not grant a reduction to a treatment works under formal enforcement excluding enforcement related to combined sewer overflows or sanitary sewer overflows.
- (i) Treatment works shall submit an operating plan for their facility as part of the application for a staffing reduction. The operating plan shall include a description of the level of automation and continuous monitoring at the facility, a standard operating procedure for any such automation or



continuous monitoring equipment, and a detailed operations schedule showing the number of professional operators, the certification level, and the number of hours spent at the treatment works. The description of the continuous monitoring shall include a description of the calibration frequency, verification of calibration and records maintenance. Reductions in minimum staffing for the professional operator of record may be granted in accordance with the criteria in tables A and B of this rule, either singly or in combination, based on the information provided in the wastewater treatment facility's operating plan. In no case shall a reduction of greater than thirty hours per week be granted to a class III or IV facility and ten hours per week for a class II facility.

Table A: Reductions in minimum professional operator of record staffing based on wastewater treatment facility staffing levels

|  | The professional operator of record staffing may be reduced by 5 hours per week if:   | The professional operator of record staffing may be reduced by 10 hours per week if:  | The professional operator of record staffing may be reduced by 15 hours per week if:  | The professional operator of record staffing may be reduced by 20 hours per week if:  |
|--|---|---|---|---|
| Plant staffing at class III and IV wastewater treatment facilities | There is another professional operator certified at a level no more than 2 classes below that of the treatment works or sewerage system onsite at the wastewater treatment facility 2 hours per day 5 days per week | There is another professional operator certified at a level no more than 2 classes below that of the treatment works or sewerage system onsite at the wastewater treatment facility 4 hours per day 5 days per week | There is another professional operator certified at a level no more than 2 classes below that of the treatment works or sewerage system onsite at the wastewater treatment facility 6 hours per day 5 days per week | There is another professional operator certified at a level no more than 2 classes below that of the treatment works or sewerage system onsite at the wastewater treatment facility 8 hours per day 5 days per week |
| Plant staffing at class II wastewater treatment facilities         | There is a class I professional operator onsite at the wastewater treatment facility 3 hours per day 5 days per week  | There is a class I professional operator onsite at the wastewater treatment facility 4 hours per day 5 days per week  | Not applicable  | Not applicable  |
| Plant staffing at class II wastewater treatment facilities         | There is a class I professional operator in training onsite at the wastewater treatment facility 6 hours per day 5 days per week  | There is a class I professional operator in training onsite at the wastewater treatment facility 8 hours per day 5 days per week  | Not applicable  | Not applicable  |

Table B: Reductions in minimum professional operator of record staffing based on level of automation or continuous monitoring

|   | The professional operator of record staffing may be reduced by 5 hours per week if:   | The professional operator of record staffing may be reduced by 10 hours per week if:  | The professional operator of record staffing may be reduced by 15 hours per week if:  | The professional operator of record staffing may be reduced by 20 hours per week if:  |
|---|---|---|---|---|
| Automation or continuous monitoring at class III and IV wastewater treatment facilities | The wastewater treatment facility has supervisory control and data acquisition ("SCADA") and continuous monitoring equipment for monitoring the following: flow, pH, turbidity, dissolved oxygen, and temperature. Additionally monitor for UV intensity or chlorine residual, whichever is applicable. | The wastewater treatment facility is automated with continuous monitoring for the parameters required in the 5 hour reduction | The wastewater treatment facility is automated with continuous monitoring for the parameters required in the 5 hour reduction and the wastewater treatment facility must also have personnel onsite at the facility or an electronic notification system that notifies the professional operator of record when there are problems with the wastewater treatment facility | The wastewater treatment facility is automated with continuous monitoring for the parameters required in the 5 hour reduction and an electronic notification system or certified professional operators on each shift that will notify the professional operator of record when there are problems with the wastewater treatment facility; the wastewater treatment facility must also have the ability to be operated remotely or have a certified professional operator respond within 30 minutes |
| Automation or continuous monitoring at class II wastewater treatment facilities         | The wastewater treatment facility has supervisory control and data acquisition ("SCADA") and continuous monitoring equipment for monitoring the following: flow,  | The wastewater treatment facility is automated with continuous monitoring for the parameters required in the 5 hour reduction | Not applicable  | Not applicable  |

Table B: Reductions in minimum professional operator of record staffing based on level of automation or continuous monitoring

|  |  |  |  |  |
|--|--|--|--|--|
|  | pH, turbidity, dissolved oxygen, and temperature. Additionally monitor for UV intensity or chlorine residual, whichever is applicable. |  |  |  |
|--|--|--|--|--|

- (ii) Any change in the criteria under which the reduction was approved (e.g., retirement of a professional operator listed in the approved staffing plan, loss of the professional operator of record, reduction in the workforce, removal or failure of automation or continuous monitoring, etc.) will require that the treatment works immediately return to compliance with the minimum staffing requirements in paragraph (C)(1) of this rule. This provision shall not preclude a treatment works from submitting a modified operating plan.
  - (iii) For a system operating plan to receive director's approval under table B of this rule, continuous monitors shall be calibrated in accordance with manufacturer standards or applicable regulations, whichever is more stringent. Calibration verification shall be conducted at least once per week or in accordance with applicable regulations, whichever is more stringent. Records of the calibrations and verifications shall be maintained for three years.
- (b) The professional operator of record for a class II, III, or IV treatment works or class II sewerage system may be replaced by a backup professional operator with a certificate one classification lower than the treatment works or sewerage system for a period of up to thirty consecutive days. The use of this provision does not require notification to the agency. This provision may not be used to routinely circumvent minimum staffing requirements.
- (i) In the case of class III and IV systems which utilize an established flex work schedule of four ten-hour days, the use of a professional operator with a certificate one classification less than the facility to staff the facility on the fifth day of the week shall not be considered an attempt to circumvent the minimum staffing requirements.
  - (ii) In the case of class II systems which utilize an established flex work schedule of two eight hour days and a four hour day, the use of a professional operator with a certificate one classification less than the facility or an operator in training who has passed the class I examination to staff the facility on the fourth and fifth day of the week shall not be considered an attempt to circumvent the minimum staffing requirements.
- (c) Upon proper justification, such as military leave or long term illness, the director may authorize the replacement of the professional operator of record for a class II, III, or IV treatment works or class II sewerage system by a backup professional operator with a certificate one classification lower than the facility for a period of greater than thirty consecutive days. Such requests shall be made in writing to the appropriate district office.
- (d) If the designated professional operator of record is unable to meet the minimum staffing requirements at a class A or class I treatment works, then a professional operator with a certificate equal to or higher than that of the treatment works may serve as the professional operator of record until such

time as the designated professional operator of record is available. The use of this provision does not require notification to the agency unless the use of the backup professional operator exceeds thirty consecutive days. In the event the use of a backup professional operator under this provision exceeds thirty consecutive days, the owner or professional operator shall provide notice in accordance with paragraph (A)(2) of rule 3745-7-02 of the Administrative Code.

- (e) Any professional operator fulfilling the role of a backup professional operator shall be held responsible for any violations that occur during the period when they are acting as the backup professional operator.
- (f) In the event that an owner has two separate treatment works, permitted by two separate NPDES permits, within one hundred feet of each other's property line, the owner may submit a request on a form acceptable to the director, for a fifty per cent reduction of the hourly minimum staffing requirements for each treatment works. The request shall include documentation of the distance between the two facilities and documentation that the facilities are not under enforcement and have been in compliance with permit effluent limits, treatment techniques, sampling, reporting and professional operator certification requirements for the three years prior to the request. Upon receiving a complete application, the director may approve the minimum staffing reduction. Any change in the circumstances under which the reduction was approved (e.g., enforcement action entered, violation of the professional operator certification requirements, monitoring violations, etc.) will require that the system immediately return to compliance with the minimum staffing requirements in paragraph (C)(1) of this rule. This provision shall not preclude the treatment works from submitting a modified operating plan. A reduction granted under this provision in combination with any other reductions available in this rule shall not reduce the minimum staffing requirements at a class II, III, or IV facility to less than five days per week for a minimum of ten hours per week.
- (g) Upon submission of an application by the permittee and approval by the director, the staffing requirements of seasonal class A or class I treatment works may be reduced in the off season in accordance with the following system classification chart. In order to document seasonal operations, the permittee shall submit a form acceptable to the director documenting the system shut down date and the proposed reopening date. The application shall include documentation that enough wastewater has been removed from the system to prevent discharge to waters of the state and contain a contingency plan to lower the level in the plant in the event there is a potential to discharge effluent to waters of the state. Care should be taken by the owner and professional operator to ensure enough wastewater is left in the tanks to prevent the tanks from shifting.

| System Classification | Staffing Requirement During the Off Season |
|-----------------------|--|
| Class A               | 1 visit every month                        |
| Class I               | 1 visit every 2 weeks                      |

During the off season the professional operator of record shall visually confirm via flow monitoring, if applicable, that the treatment works is not discharging and does not have the potential to discharge wastewater. The verification shall be documented during the visits referenced above as part of the operation and maintenance records specified in rule 3745-7-09 of the Administrative Code. A discharge from the treatment works during the reduced staffing period is prohibited. The permittee shall notify the agency on a form acceptable to the director prior to resuming operations. Discovery of a discharge to waters of the state during a period of reduced staffing shall result in a revocation of the authorization for reduced staffing requirements and a prohibition on further approval for a period

of five years.

For the purposes of this rule, "seasonal operations" means the temporary ceasing of wastewater generating sources for a period of no less than sixty consecutive days.

(h) Controlled discharge lagoons shall only be required to meet the minimum staffing requirements above during periods of discharge. When discharge is not occurring, the professional operator of record shall visit the facility at least once every two weeks.

(i) Alternative for systems with design capacity less than or equal to fifteen hundred gallons per day.

(i) Systems may employ a service provider registered in accordance with rule 3701-29-03 of the Administrative Code in lieu of a class A operator as indicated in paragraph (B)(2) of this rule if the system has a design capacity of less than or equal to fifteen hundred gallons per day and are similar to a system authorized for installation as a household sewage treatment system with approval for that use in accordance with Chapter 3718. of the Revised Code and Chapter 3701-29 of the Administrative Code. The installation shall include the appropriate fail safe mechanisms established for the approved systems (e.g. telemetering or lockout) and tertiary treatment as appropriate. For systems operating under the terms and conditions of this alternate service provider provision, the permittee shall submit a copy of an active service contract with the service provider annually, in accordance with the conditions of the system's NPDES permit.

(ii) Systems operating under paragraph (C)(3)(i)(i) of this rule are not subject to the minimum staffing requirements in paragraph (C)(1) of this rule.

(4) Additional staffing requirements.

(a) The professional operator of record or backup professional operator allowed under paragraphs (C)(3)(b), (C)(3)(c) and (C)(3)(d) of this rule shall be available during all periods of treatment works operation.

(b) Visits to all treatment works shall be performed by the permittee, the permittee's representative, or agent five days a week and noted in the operational and maintenance records required by rule 3745-7-09 of the Administrative Code. Visits shall not be necessary when the treatment works is not in operation.

(D) The classification of the professional operator of record, and the numbers of days per week and hours per week for staffing requirements specified in paragraph (C) of this rule are minimum requirements. In order to protect public health and welfare and based on specific circumstances at a treatment works or sewerage system, the director may require a treatment works or sewerage system to be operated by a professional operator of record with a higher classification than the minimum requirement, or may require a professional operator of record to visit a treatment works or sewerage system more frequently and for more hours per week than the minimums required by this rule.

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### 3745-7-05 Classification of professional operator certification.

- (A) The following are classifications for which professional operators may be certified under this chapter:
- (1) Public water system professional operator A (class A water supply professional operator).
  - (2) Public water system professional operator I (class I water supply professional operator).
  - (3) Public water system professional operator II (class II water supply professional operator).
  - (4) Public water system professional operator III (class III water supply professional operator).
  - (5) Public water system professional operator IV (class IV water supply professional operator).
  - (6) Water distribution professional operator I (class I water distribution professional operator).
  - (7) Water distribution professional operator II (class II water distribution professional operator).
  - (8) Treatment works professional operator A (class A wastewater works professional operator).
  - (9) Treatment works professional operator I (class I wastewater works professional operator).
  - (10) Treatment works professional operator II (class II wastewater works professional operator).
  - (11) Treatment works professional operator III (class III wastewater works professional operator).
  - (12) Treatment works professional operator IV (class IV wastewater works professional operator).
  - (13) Sewerage system professional operator I (class I wastewater collection professional operator).
  - (14) Sewerage system professional operator II (class II wastewater collection professional operator).
- (B) The certification of any individual to operate a particular class of public water system, sewerage system, or treatment works shall also authorize such individual to be the professional operator of record of any other public water system, sewerage system, or treatment works as indicated in the tables below.

Public water systems: If a professional operator holds a certification of the level below they may be the professional operator of record of those public water systems marked with an "X" below:

| Classification of system    | Class A/limited class A water supply professional operator | Class I water distribution professional operator | Class II water distribution professional operator | Class I water supply professional operator | Class II water supply professional operator | Class III water supply professional operator | Class IV water supply professional operator |
|-----------------------------|--|--|---|--|---|--|---|
| Class A public water system | x  |  |   | x  | x   | x  | x   |
| Class I                     |  | x  | x   | x  | x   | x  | x   |

Public water systems: If a professional operator holds a certification of the level below they may be the professional operator of record of those public water systems marked with an "X" below:

|                               |  |  |   |   |   |   |   |
|-------------------------------|--|--|---|---|---|---|---|
| water distribution            |  |  |   |   |   |   |   |
| Class II water distribution   |  |  | x |   | x | x | x |
| Class I public water system   |  |  |   | x | x | x | x |
| Class II public water system  |  |  |   |   | x | x | x |
| Class III public water system |  |  |   |   |   | x | x |
| Class IV public water system  |  |  |   |   |   |   | x |

Sewerage systems and treatment works: If a professional operator holds a certification of the level below they may be the professional operator of record of those sewerage systems or treatment works with the classifications marked with an "X" below:

| Classification of facility | Class A/limited class A wastewater works professional operator | Class I wastewater collection professional operator | Class II wastewater collection professional operator | Class I wastewater works professional operator | Class II wastewater works professional operator | Class III wastewater works professional operator | Class IV wastewater works professional operator |
|----------------------------|--|---|--|--|---|--|---|
| Class A treatment works    | x  |   |  | x  | x   | x  | x   |
| Class I sewerage system    |  | x   | x  | x  | x   | x  | x   |
| Class II sewerage system   |  |   | x  |  | x   | x  | x   |
| Class I treatment works    |  |   |  | x  | x   | x  | x   |
| Class II treatment         |  |   |  |  | x   | x  | x   |



Sewerage systems and treatment works: If a professional operator holds a certification of the level below they may be the professional operator of record of those sewerage systems or treatment works with the classifications marked with an "X" below:

|                           |  |  |  |  |  |   |   |
|---------------------------|--|--|--|--|--|---|---|
| works                     |  |  |  |  |  |   |   |
| Class III treatment works |  |  |  |  |  | x | x |
| Class IV treatment works  |  |  |  |  |  |   | x |

- (C) A limited class A professional operator holds a facility-specific certificate and may not operate any other facilities or transfer the certificate to a different facility.
- (D) The following charts demonstrate the hierarchy of water and wastewater certificates. The highest level of certification is at the top of the chart and certificates supersede any of the certificates below them in the chart. Once a professional operator achieves a level of certification that supersedes the certificate that is currently held, the lowest level of certificate will be invalid.

Drinking Water Certificate Hierarchy Table

|                              |                            |  |                             |
|------------------------------|----------------------------|--|-----------------------------|
| Class IV water supply        |                            |  |                             |
| Class III water supply       |                            |  |                             |
| Class II water supply        |                            |  |                             |
| Class I water supply         |                            |  | Class II water distribution |
| Class A water supply         | Class I water distribution |  | Class I water distribution  |
| Limited class A water supply |                            |  |                             |

Wastewater Certificate Hierarchy Table

|                                      |                               |  |                                |
|--------------------------------------|-------------------------------|--|--------------------------------|
| Class IV wastewater treatment        |                               |  |                                |
| Class III wastewater treatment       |                               |  |                                |
| Class II wastewater treatment        |                               |  |                                |
| Class I wastewater treatment         |                               |  | Class II wastewater collection |
| Class A wastewater treatment         | Class I wastewater collection |  | Class I wastewater collection  |
| Limited class A wastewater treatment |                               |  |                                |

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**3745-7-06 Certification of professional operators.**

The director shall, in accordance with this chapter, provide for the examination of individuals applying for certification as professional operators and the issuance of appropriate certificates to applicants who meet the appropriate requirements and pass the appropriate examination.

**(A) Application.**

- (1) Applicants for examination and certification shall submit an application in a format approved by the director. The complete application and appropriate fees as set forth in section 3745.11 of the Revised Code shall be submitted at least ninety calendar days prior to the date on which the examination is scheduled.
- (2) When required by the council, the applicant shall be responsible for furnishing additional documentation to the agency to verify information provided on the application.
- (3) Any applicant who submits incomplete, false, or incorrect information on the application shall be disqualified from taking the examination as set forth in rule 3745-7-18 of the Administrative Code.

**(B) To be eligible for examination and certification in accordance with this chapter the applicant shall fulfill the following:**

- (1) Not have been convicted of, or plead guilty to, a criminal charge involving falsification, fraud, or terrorism.
- (2) At the time of application and prior to the examination date, not have a revoked or currently suspended Ohio professional operator certification.
- (3) Not have a professional operator certificate from any other state currently revoked or under suspension.
- (4) Not have performed the duties of a professional operator of record without a valid certificate of the appropriate field and classification, unless in accordance with the exemptions and exceptions contained in this chapter.
- (5) Have a high school diploma or the equivalent. Either of the following shall be considered equivalent to a high school diploma.
  - (a) Documentation of successfully passing the general education development test or a statement of high school equivalence.
  - (b) Completion of a vocational training program in the field of application.
- (6) Have the ability to do the following:
  - (a) Read and understand Chapters 6109. and 6111. of the Revised Code and the rules adopted thereunder.
  - (b) Perform mathematical calculations required to operate in the field for which certification is being sought.
  - (c) Complete and maintain records and regulatory reporting forms required to document the proper operation of a public water system, treatment works, or sewerage systems.
- (7) All applicants to be a professional operator shall acknowledge completion of a review of the "Ohio EPA

Professional Operator Certification Training" course. This course outlines rule requirements that are specific to certified professional operators.

- (8) Have operating experience related to the field for which the application is being considered in accordance with the minimums in table A of this rule.

Table A: Operating experience required

| Certification | Operating experience required   |
|---------------|---|
| Class A       | See paragraph (B)(8)(c) of this rule  |
| Class I       | 1 year of operating experience  |
| Class II      | 3 years of operating experience   |
| Class III     | 5 years of operating experience including at least 1 year of operating experience as a class II certified professional operator in the same field |
| Class IV      | See paragraph (C)(2) of this rule   |

- (a) The director may accept post high school education or training in place of operating experience in qualifying for examination under this rule. However, except as provided in paragraph (B)(8)(c) of this rule, all applicants for examination are required to have at least one year of operating experience by the date of the scheduled examination in the field for which certification is sought unless waived in accordance with rule 3745-7-07 of the Administrative Code.
- (b) Applicants are required to describe in detail their operating experience at water treatment, water distribution, collection and wastewater treatment systems.
- (c) To be eligible to take the class A examination for certification, applicants shall have education, and operating or work experience in accordance with the following chart:

Education and experience requirements for class A professional operators

| Years of Education                | Operating Experience | Work Experience * |
|-----------------------------------|----------------------|-------------------|
| High school diploma or equivalent | 1040 hours **        | 3 years **        |
| Associate's degree***             | 780 hours **         | 2 years **        |
| Bachelor's degree***              | 520 hours            | 1 year            |

\* Work experience means time spent at a job where a portion of duties involve dealing with a public water system or treatment works.

\*\* Successful completion of one or more of the Operator Training Committee of Ohio "Basic Water" or "Basic Wastewater" course, the California State University at Sacramento "Small Water System Operation and Maintenance" or "Small Wastewater System Operation and Maintenance, Volume I" course, or the equivalent shall reduce the experience requirement to one year of work experience or five hundred twenty hours of operating experience.

\*\*\*Degrees shall be obtained from an accredited institution in environmental, chemical, or civil engineering or a physical or natural science.

(C) Alternative eligibility requirements.

- (1) An applicant for a class II or class III public water or wastewater examination or for a class II water distribution or wastewater collection examination, who is certified at the same or a higher classification in the other field, may be granted a fifty per cent reduction in actual operating experience requirements in the field applied for, on the basis of operating experience obtained in the other field, except that a minimum of one year of actual operating experience in the field applied for is still required.
  - (2) Applicants for class IV certification shall document three years of additional operating experience while in possession of a valid class III certification in the field for which the application is submitted, with two of those years consisting of management experience at a class III or IV facility in the field for which the application is submitted.
  - (3) The director may allow the following reductions in the operating experience requirement for examination for certification. However, documented completion of at least one year of operating experience in the field for which they are applying is required to be certified as a class II professional operator. Similarly, documented completion of at least one year of operating experience in the field for which an applicant has applied and an additional twelve months operating experience as a class II professional operator in the field for which an applicant has applied is required to be eligible to take the class III examination.
    - (a) The operating experience requirement to take the examination for class II professional operator certification is reduced by two years if an applicant holds either of the following:
      - (i) A bachelor's degree from a four-year accredited institution in environmental, chemical, or civil engineering or a physical or natural science.
      - (ii) A two-year technical degree in the field of water or wastewater treatment.
    - (b) The operating experience requirement to take the examination for class III professional operator certification is reduced by three years if an applicant holds a bachelor's degree from a four-year accredited institution in environmental, chemical, or civil engineering or a physical or natural science.
    - (c) The director may accept substitution of each year of college completed by an applicant, not holding a bachelor's degree, for one year of required operating experience. Substitution shall only be granted provided that the applicant was pursuing a degree in environmental, chemical, or civil engineering, or a physical or natural science.
    - (d) The director may accept an applicant's completed drinking water or wastewater courses as a substitute for experience when applying for examination for class II or III professional operator certification on a case-by-case basis. The director may publish a list of courses that have been approved for substitution of experience.
    - (e) An applicant who passes the examination before showing the required operating experience shall be a professional operator in training, subject to the conditions of paragraph (C) of rule 3745-7-07 of the Administrative Code.
- (D) An applicant who does not meet the required operating experience in paragraph (B)(8) of this rule may take the examination in accordance with the provisions in rule 3745-7-07 of the Administrative Code.
- (E) Applicants who do not meet the examination prerequisites in the classification for which they requested may be permitted, without re-applying, to take an examination in a lower classification for which they do meet

the prerequisites.

(F) Exam format.

- (1) The examinations for each classification shall be in a format accepted by the director. Alternate examination methods may be accepted by the director if an applicant has a disability that would prevent them from taking the standard examination.
- (2) The director shall establish and publish criteria for exams and the associated score necessary to pass the exams.

(G) An applicant approved by the director to take the class IV certification examination shall submit the examination within two years of the date of the approval, unless an extension is granted prior to the end of the two-year period.

3745-7-06

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**3745-7-07 Professional operator in training.**

The director may allow an applicant to defer completion of the onsite operating experience requirements for their classification of certificate required by rule 3745-7-06 of the Administrative Code until after successfully passing an examination for certification. Such applicants shall be designated as "professional operators in training" after successfully passing an examination until such time as the onsite operating experience requirements are fulfilled.

- (A) Eligibility for professional operator in training status shall be limited to applicants for the class A, I, or II examination.
- (B) Eligibility requirements for examination and designation as a professional operator in training are the same as the prerequisites in rule 3745-7-06 of the Administrative Code, except that the director may waive the onsite operating experience requirement in public water systems, sewerage systems, or treatment works until after the applicant has successfully passed an examination.
- (C) A professional operator in training shall complete the operating experience requirement within four years of passing an examination for which the professional operator applied.
- (D) Upon successfully completing the actual onsite operating experience requirements of rule 3745-7-06 of the Administrative Code, the applicant shall submit an application to be certified by the director as a professional operator in the classification for which the professional operator applied, subject to verification by the council.
- (E) Any person designated as a professional operator in training is not certified and shall not act as a professional operator of record.



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**3745-7-09 Recordkeeping requirements and responsibilities of owners, certified professional operators and certified professional operators of record.**

- (A) The owner and professional operator of record of a public water system, treatment works or sewerage system shall maintain or cause to be maintained operation and maintenance records for each public water system, distribution system, water treatment plant within a public water system, sewerage system, treatment works, or wastewater treatment facility within a treatment works. Records shall be maintained in hard bound books with consecutive page numbering; well organized computer logs, which automatically document the date, time and person making the entry and prevent the erasure or deletion of data; or an equivalent methodology sufficient to record the information set forth in this rule and approved by the director to ensure authenticity and accuracy. Separate log books or computer programs meeting the requirements above may be maintained for operation and maintenance activities. Records regarding operation and maintenance shall meet the following requirements:
- (1) The records shall be housed and maintained in such a manner as to be protected from weather damage and guarantee the authenticity and accuracy of the records contained within.
  - (2) The records shall be accessible onsite for twenty-four hour inspection by agency or emergency response personnel.
  - (3) At a minimum, the following information shall be recorded:
    - (a) Identification of the public water system, sewerage system, or treatment works.
    - (b) Date and times of arrival and departure in military time for the professional operator of record and any other professional operator required by this chapter. Failure to document times of arrival and departure shall constitute prima facie evidence that a violation of the minimum staffing requirements has occurred unless the professional operator can present evidence acceptable to the director to substantiate that the professional operator met minimum staffing requirements.
    - (c) Specific operation and maintenance activities that affect or have the potential to affect the quality or quantity of sewage or water conveyed, effluent or water produced.
    - (d) Results of tests performed and samples taken, unless documented on a laboratory or bench sheet.
    - (e) Performance of preventative maintenance and repairs or requests for repair of the equipment that affect or have the potential to affect the quality or quantity of sewage or water conveyed, effluent or water produced.
    - (f) Identification of the persons making entries.
  - (4) The records shall be kept up to date, contain a minimum of the previous three months of data at all times, and be maintained for at least three years.
- (B) A certified professional operator shall do the following:
- (1) Perform duties in a responsible and professional manner consistent with standard operating procedures and best management practices.
  - (2) Operate and maintain public water systems, sewerage systems, treatment works, and appurtenances so as not to endanger the health or safety of persons working in or around the facility, the public at large, or the environment due to negligence or incompetence.

- (3) Report all instances of noncompliance with applicable regulations to the professional operator of record or facility supervisor.
- (C) The duties of a professional operator of record shall include, but not be limited to, those outlined in paragraphs (B)(1) to (B)(3) of this rule and the following additional duties and responsibilities:
- (1) Responsible and effective on site management and supervision of the technical operation of the public water system, treatment works, or sewerage system.
  - (2) Immediately notifying the permittee or owner of a public water system, sewerage system, or treatment works, and ensuring the agency and, if applicable, the local regulatory agency, is notified of items that require notification in accordance with Chapter 6109. or 6111. of the Revised Code, the rules adopted thereunder, or the facility's NPDES permit.
  - (3) Ensuring the recordkeeping requirements of this rule are being met.
  - (4) Each professional operator of record identified in accordance with rule 3745-7-02 of the Administrative Code and each certified professional operator acting as a backup for a facility identified in accordance with rule 3745-7-03 or rule 3745-7-04 of the Administrative Code, shall ensure that the facility's minimum staffing requirements are being met either by themselves or in conjunction with other professional operators working at the facility.
  - (5) Displaying a copy of the professional operator's valid certificate and renewal card for public examination at the treatment plant or principal office of the owner.
  - (6) Reporting minimum staffing times to the agency on a form approved by the director.
- (D) In the event that there are issues related to paragraphs (A) to (C) of this rule that are within the area of responsibility of, but beyond a professional operator of record or a certified professional operator's ability to address, it shall be the responsibility of the professional operator of record or certified professional operator to document any efforts to rectify the problem.

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**3745-7-10 Professional operator certification advisory council.**

- (A) The director shall appoint a professional operator certification advisory council consisting of eight members as set forth in this rule.
- (1) Two members shall be employees of the Ohio environmental protection agency. One member shall be from the drinking water program and one from the surface water program.
  - (2) Two members shall hold valid class III or class IV public water system professional operator certifications and be actively employed by public water systems at the time of appointment.
  - (3) Two members shall hold valid class III or class IV wastewater works professional operator certifications and be actively employed by wastewater works at the time of appointment.
  - (4) Two members shall be registered professional engineers who are actively employed in the field of sanitary or environmental engineering at the time of appointment.
  - (5) Except for the two agency members, no two council members shall be employed by the same entity.
- (B) Members of the council shall be appointed for a term not to exceed five years and shall not serve longer than two consecutive terms, except as allowed in paragraph (C) of this rule.
- (C) Any vacancy occurring on the council shall be filled by the director's appointment of a member for the balance of the unexpired term. A council member appointed for the balance of an unexpired term may be appointed for up to two additional consecutive full terms.
- (D) The council meetings shall be administered by the members of the agency.
- (E) Terms of appointment pursuant to this rule shall expire on a staggered schedule as follows:
- (1) The two members who are employees of the agency shall have terms that expire on the thirtieth of June in years that end in four or nine.
  - (2) The two members who are employed by public water systems shall have terms that expire on the thirtieth of June in years that end in zero or five for one member and in years that end in two or seven for the other member.
  - (3) The two members who are employed by treatment works shall have terms that expire on the thirtieth of June in years that end in one or six for one member and in years that end in three or eight for the other member.
  - (4) The two members who are actively employed as sanitary or environmental engineers shall have terms that expire on the thirtieth of June in years that end in two or seven for one member and in years that end in three or eight for the other member.
- (F) Council members shall be reimbursed for reasonable expenses related to council activities.

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**3745-7-11 Duties of the council.**

The council may do the following:

- (A) Recommend to the director minimum professional operator requirements consistent with the classification systems for public water systems, treatment works and sewerage systems in rules 3745-7-03 and 3745-7-04 of the Administrative Code.
- (B) Review applications for examination and certification and advise the director as to which applicants meet the prerequisites for admission to the examination for which application is made.
- (C) Review applications for reciprocity and make recommendations to the director concerning the equivalency of non-Ohio EPA exams and the classifications of certification for which applicants qualify.
- (D) Assist in the development of examinations used to measure an applicant's competence for certification.
- (E) Recommend to the director the issuance, suspension, revocation, or reinstatement of certifications.
- (F) Advise the director on issues pertaining to the administration of the professional operator certification program, including developing guidance, policy, and procedures to implement the program on a day-to-day basis.
- (G) Advise the director on matters pertaining to contact hours.
- (H) Nothing in this rule shall be interpreted to require a recommendation from the council on any action of the director issued pursuant to this chapter.

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**3745-7-12 Suspension or revocation of certification.**

- (A) The director may suspend or revoke the certificate of a professional operator, issued under this chapter, upon finding that the professional operator has done any of the following:
- (1) Fraudulently obtained or attempted to obtain any certificate or renewal thereof.
  - (2) Performed the duties of a professional operator in a negligent or incompetent manner.
  - (3) Knowingly or negligently created, maintained or submitted misleading, inaccurate, or false reports, documents, or applications to any governmental organization or their employer.
  - (4) Operated in a manner endangering the public health or welfare.
  - (5) Operated in such a manner to have violated or caused to be violated any provisions of Chapter 6109. or 6111. of the Revised Code.
  - (6) Represented themselves as a certified professional operator without a valid certificate.
  - (7) Performed the duties of a professional operator of record without a valid certificate of the appropriate field and classification, unless in accordance with the exemptions and exceptions contained in this chapter.
  - (8) Had a certificate suspended or revoked in any other jurisdiction.
- (B) The council may review information and allegations regarding the performance of a certified professional operator, and may interview the professional operator, informant, or others. The council may request appearances before the council. The requests shall be sent by certified mail. Upon completion of such review the council may recommend that the director suspend or revoke one or more of a professional operator's certificates.
- (C) The director shall notify the certified professional operator, and may notify the employer thereof, of a proposed action under this rule. The notice shall be by certified mail and shall set forth the action proposed by the director, the reason therefor, the length of time the proposed action shall be applied, and the procedure for appealing the action. An action taken by the director under this rule does not preclude the director from pursuing additional civil or criminal enforcement. Suspension or revocation may include any or all professional operator certificates issued by the director under this chapter of the Administrative Code. In cases dealing with fraudulent or falsified information, the director shall take action on all certificates held by the certified professional operator.
- (D) Suspension of a professional operator's certificate shall be effective for an initial period of not more than five years, during which time the certificate is not valid. The suspension shall continue until the following conditions are met:
- (1) No earlier than thirty days before the end of a certificate suspension, a person may submit a request for reinstatement of a suspended certificate.  

A certificate shall remain suspended until such time as a request is submitted and reinstatement approved by the director.
  - (2) No earlier than thirty days before the end of a certificate suspension, a person seeking reinstatement of a certificate shall submit information to the agency regarding work activities during the period of suspension. During the period of suspension, the professional operator shall acquire the contact hours and pay all renewal fees required by this chapter. Upon review of the submittal, the council may

recommend to the director that the professional operator's certification be reinstated or that the suspension be extended.

- (E) The professional operator whose certificate has been suspended shall not be the professional operator of record of a public water system, treatment works, water distribution system, or sewerage system. Operating experience obtained during a period of suspension shall not be considered for meeting certification requirements.
- (F) Revocation of a professional operator's certificate shall be permanent.
- (G) Indictment in a criminal case for a crime related to the field of certification shall result in suspension of all certificates held by the certified professional operator until such time as the criminal case is resolved.
- (H) Conviction of a crime related to the field of certification shall result in suspension of all certificates held by the convicted certified professional operator until such time as all opportunities for appeal of such conviction have been exhausted, at which point, all certificates held by the certified professional operator shall be revoked.
- (I) A professional operator shall return any suspended or revoked certificates to the director by certified mail within seven days of the effective date of the suspension or revocation.
- (J) Actions affecting the status of a professional operator's certificate shall be taken in accordance with Chapters 3745-47 and 3745-49 of the Administrative Code.

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**3745-7-13 Reciprocity.**

The director may grant certification by reciprocity to an applicant holding valid certification or license issued by the certifying authority of another state or province or the "Association of Boards of Certification" (ABC).

(A) Eligibility for certification by reciprocity.

(1) The applicant shall make an application for certification by reciprocity on a form provided by the director.

(2) The applicant shall meet the requirements specified in rule 3745-7-06 of the Administrative Code for the level of certification applied for, and meet either of the following specifications:

(a) Hold a current, valid certification that was earned either by passing a written examination, through reciprocity, or through ABC while living or working in another state or province. The director shall be furnished with a representative copy of the examination passed by the applicant.

(b) Have held a certification issued by the state of Ohio within the ten years prior to application. Such applicants may receive the same level of certification previously held provided the applicant has maintained a certificate in the same field in another state and met that state's continuing education requirements.

(B) The council shall review and compare the representative out-of-state or ABC examination passed by an applicant with Ohio's examinations and determine the classification of examination with which the out-of-state or ABC examination is equivalent. Certification by reciprocity shall not be considered if a representative copy of the examination passed by the applicant cannot be obtained, unless the director has entered into a reciprocity agreement with the state in question.

(C) At the time of the request for reciprocity, the applicant shall pay a certification fee as required in section 3745.11 of the Revised Code. When the equivalent level of classification of the out-of-state or ABC examination has been determined by the council and approved by the director, the applicant will be notified and required to pay a fee that is equivalent to the examination fee for the level of certification at which reciprocity is granted according to the schedule listed in section 3745.11 of the Revised Code.

(D) Upon receipt of the fees, the director may issue a certificate to the applicant for certification as determined by this rule.

(E) In the event that an applicant is not eligible for reciprocity the applicant may request that the certification fee be used toward the fee required for the next available paper and pencil examination or the certification fee once the applicant passes a third party examination. The request shall be made in writing and shall indicate the exam classification that the applicant is requesting to take. Review and approval of the application shall be in accordance with rule 3745-7-06 of the Administrative Code.

(F) Applicants who, while a resident of Ohio, obtained certification by examination in another state, through ABC or an equivalent association for the purpose of bypassing Ohio's examination process, shall not be certified by reciprocity.

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**3745-7-15 Expiration and renewal of professional operator certification.**

- (A) All professional operator certificates shall expire on December thirty-first of the second year after the year in which the certification is issued or renewed. The certificate will expire unless renewed in accordance with this rule before the expiration date.
- (B) The director shall send a renewal notice to the certified professional operator's latest address of record prior to the expiration date of the certificate. Failure to receive such notice shall not relieve the certified professional operator of the responsibility to renew the certificate. The professional operator shall notify the agency of changes in contact information including but not limited to phone number, email address and street address.
- (C) Requirements for renewal.
- (1) Beginning with certificates that expire on December 31, 2018, all renewal applications shall be submitted electronically in a format approved by the director.
  - (2) In order to renew a certificate before it expires, a certified professional operator shall submit a complete application to the director by November thirtieth of the year the certification expires. The submission shall include the following:
    - (a) A complete application for renewal, in a format provided by the director.
    - (b) A nonrefundable, nontransferable fee as set forth in section 3745.11 of the Revised Code.
    - (c) When requested by the director, any documentation necessary to prove attendance at appropriate contact hour courses.
    - (d) Any other form required by state law.
  - (3) For a holder of multiple certificates within a category, the director shall only renew the certificate representing the highest classification within the field.
  - (4) To renew a certificate issued under this chapter, the certified professional operator shall complete the number of director-approved contact hours required by paragraph (D) of this rule during each renewal cycle.
- (D) Contact hours.
- (1) Professional operators holding a single certificate are required to complete the following contact hours:
    - (a) For a class A or a limited class A professional operator, a minimum of eight director-approved contact hours.
    - (b) For a public water system professional operator I, water distribution professional operator I, water distribution professional operator II, wastewater works professional operator I, wastewater collection system professional operator I, or wastewater collection system professional operator II, a minimum of twelve director-approved contact hours.
    - (c) For a public water system professional operator II, public water system professional operator III, public water system professional operator IV, wastewater works professional operator II, wastewater works professional operator III, or wastewater works professional operator IV, a minimum of twenty-four director-approved contact hours.

- (2) Professional operators holding multiple certificates shall have the number of contact hours required for the renewal of each certificate reduced by twenty-five per cent. The reductions shall be granted as follows:
  - (a) For persons holding a certificate as a class A water supply or limited class A water supply professional operator and a class A wastewater works or a limited class A wastewater works professional operator, not less than six hours of director-approved contact hours shall be completed for each of these certificates.
  - (b) For persons holding certificates as a public water system professional operator I, water distribution professional operator I, water distribution professional operator II, wastewater works professional operator I, wastewater collection system professional operator I, or wastewater collection system professional operator II, not less than nine hours of director-approved contact hours shall be completed for each of these certificates.
  - (c) For persons holding certificates as a public water system professional operator II, public water system professional operator III, public water system professional operator IV, wastewater works professional operator II, wastewater works professional operator III, or wastewater works professional operator IV, not less than eighteen hours of director-approved contact hours shall be completed for each of these certificates.
- (3) At least half of a professional operator's contact hours shall be those determined by the director to be directly related to operations and maintenance.
- (4) The minimum required number of director-approved contact hours shall be completed during the two-year period preceding the expiration date of the certificate, except as provided in paragraph (I) of this rule.
- (5) A maximum of one contact hour per renewal cycle may be earned if a certified professional operator provides proof of individual membership in a state or national trade organization related to the field in which the professional operator holds a certificate.
- (6) A contact hour course may only be used once per renewal cycle for credit toward the contact hour requirements established in this paragraph.
- (7) A professional operator holding multiple certificates may not use a contact hour course for credit on more than one certificate, unless that professional operator has attended multiple sessions of that course. However, a course's contact hours may be split among multiple certificate renewals.
- (8) In addition to the contact hour requirements above, all professional operators shall acknowledge completion of a review of the "Ohio EPA Professional Operator Certification Training" course. This course will outline rule requirements that are specific to certified professional operators.
- (9) Upon request, an applicant for renewal of a certificate shall submit documentation of attendance at approved contact hour training to the director with the renewal application.
- (10) The holder of a certificate expiring as the result of a failure to obtain the contact hours required by this rule may apply for renewal, provided that the certificate will not be renewed until the applicant has met the contact hour requirements and submitted a late fee in accordance with division (O) of section 3745.11 of the Revised Code. These contact hour requirements shall be met within six months after the expiration date of the certificate or the certificate shall not be renewed. If a professional operator has not submitted a renewal application by the expiration date of the certificate, the professional operator shall not be the professional operator of record of a public water system, treatment works, or sewerage system

until such time as a renewal certificate is issued. Contact hours accrued to meet the certificate renewal requirements pursuant to this paragraph shall not count as contact hours for the next certificate renewal.

(E) Contact hour course approval.

(1) All training for the purpose of obtaining contact hours shall be approved by the director.

(a) Training providers shall submit requests for approval of training prior to the training event or within thirty days after completion of the training event. Training providers or professional operators may request approval of college courses, out-of-state training, or correspondence courses within thirty days of the completion of the training in a format approved by the director.

(b) Approval of training shall be based on the following:

(i) The amount of time an operator receives active instruction. At a minimum, a course shall contain at least 0.5 hours of active instruction.

(ii) Identification and qualifications of the instructor, who shall have at least three years of experience in the subject for which they are providing training, or equivalent experience as determined by the director.

(iii) Content of the training, which for courses over one hour in length, shall include an agenda which distinguishes training time from breaks and syllabus which describes the course. The syllabus shall include one method for verifying attendance. The following methods may be used to verify attendance:

(a) Classroom course:

(i) A sign-in sheet with the date, course name, time of course in military time, printed name of operator, signed name of operator and core person ID of operator.

(ii) Completion certificate that includes the course date, course name, course approval number, name of training provider, signature of person verifying attendance, name of operator and core person ID of operator.

(iii) Any other method for verification approved by the director.

(b) Correspondence course:

Completion certificate that includes the course date, course name, name of training provider, signature of person verifying attendance and name of operator.

(c) Web-based course, which shall be interactive and not static or pre-recorded:

(i) Results of an interactive test given during the course for comprehension.

(ii) A report of how long a student had the course as their main screen. A student is considered in attendance for the course if the report indicates ninety per cent of the time was spent with the course as the main screen.

(iii) Completion certificate that includes the course date, course name, name of training provider, signature of person verifying attendance and name of operator.



(d) Webinars:

(i) Documentation of periodic interactivity.

(ii) Documentation that an operator has spent a minimum of ninety per cent of the time with the webinar as the active window on the computer or some other method for verification approved by the director.

(iii) Completion certificate that includes the course date, course name, name of training provider, signature of person verifying attendance and name of operator.

(iv) Applicability and relevance of the training to the operation or management of a public water system or treatment facility, water distribution system, treatment works, or sewerage system.

(c) Determination of course credit:

(i) For classroom courses and webinars, course credit shall be based on the amount of active instruction during the course. A maximum of fifteen minutes of questions and answers may be counted as active instruction.

(ii) For correspondence and web-based courses, course credit shall be based on one of the following:

(a) A standardized process using two minutes of time per page of text, one minute of time for practice problems or exercises and one minute of time for quiz or exam questions.

(b) Documentation of beta-testing of at least one hundred individuals to determine the average length of time to complete the course.

(c) A method that provides equivalent evaluation of instructional time as approved by the director.

(d) Courses shall expire three years following the last scheduled date of the course.

(e) Training providers shall maintain all records associated with approved contact hour courses for a minimum of three years from the date of the course.

(2) All training providers shall notify the agency of subsequent sessions of an approved training course either prior to or within thirty days of the training in a format approved by the director. Failure to notify may result in the withdrawal of approval for the course. Submission of a new training date shall extend the course expiration date by three years from the date of the training.

(3) Within thirty days of the effective date of this rule, all training providers shall electronically submit attendance documentation in a format approved by the director. Course attendance records shall be submitted within sixty days of the completion of the course.

(4) The director may approve courses that have been approved by other operator certification organizations, provided the process is consistent with Ohio EPA's process as identified in this rule. After Ohio EPA verifies consistency, the training provider shall electronically submit course applications and attendance data.

(5) In the event training providers or professional operators, approved through the process described in paragraph (E) of this rule, do not follow the provisions in paragraph (E) of this rule, the director shall not approve new training courses for a period of up to two years. The director may refuse to recognize

an approved training course for contact hour credit if a training provider fails to meet the criteria listed in paragraphs (E)(1) and (E)(3) of this rule.

(F) Approval to issue trainer-specific contact hour course approval numbers.

- (1) As an alternative to the process listed in paragraph (E) of this rule, training providers may request approval to issue trainer-specific contact hour course approval numbers on a form acceptable to the director, provided the training providers do the following:
  - (a) Provide training that is applicable to the operation or management of a public water system, treatment works, or sewerage system.
  - (b) Use instructors who have at least three years experience in the subject for which they are providing training, or equivalent expertise as determined by the director.
  - (c) Have provided courses approved by the agency in accordance with paragraph (E) of this rule for a minimum of three years.
  - (d) Have been previously approved to provide a minimum of twelve contact hours.
  - (e) Assign each contact hour course provided with a unique number that identifies the provider, field, course number, and subject.
  - (f) Maintain attendance records, an agenda which distinguishes training time from breaks and lunches, a course syllabus and instructor qualifications for each course given for a period of three years from the date of training.
  - (g) Assign contact hours only for the amount of time spent on training. Training providers shall not issue certificates of completion for a number of hours different than that assigned to an approved training course.
  - (h) Assign a subject to each course (i.e., operation and maintenance or other).
  - (i) Provide the director with a list of scheduled training, in a format acceptable to the director, by the first day of the month for each month that training is offered. This list shall include the name of the course, the training provider's approval number, the instructor's name, subject, date, and location of the training, along with the number of contact hours assigned.
  - (j) Upon request, be capable of providing a record of student training to the agency or the student.
- (2) Training providers approved through the process described in paragraph (F)(1) of this rule shall be designated green leaf training providers.
- (3) In the event a green leaf training provider does not provide a list of scheduled training by the first day of the month, the green leaf training provider shall submit course approval applications in accordance with paragraph (E) of this rule. If course approval applications are not submitted, the training shall not be considered for the renewal of a certificate.
- (4) In the event a green leaf training provider has given a trainer-specific contact hour course number to a course that has not been given and the course changes, due to adjustments in the length of the presentation or instructor, the green leaf training provider shall notify Ohio EPA within two business days of the change.

- (5) When a green leaf training provider course has been previously provided to operators and changes due to adjustments in the length of the presentation, the green leaf training provider shall create a new approval number and notify Ohio EPA in accordance with the requirements set forth in this rule.
- (6) Green leaf training provider courses shall expire three years following the last scheduled date of the course.
- (7) Within thirty days of the effective date of this rule, all green leaf training providers shall electronically submit attendance documentation in a format provided by the director. Course attendance records shall be submitted within thirty days of the completion of the course.
- (8) Failure to meet any of the criteria in paragraph (F) of this rule may result in the withdrawal of the director's approval for all contact hour course training given by the green leaf training provider for a period of up to two years. For training providers who have not received approval in accordance with paragraph (F) of this rule, the director shall not approve new contact hour course training for a period of up to two years. The director may refuse to recognize contact hour credit for approved courses if a training provider fails to meet the requirements of paragraphs (F)(1) and (F)(2) of this rule.
- (G) All training providers shall allow agency representatives to attend courses at any time for the purpose of reviewing the length of training, training content and other relevant aspects of the training. Agency employees shall not use this provision to obtain contact hours.
- (H) The director shall not renew the professional operator certificate of an applicant failing to meet the requirements of this rule.
- (I) A renewal card indicating the valid dates of the renewed professional operator certificate shall be issued to all certified professional operators who have met the renewal requirements of this rule.
- (J) Upon submission of a complete application, an expired professional operator certificate can be renewed within six months of the expiration date, subject to all the requirements and conditions of paragraph (C) of this rule and division (O) of section 3745.11 of the Revised Code. In all cases the expiration date of the renewed professional operator certificate shall be the same as if the renewal requirements had been met on or before the date of expiration. After the expiration date and prior to renewal according to this paragraph, the professional operator shall not perform those activities requiring a certificate.
- (K) A professional operator's certificate that has not been renewed within six months of the expiration date shall not be renewed. In such cases, the former certificate holder shall apply for examination, pay all required fees, and pass the examination in order to obtain certification.
- (L) In the event that a professional operator is not able to meet the contact hour requirements of this rule due to a personal life threatening illness or military service the director may, upon request, grant an extension for achieving the required contact hours. However, the professional operator shall not be the professional operator of record of a public water system, treatment works, or sewerage system until such time as the contact hour requirements are fulfilled and a renewal certificate is issued.
- (M) The director shall audit a representative number of renewal applications in order to document compliance with the contact hour requirements.

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**3745-7-17 Professional operator certification fees.****(A) Examination fee.**

Upon application to the director for examination, the applicant shall pay an examination fee in accordance with section 3745.11 of the Revised Code.

**(B) Certification fee.**

Upon application to the director for certification as a professional operator who has passed an examination administered by an examination provider approved by the director, the applicant shall pay a certification fee in accordance with section 3745.11 of the Revised Code.

**(C) Reciprocity fee.**

Upon application to the director for certification as a professional operator through reciprocity, the applicant shall pay a certification fee in accordance with section 3745.11 of the Revised Code. Upon determination of the level of certification that can be granted through reciprocity, the applicant shall pay a fee that is equivalent to the examination fee for the level of certification at which reciprocity is granted in accordance with section 3745.11 of the Revised Code.

**(D) Renewal fee.**

- (1) An applicant shall pay a certification renewal fee in accordance with the schedule in section 3745.11 of the Revised Code.
- (2) If the certification renewal fee is received more than thirty calendar days but not more than one year after the expiration date, the applicant shall pay a late certification renewal fee in accordance with the schedule in section 3745.11 of the Revised Code.

**(E) Requests for replacement of lost, damaged, or destroyed certificates shall be submitted to the director in writing and shall be accompanied by a nonrefundable fee in accordance with section 3745.11 of the Revised Code.****(F) All fees shall be made payable to "Treasurer of the State of Ohio." All fees are nonrefundable.**

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**3745-7-18 Conduct during the application and examination process.**

- (A) No person shall engage in conduct that subverts or attempts to subvert the application, examination, or review process. Any such action shall cause a person's scores to be withheld and declared invalid.
- (1) Persons holding a certificate issued under this chapter shall be subject to suspension or revocation of such certificate in accordance with paragraph (A)(1) of rule 3745-7-12 of the Administrative Code, and shall also be disqualified from taking future water and wastewater exams for a period of up to five years.
  - (2) Persons who do not possess a certificate issued under this chapter shall be disqualified from taking future water and wastewater exams for a period of up to five years.
- (B) Conduct that subverts or attempts to subvert the application, examination, or review process includes, but is not limited to the following:
- (1) Conduct that violates the application process, such as falsifying or submitting incorrect information on the application for examination.
  - (2) Conduct that violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the examination; aiding by any means in the reproduction or reconstruction of any portion of or information from the examination; selling, distributing, buying, receiving, or having unauthorized possession of any portion of, or information from, a future or current examination.
  - (3) Conduct that violates the examination process, such as communicating with any other examinee during the administration of the examination; copying answers from another examinee or allowing answers to be copied by another examinee during the administration of the examination; writing on any materials other than the exam booklet or answer sheet; possessing during the administration of the examination any book, notes, written or printed materials or data of any kind, other than the examination materials distributed or specifically listed as approved materials for the examination room in the information provided to the examinee in advance of the examination date by the director. The examination process begins upon entering the location of the exam.
  - (4) Conduct that violates the credentialing process, such as falsifying or misrepresenting information required for admission to the examination, impersonating an examinee, or having an impersonator take the examination on behalf of the examinee.
  - (5) With respect to the class IV examination process, allowing individuals other than the applicant to write or edit the applicant's substantive work product or using information written by other individuals. This rule shall not be construed to prevent the applicant for a class IV examination to allow another individual to proofread the work product for minor spelling and grammatical errors.
- (C) Actions affecting the status of a person's examination or their eligibility to take future examinations because of conduct defined in paragraph (B) of this rule shall be taken in accordance with Chapters 3745-47 and 3745-49 of the Administrative Code.

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**3745-7-19 Examination providers.**

The director may approve an entity to be an examination provider.

- (A) To be eligible for approval as an examination provider, the applicant shall do the following:
- (1) Submit an application on a form acceptable to the director.
  - (2) In accordance with division (O) of section 3745.11 of the Revised Code, pay the agency an application fee.
  - (3) Demonstrate the development of multiple classifications of water treatment, water distribution, wastewater collection and wastewater treatment examinations for the purpose of assessing the entry-level skills necessary for each professional operator classification. The examinations shall meet the requirements listed in paragraph (B) of this rule.
  - (4) Be the responsible body for overseeing the development and scoring of the examinations.
  - (5) Demonstrate the ability to proctor and enforce requirements for conduct during the examinations that are consistent with the provisions in rule 3745-7-18 of the Administrative Code.
  - (6) Provide security guidelines for protecting the confidentiality and integrity of examination development, examination questions and the grading of examinations.
  - (7) Demonstrate the ability to enforce the security guidelines documented in paragraph (A)(6) of this rule.
  - (8) Document policy for the amount of time required before an examinee may retake an examination. Such policy shall at a minimum require an applicant to wait thirty days prior to retaking an examination.
  - (9) Demonstrate an ability to provide computerized examinations at a minimum of four locations throughout the state of Ohio. The examinations shall be available at each location on multiple days and varying times throughout the year.
  - (10) Demonstrate an ability to provide the examinee with immediate feedback and allow the examinee to provide feedback regarding questions on the examination they have taken. The feedback shall include the score achieved on the examination and identify core competencies or "Need to Know Criteria" where the examinee scored poorly. Examinees shall have the ability to print a hard copy of the examination results which identifies the examinee, examination classification, score and provider name.
  - (11) Demonstrate the ability to provide examinations for examinees who document a disability that necessitates special accommodation.
  - (12) Document the application process and that applicants are required to meet minimum eligibility requirements for taking examinations that are equivalent or more stringent than those contained in rule 3745-7-06 of the Administrative Code.
  - (13) Submit copies of the question database and examinations to be used for each classification to the Ohio EPA. The professional operator certification advisory council and agency staff will determine the equivalency of the examinations to the Ohio EPA's previously administered examinations and consistency with professional standards. Examination questions and databases shall be treated as trade secrets and be exempt from the public records provisions of Chapter 149. of the Revised Code.
  - (14) Demonstrate that questions and examinations are available for the Ohio EPA's class I and class II water

distribution and wastewater collection system classifications, as well as class A, class I, class II and class III water supply and wastewater treatment classifications. These examinations shall meet the criteria established in paragraph (B) of this rule.

(B) The applicant shall demonstrate the examinations meet the following:

- (1) The purpose of the examination shall be to test a professional operator's knowledge of entry-level standards of practice that shall be common to each water and wastewater professional operator classification.
- (2) Be developed based on a job analysis and survey process (updated at least every five years) conducted with individuals representative of the classification for the examination. The job analysis and survey process shall identify the core competencies and "Need to Know Criteria" for each classification.
- (3) Incorporate items based on "Need to Know Criteria" which serve as an outline for each examination classification. The content of the examinations shall be weighted so as to represent the most critical job duties performed by a professional operator in each classification.
- (4) Consist of questions which have been developed and validated in a manner consistent with the professional standards contained in the most recent version of "Standards for Educational and Psychological Testing (2014)".
- (5) Have been reviewed by a psychometrician to ensure consistency with psychometric principles regarding examination validation and cut score development.
- (6) The examinations and questions undergo statistical review following the administration of the examinations to ensure they are performing as intended. The procedures, process and the details associated with actions taken based on the statistical review shall be provided.

(C) Approval of an examination provider shall be based upon the criteria in paragraph A of this rule and an examination equivalency review by the Ohio EPA and the professional operator certification advisory council.

(D) Upon approval by the director, the approved examination provider shall do the following:

- (1) Begin giving examinations to Ohio professional operators within one year of the director's approval.
- (2) Upon delivering the first Ohio based examination, provide monthly reports to the professional operator certification program documenting analysis of the examination questions and the amount of fees collected during the month from professional operators seeking certification in Ohio. The monthly report shall be submitted within ten business days of the end of the reporting month.
- (3) Upon delivering the first Ohio based examination, provide a weekly report of individuals taking the examinations, the classification of the examination, and their scores in a format approved by the director.
- (4) Pay an annual fee in accordance with division (O) of section 3745.11 of the Revised Code. The fee shall be submitted no later than forty-five days after the end of the preceding calendar year. The fee shall be based on the amount of fees collected in the preceding calendar year from professional operator taking examinations who intend to seek certification in Ohio.
- (5) At a minimum of every three years, question databases and examinations for each classification will be

reviewed by the agency. Reviews may be conducted more frequently at the discretion of the director.

- (E) Written examinations developed by or for the agency may include trial test questions for the purpose of evaluating the statistical or psychometric qualities of new or revised questions prior to their use in an examination. Trial test questions will not be identified to the candidates as trial test questions on the examination.
- (1) The maximum number of trial test questions included in a single examination shall not exceed twenty per cent of the total number of questions on examination.
  - (2) Trial test questions shall not be counted toward a candidate's score on the examination.
- (F) Failure to maintain the standards under which the provider was approved or meet the criteria above may result in the withdrawal of the director's approval and invalidation of examination scores.

[Comment: This rule incorporates, by reference the "Standards for educational and psychological testing (2014)." At the effective date of this rule, a copy may be obtained from "American Educational Research Association, 1430 K Street NW, Suite 1200, Washington, DC 20005," (202) 238-3200, <http://www.aera.net>. The reference is available for review at "Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, OH 43215."]

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**3745-7-20 Certification of professional operators who pass an examination from an approved examination provider.**

The director shall, in accordance with this chapter, issue appropriate professional operator certificates to applicants who pass an examination from a director approved examination provider and meet the following requirements:

(A) Application for certification.

- (1) After notification of passing the examination from the examination provider, applicants for professional operator certification shall submit an application on a form provided by the director. Certification fees as set forth in section 3745.11 of the Revised Code shall be submitted with the application for certification.
- (2) Provide documentation of a passing score on an examination equivalent to the classification of professional operator certification requested.
- (3) When required by the professional operator certification advisory council, the applicant shall furnish additional documentation to the agency to verify information provided on the application.
- (4) Acknowledge completion of a review of the "Ohio EPA Professional Operator Certification Training" course. This course outlines rule requirements that are specific to certified professional operators.
- (5) Any applicant who submits incomplete, false, or incorrect information on the application shall be disciplined as set forth in rule 3745-7-12 of the Administrative Code and will not receive certification.
- (6) Fulfill the requirements contained in rule 3745-7-06 of the Administrative Code.

(B) An applicant who passed an examination from a director approved examination provider before obtaining the required operating experience shall be designated a professional operator in training, subject to the conditions of paragraph (C) of rule 3745-7-07 of the Administrative Code.

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**3745-7-21 Contract operations companies and contracted professional operators.**

- (A) Within thirty days of the effective date of this rule, any person acting as a contracted professional operator or contract operations company shall apply for approval as a contracted professional operator on a form provided by the director prior to providing any professional operator services. A person seeking to become a contracted professional operator or contract operations company shall apply for approval at least thirty days prior to initiating contract operations.

A sample contract which is representative of the type of contracts that would be executed with facilities shall be provided as part of the approval process. Contracts should include language which at a minimum, addresses who is responsible and the minimum expectations for all of the following:

- (1) Operation of the facility.
  - (2) Minimum staffing hours.
  - (3) Emergency operations.
  - (4) Maintenance (routine and preventative).
  - (5) Ensuring the operators comply with the responsibilities of a professional operator in accordance with this chapter.
  - (6) Sharing of correspondence from the agency including compliance letters, NPDES permits and public water system monitoring schedules between the facility owner and the contracted professional operator.
  - (7) Conducting all sampling for the facility.
- (B) All approved contract operations companies or contracted professional operators shall comply with the following:
- (1) Ensure that certified professional operators under their employment comply with provisions of Chapters 3745., 6111., and 6109. of the Revised Code and the rules promulgated thereunder.
  - (2) If required by the facility owner or agency, respond to emergencies within one hour of being notified.
  - (3) Provide an appropriately certified operator when the operator of record listed for the facility is unavailable.
  - (4) In a format approved by the director, provide a report of the facilities that are contracted to be operated by June thirtieth of each year. The report shall include the following information:
    - (a) Name of facility.
    - (b) Public water system identification number or NPDES permit number.
    - (c) Classification of facility.
    - (d) Name and certification numbers of the certified professional operators assigned to the facility differentiating the professional operator of record and backup operators.
    - (e) The minimum amount of time and days spent at each facility.
  - (5) Maintain a copy of the contracts onsite at the public water system or wastewater works for inspection by

Ohio EPA. Copies of contract kept onsite may have monetary compensation redacted or as an attachment to the contract which does not need to be available for review.

- (6) Maintain a copy of the contract for a period of three years after the end date of the contract.
  - (7) Provide a copy of the contract within five days of a request by Ohio EPA. Copies of the contract provided to Ohio EPA may have monetary compensation redacted or as an attachment to the contract which does not need to be provided.
  - (8) Ensure that all relevant personnel including but not limited to the owner and other professional operators associated with a facility, are notified of written correspondence from or to the Ohio EPA.
- (C) The director may hold a contract operations company or contract professional operator jointly and severally liable with a certified professional operator in its employ if the certified professional operator violates Chapters 3745., 6111. and 6109. of the Revised Code and the rules promulgated thereunder and the director determines one or more of the following:
- (1) The contract operations company or contract professional operator fails to take reasonable steps to comply with paragraph (B)(1) of this rule or the contract operations company's or contract professional operator's negligence or incompetence results in a violation of paragraph (B)(1) of this rule. In making this determination, the director may consider the following factors:
    - (a) Repeated violations by one or more of the certified professional operators in the employ of the contract operations company or contract professional operator.
    - (b) Patterns of violation.
    - (c) Any efforts to counsel, discipline, or adjust policies or procedures to address any violations.
    - (d) Any other relevant factors.
  - (2) The contract operations company or contract professional operator knew or should have known of a certified professional operator violation and failed to take reasonable steps to require the certified professional operator correct the violation within a reasonable timeframe or failed to take reasonable steps to ensure the violation does not occur again in the future.
- (D) Failure of the contract operations company or contract operator to comply with or ensure their employees comply with the provisions of Chapters 6111. and 6109. of the Revised Code and the rules promulgated thereunder may result in the withdrawal of the director's approval.



Effective: 8/15/2018  
Five Year Review (FYR) Dates: 08/15/2023

Promulgated Under: 119.03  
Statutory Authority: 6111.46, 6109.04  
Rule Amplifies: 6109.04, 6111.46