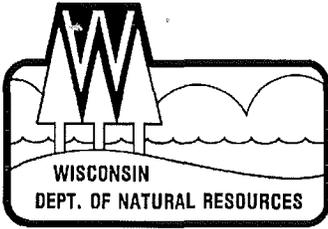


CR 94-128



George E. Meyer  
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

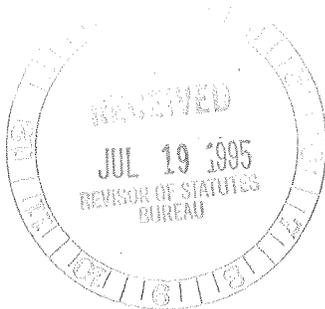
101 South Webster Street  
Box 7921  
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TELEPHONE 608-266-2621  
TELEFAX 608-267-3579  
TDD 608-267-6897

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )      ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. TS-45-94 was duly approved and adopted by this Department on January 26, 1995 and May 25, 1995. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 10<sup>th</sup> day of July, 1995.



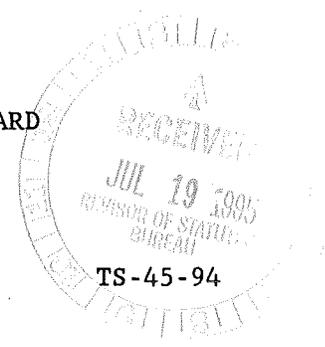
George E. Meyer  
George E. Meyer, Secretary

(SEAL)

10-1-95



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING AND RECREATING RULES



The Wisconsin Natural Resources Board proposes an order to repeal and recreate ch. NR 114 relating to certification requirements for waterworks, wastewater treatment plant and septage servicing operators.

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 144.025(2)(1), 146.20 and 227.11(2)(a), Stats.  
Statutes interpreted: ss. 144.01, 144.025(2)(1) and 146.20, Stats.

The proposed rule will make the code easier to understand by creating a subchapter for the water and wastewater operators and one for the septage operators (because their requirements are different). The proposal will make the programs easier to administer by changing to a 3 year renewal, incorporating administrative fees into the exam fee and reducing the number of exams per subclass from 4 to 2 for wastewater operators. Consistency of service to operators statewide will be improved by the proposal to give exams twice annually in all 6 districts. For septage operators a new restricted license will be created for haulers who do not landspread, and will eliminate the need for septage haulers who service public restrooms to be certified. These operators cannot landspread and business owners will be held responsible for operators actions. The proposal will also decrease the amount of CEC's required for Grade 1 and Grade 1 restricted operators and reward operators who have been certified for 9 consecutive years and have had no violations with a lifetime certificate. Fees have been raised in both programs to bring the programs closer to being self-supporting.

SECTION 1. Chapter NR 114 is repealed and recreated to read:

CHAPTER NR 114

CERTIFICATION REQUIREMENTS FOR WATERWORKS,  
WASTEWATER TREATMENT PLANT AND SEPTAGE SERVICING OPERATORS

SUBCHAPTER I:

- |                                                         |                                                                                           |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------|
| NR 114.01 Purpose                                       | NR 114.09 Qualifications of wastewater treatment plant operators                          |
| NR 114.02 Applicability                                 | NR 114.10 Classification of waterworks                                                    |
| NR 114.03 Definitions                                   | NR 114.11 Qualifications of waterworks operators                                          |
| NR 114.04 General Requirements                          | NR 114.12 Required grades for the operation of waterworks and wastewater treatment plants |
| NR 114.05 Examinations and applications                 | NR 114.13 Operator-in-charge                                                              |
| NR 114.06 Fees                                          | NR 114.14 Sanctions                                                                       |
| NR 114.07 Issuance of certificates                      |                                                                                           |
| NR 114.08 Classification of wastewater treatment plants |                                                                                           |

SUBCHAPTER II:

- |                                |                                         |
|--------------------------------|-----------------------------------------|
| NR 114.15 Purpose              | NR 114.20 Examinations and applications |
| NR 114.16 Applicability        | NR 114.21 Fees                          |
| NR 114.17 Definitions          | NR 114.22 Issuance of certifications    |
| NR 114.18 General requirements |                                         |

NR 114.19 Certification grades

NR 114.23 Certificate renewals

NR 114.24 Continuing education

NR 114.25 Sanctions

Note: Pursuant to s. 144.99, Stats., any person who violates this chapter shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of continued violation is a separate offense.

Subchapter I: Certification of waterworks and wastewater treatment plant operators.

NR 114.01 Purpose. The purpose of this subchapter is to establish rules for the certification of waterworks and wastewater treatment plant operators pursuant to s. 144.025(2)(L), Stats.

NR 114.02 Applicability. The provisions of this subchapter are applicable to all owners and operators of waterworks and wastewater treatment plants as defined in this subchapter.

NR 114.03 Definitions. In this subchapter: (1) "Certificate" means a printed document issued by the department, pursuant to this subchapter, stating that the operator named therein has met the competency requirements for one or more operator grades and subclasses.

(2) "Certified operator" means a person who has met the requirements of this subchapter and has been issued a certificate by the department to work at one or more of the classifications of waterworks or wastewater treatment plants.

(3) "Classification" or "class" means a number assigned to a waterworks or wastewater treatment plant based on a rating system.

(4) "Department" means the department of natural resources.

(5) "Direct responsible charge" means to provide detailed on-site technical direction of the operation of a waterworks or wastewater treatment plant.

(6) "Experience in the operation of a waterworks or a wastewater treatment plant" means either:

(a) In the first year of experience, to have performed the basic duties involved with the operation of a specific treatment subclass for 12 months, or to have provided daily on-site technical supervision of the operator or operators performing those duties.

(b) In the additional years of experience, to have performed general duties of operating a wastewater treatment plant for the stated number of years, or to have provided daily on-site technical supervision of the operator or operators performing those duties.

(7) "Grade" means a number indicating the classification assigned to a person based on successful completion of an examination and experience, except that the operator-in-training grade is denoted by the letter "T".

(8) "Industrial wastewater treatment facility" means a privately owned wastewater treatment plant for treating liquid wastes resulting from any

process of industry, manufacture, trade or business or the development of any natural resources.

(9) "Major contributing industry" means an industrial or commercial facility that is a user of a publicly owned wastewater treatment plant, and has a waste which the department determines has, or may have, a significant impact, either singly or in combination with other wastes, on the publicly owned wastewater treatment plant or on the quality of effluent from such plants.

(10) "Operate" means to be in direct responsible charge of a subclass or subclasses of operations at a waterworks or a wastewater treatment plant.

(11) "Operator-in-charge" means the person designated by the owner of a waterworks or wastewater treatment plant to be in direct responsible charge of a subclass of operations of the waterworks or wastewater treatment plant. Not included in this definition are utility managers, city engineers, directors of public works or the equivalent, who are not actually involved in day-to-day operations.

(12) "Owner" means the state, county, town, town sanitary district, city, village, metropolitan sewerage district, corporation, firm, company, institution, association, utility district, school district, joint sewerage commission or individual owning or operating any water or wastewater treatment plant.

(13) "Subclass" means a letter assigned a plant or system based upon a particular type of process at the plant and the letter assigned to a person based on passing an examination for a specific operational process.

(14) "Wastewater treatment plant" means any facility provided for the treatment of sanitary or industrial wastewater or both. The following types of facilities are excluded:

(a) Facilities defined as private sewage systems in s. 145.01(12), Stats.

(b) Pretreatment facilities from which effluent is directed to a public sewer system for treatment.

(c) Industrial wastewater treatment facilities which consist solely of a land disposal system.

(15) "Waterworks" means a community water system owned by, or a private utility serving, a county, city, village, town, town sanitary district, utility district or a county-owned or state-owned public institution for congregate care or correction, which includes but is not limited to correctional institutions, correctional camp systems, county jails or houses of correction, mental health institutes, schools for the handicapped, hospitals, infirmaries and asylums.

(16) "WPDES permit" means a Wisconsin pollution elimination system permit issued under ch. 147, Stats.

**NR 114.04 General requirements.** No person may be an operator-in-charge of a subclass of a waterworks or wastewater treatment plant unless that person

holds a valid certificate issued pursuant to this subchapter. Every subclass at a waterworks or wastewater plant shall have a designated operator-in-charge.

**NR 114.05 Examinations and applications.** (1) Examinations and on-the-job experience shall be used to determine knowledge, skill and ability of the applicant to perform duties at a waterworks or wastewater treatment plant. A score of 75% or higher shall be a passing score on each written examination. An applicant desiring to be certified shall submit a completed application to the department at least 28 days prior to the established date of a written examination on an application form provided by the department. Fees as outlined in s. NR 114.06 shall accompany the application. Applicants shall be notified of their eligibility for examination.

(2) Written examinations shall be conducted week days at least 2 times annually in all 6 department districts, except as provided in sub. (3).

(3) Surface water examinations may be given upon written request if the examination is needed to meet the requirements in s. NR 114.12(2)(d).

(4) Written examinations may not be issued to applicants who have not properly registered 28 days prior to the examination date, or who fail to identify themselves on request.

(5) Examination papers may not be returned to an applicant. Examination results will be mailed to applicant within 60 days of the examination date.

(6) Applicants who fail to pass a written examination may apply to the department for reexamination at a subsequent scheduled examination.

(7) The department shall provide a list of reference materials and study guides pertaining to each subclass.

(8) A wastewater treatment plant operator shall take the general and subclass examinations at the introductory or advanced level to become a grade T operator and meet the experience requirements established in s. NR 114.09 to become grade 1 or 2. In order to become certified as a grade 3 or 4 wastewater treatment plant operator, a person shall take the general and subclass examinations at the advanced level and meet the experience requirements established in s. NR 114.09.

**NR 114.06 Fees.** (1) Fees for certification shall be as follows:

- (a) Each written examination..... \$25.00
- (b) Three year renewal-waterworks or wastewater..... \$45.00
- (c) Late renewal penalty (per certificate)..... \$25.00
- (d) Comparable certification (per certificate)..... \$100.00

(2) Fees shall accompany the completed application form.

(3) The renewal fee is due on the expiration date of the certificate. Any renewal application postmarked after the expiration date shall also include a \$25.00 late renewal penalty.

(4) Fees will not be refunded to an applicant who fails to pass a written certification examination, who fails to appear to take the examination, or who fails to identify himself or herself on request.

NR 114.07 Issuance of certificates. (1) Upon satisfactory fulfillment of the qualifications required by this subchapter, the department shall issue a certificate to a person indicating the grades and subclasses for which the person has qualified.

(2) Certificates may be issued for comparable certification, without examination, in a comparable grade and subclass to any person who holds a current certificate in any state, territory or possession of the United States, or any country, if in the judgement of the department, the person requesting comparable certification has met the equivalent of the provisions of this subchapter in examinations and operational experience.

(3) All certificates shall expire 3 years from the date of issuance. Certificates may be updated to show experience credit granted, additional exams passed or class and grade level changes, but the expiration date will not change. Updating a certificate will not extend or change the expiration date. Certificates shall only be renewed subject to the requirements of sub. (5).

(4) A person whose certificate has expired may, within one year after expiration, be reinstated by paying the renewal fee, the late penalty fee and fulfilling the continuing education requirements. A person not renewing within the one year period after expiration will have to apply to take the necessary examinations for a new certificate.

(5) (a) A person who desires to renew a certificate shall submit evidence of having met the continuing education requirements on forms approved or provided by the department for approved training courses or other credit which they have successfully completed during the 3-year period. These may include, but are not limited to, courses sponsored by the department or any university or technical school, technical sessions at meetings of professional organizations, in-house training and correspondence courses. Failure to successfully complete and document the appropriate number of hours of continuing education training within the 3-year period shall result in rejection of a certificate renewal application. Wastewater certified operators at Grades T, 1 and 2 require 18 hours per 3 year renewal period. Wastewater certified operators at Grades 3 and 4 require 24 hours per 3 year renewal period. Waterworks certified operators at Grades T and 1 require 18 hours per 3 year renewal period, except the operator-in-charge of a surface water treatment plant will be required to submit 24 hours per 3 year renewal period. For both waterworks and wastewater treatment certified operators, not more than 6 hours of health and safety training may be used per 3 year renewal period.

(b) Persons who are operating under a 2 year certificate on the effective date of this rule...[revisor insert date] will require 12 hours of continuing education for Grades T, 1 and 2 wastewater operators, and Grades T and 1 waterworks operators. Grade 3 and 4 wastewater operators will require 16 hours of continuing education. These operators will not be required to meet the continuing education requirements in par. (a) until they are issued a 3 year certificate.

NR 114.08 Classification of wastewater treatment plants. (1) Each wastewater treatment plant shall be assigned a class based upon a system of rating values, and shall be assigned one or more subclasses based upon the operations performed at that plant.

(2) Items to be rated and their assigned values are:

- (a) Average wet weather design flow is greater than 1.5 MGD 1 Point
- (b) Plant uses 4 to 7 of the processes listed in sub. (4) (a) through (i) 1 Point
- (c) Plant uses more than 7 of the processes listed in sub (4) (a) to (i) 2 Points
- (d) Treatment required is based on water quality limits for an industrial wastewater treatment facility 1 Point
- (e) Treatment, including seasonal effluent limits, required for biochemical oxygen demand and suspended solids is more stringent than specified in s. NR 210.05(1) (a) to (d) for a non-industrial wastewater treatment plant. 1 Point
- (f) Plant receives wastewater from a major contributing industry 1 Point
- (3) Each wastewater treatment plant shall be assigned a plant class based upon the sum of rating values in sub. (2) that apply to the plant. The following classes are established:

Class 1	0 Points
Class 2	1 Point
Class 3	2 Points
Class 4	3 Points or more

(4) The following subclasses are established:

- (a) Subclass A. Primary treatment
- (b) Subclass B. Trickling filters and rotating biological contactors
- (c) Subclass C. Activated sludge
- (d) Subclass D. Stabilization ponds and aerated lagoons
- (e) Subclass E. Disinfection
- (f) Subclass F. Anaerobic digestion
- (g) Subclass G. Mechanical sludge dewatering and treatment
- (h) Subclass H. Filtration
- (i) Subclass I. Phosphorus removal
- (j) Subclass J. On-site laboratory testing
- (k) Subclass K. Special - generally for treatment plants using chemical or physical treatment, or both.

(1) Subclass L. Electroplating and metal finishing

NR 114.09 Qualifications of wastewater treatment plant operators. (1) Five grades and 12 subclasses of wastewater treatment plant operators are established. Operator subclasses are the same as plant subclasses listed in s. NR 114.08(4). To qualify for certification in a given grade and subclass, a person shall meet the appropriate experience and examination requirements for that subclass and grade.

(a) Grade T. Pass the written introductory or advanced examination for a given plant subclass and the written introductory or advanced general examination.

(b) Grade 1. Completion of grade T requirements, plus have one year of satisfactory subclass specific experience.

(c) Grade 2. Completion of grade 1 requirements plus one additional year of satisfactory experience in the general operation of a wastewater treatment plant. A person certified at Grade 1 on the effective date of this rule...[revisor insert date] shall pass the written introductory or advanced general and written introductory or advanced examination for each subclass to be certified at the Grade 2 level, in addition to gaining the appropriate experience.

(d) Grade 3. Completion of grade 2 requirements, plus one additional year of satisfactory experience in the general operation of a wastewater treatment plant, plus pass a written advanced level examination for a given wastewater treatment plant subclass and pass the written advanced general examination.

(e) Grade 4. Completion of grade 3 requirements, plus one additional year of satisfactory experience in the general operations of a wastewater treatment plant. A person certified at Grade 3 on the effective date of this rule ...[revisor insert date] shall pass the written advanced general and written advanced examination for each subclass to be certified at the Grade 4 level, in addition to gaining the appropriate experience.

(2) A person may have a different grade for each subclass in which the person has received certification.

(3) A general examination is not required for subclasses K and L and one subclass examination will cover all grade levels for these 2 subclasses.

NR 114.10 Classification of waterworks. The classification of each waterworks shall be class 1 and assigned one or more of the applicable subclasses based on the operations performed at that plant.

(1) Subclass G. All waterworks utilizing a groundwater source.

(2) Subclass Z. All waterworks providing zeolite softening or specific contaminant removal by resins.

(3) Subclass I. All waterworks providing iron removal by oxidation and filtration.

(4) Subclass L. All waterworks providing treatment by the lime-soda ash process for iron removal or softening, or both.

(5) Subclass S. All waterworks utilizing a surface water source.

(6) Subclass D. All waterworks containing a distribution system.

(7) Subclass V. All waterworks providing special treatment such as, but not limited to, air stripping, granular activated carbon or others.

**NR 114.11 Qualification of waterworks operators.** (1) Two grades and 7 subclasses of waterworks operators are established. To qualify for certification in a given grade and subclass, a person shall meet the appropriate experience and examination requirements for that subclass and grade:

(a) Grade T. Pass the written examination for the given waterworks subclass.

(b) Grade 1. Completion of grade T requirements, plus have one year of satisfactory subclass specific experience.

(2) A person may have a different grade for each subclass in which the person has received certification.

(3) Operator subclasses are the same as waterworks subclasses listed in s. NR 114.10.

**NR 114.12 Required grades for the operation of waterworks and wastewater treatment plants.** (1) **WASTEWATER TREATMENT PLANTS.** (a) The operator-in-charge of a subclass of operations at a wastewater treatment plant listed in s. NR 114.08(4) shall hold a valid certificate for the corresponding subclass at a grade the same as, or higher than, the plant class, except as provided in pars. (b) to (d).

(b) A person certified as a wastewater treatment plant operator may be the operator-in-charge of a subclass of a plant that is one class level higher than their certification grade for a period not to exceed one year, provided that the department is satisfied with the person's progress towards full certification and that the facility is in compliance with all terms and conditions of its WPDES permit.

(c) The total time allowed under par. (b) at a facility may not exceed one year.

(d) Upon a change in a wastewater treatment plant's classification caused by the addition of a subclass listed in s. NR 114.08, the operator-in-charge shall have 12 months to pass necessary examinations and will be allowed time to obtain the required experience.

(2) **WATERWORKS.** (a) The operator-in-charge of the operation of a subclass of waterworks listed in s. NR 114.10 shall hold a valid certification for the corresponding subclass at the grade 1 level, except as provided in pars. (b) and (c).

(b) A person certified as a waterworks operator-in-training may be designated the operator-in-charge of that subclass of waterworks for a period not to exceed one year.

(c) Upon a change in a waterworks's classification, the operator-in-charge shall have 12 months to pass the necessary examinations and will be allowed time to obtain the required experience.

(d) At subclass S waterworks, the system shall have a person certified at Grade T or 1 in Subclass S on duty at all times of operation. If the designated operator-in-charge of a subclass S waterworks is not on duty during the operation of the system, the waterworks shall have another operator certified at Grade T or 1 in subclass S on duty during the operation of the system. If an operator position becomes vacant at a subclass S waterworks, the department may allow a system to operate a shift without a certified operator on duty as long as the non-certified operator on duty is working under the general supervision of a certified operator and the waterworks is making a good faith effort to fill the vacant position. On duty for subclass S waterworks means having a certified operator onsite except where the department has approved an automated treatment plant surveillance system and an operation plan for offsite control as a reliable substitute for having a certified operator on-site. In the review of automated systems, the department shall consider applicable factors, such as, history of plant operations, response time to alarms, offsite treatment adjustment capability, plant shutdown ability and demonstration of satisfactory operation and reliability of the automation system. This requirement applies commencing one year from the effective date of this rule...[revisor insert date].

Note: For all facilities it is recommended that a second person hold a valid certificate at the grade level required by the plant classification.

**NR 114.13 Operator-in-charge designation.** The owner shall designate to the department the operator-in-charge of each subclass as required in s. NR 114.12(1) and (2). A person may be designated as the operator-in-charge for more than one subclass. Owners shall notify the department of changes within 30 days.

**NR 114.14 Sanctions.** (1) The department may, on its own motion, make investigations and conduct hearings and may, on its own motion or on a signed and verified written complaint, revoke, suspend or refuse to renew as provided in this section any operator's certificate, or reprimand the operator if the department finds that the holder of the certificate has done any of the following:

(a) Made a material misstatement in the application for certification or any application for a renewal of certification.

(b) Demonstrated incompetence to operate the type of facility or subclass for which the certificate was issued.

(c) Bypassed a discharge at a wastewater treatment plant in violation of the plant's WPDES permit without notifying the department.

(d) Failed to comply with any other provision requiring department notification in the facility's WPDES permit.

(e) Failed to notify the department of a violation of a maximum contaminant level as required in ch. NR 809 and the construction requirements of ch. NR 811 by the operator-in-charge of a waterworks operation.

(f) Failed to provide public notification of a violation of ch. NR 809.

(g) Falsified any monitoring, operating or other records submitted to the department, or provided by the department.

(h) By intentional or negligent action, caused or significantly contributed to a violation of any provision of ch. 144 or 147, Stats., or any administrative codes, permits or orders adopted or issued under those chapters.

(i) Used deception or any form of dishonesty when writing examinations, or removing examination materials from the examination site.

(2) Notice of revocation of, suspension of or refusal to renew a certificate shall be served on the certified operator and shall state the reasons for revocation, suspension or refusal to renew.

(3) Revocation of, suspension of or refusal to renew a certificate shall take effect on the 10th day after the notice is served, unless the certified operator files a written answer with the department prior to the 10th day. If an answer is filed, the revocation, suspension of or refusal to renew is stayed and the department shall conduct a hearing on the matter within 30 days after receipt of the answer. At least 10 days prior to the date of the hearing, the department shall send a written notice to the operator indicating the date, time and location of the hearing. The final determination of the department, including the basis for the decision, shall be provided in writing to the operator. A suspended operator may not be the operator-in-charge of a facility for the duration of the suspension.

(4) Application may be made for taking the necessary examinations for a new certificate one year after the date of revocation or refusal to renew.

(5) Any order revoking or suspending a certificate is subject to judicial review as provided in ch. 227, Stats.

#### Subchapter II: Certification of Septage Servicing Operators.

**NR 114.15 Purpose.** The purpose of this subchapter is to establish rules for the certification of septage servicing operators pursuant to s. 144.025 (2)(L), Stats.

**NR 114.16 Applicability.** The provisions of this subchapter are applicable to all owners of septage servicing businesses and all operators performing septage servicing.

**NR 114.17 Definitions.** In this subchapter: (1) "Certified operator" means a person who has met the requirements of this subchapter and has been issued a certificate by the department to do septage servicing.

(2) "Close supervision" means the septage servicing assistant is working within seeing and hearing distance of a certified operator and the certified operator is responsible for the assistant's actions.

(3) "Direct responsible charge" means to provide detailed on-site technical direction of the operation of a septage servicing business.

(4) "Operator-in-charge" means the certified operator who has been designated by the owner to be in direct responsible charge of the septage servicing business.

(5) "Operator-in-training" means a person who has been properly registered as an operator-in-training with the department by the operator-in-charge.

(6) "Owner" means the state, county, town, town sanitary district, city, village, metropolitan sewerage district, corporation, firm, company, institution, association, utility district, school district, joint sewerage commission or individual responsible for providing septage servicing.

(7) "Portable restroom servicing assistant" means a person who maintains, services or transports portable restrooms under the supervision of an operator-in-charge.

(8) "Septage" means the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

(9) "Septage servicing" means removing septage from a septic tank, soil absorption field, holding tank, grease trap, privy or portable restroom and disposing of or recycling the septage.

(10) "Septage servicing assistant" means a person that performs limited septage servicing under the close supervision of a certified operator or operator-in-training or works on the premises of the septage servicing business.

**NR 114.18 General requirements.** (1) No person other than an operator-in-training, a portable restroom servicing assistant, or a septage servicing assistant may do septage servicing unless that person holds a valid certificate issued pursuant to this subchapter.

(2) An operator-in-training may do septage servicing for up to 12 months without being certified. The operator-in-training shall be considered to be doing septage servicing under the certificate of the designated operator-in-charge. The operator-in-charge shall notify the department, in writing, of the starting date, name and address of the operator-in-training and pay the operator-in-training fee before the person begins septage servicing. The operator-in-charge is responsible for the actions of the operator-in-training.

(3) A portable restroom servicing assistant may service portable restrooms, including the maintenance of portable restrooms and the transportation of the restrooms and the septage from them without being certified. However, a portable restroom servicing assistant may not landspread any septage removed from portable restrooms. Portable restroom servicing assistants will be considered to be working under the certificate of the designated operator-in-charge and the operator-in-charge is responsible for their actions.

(4) A septage servicing assistant may perform septage servicing without being certified as long as the assistant works under the close supervision of a certified operator or works on the premises of the septage servicing business. A septage servicing assistant may not landspread any septage.

(5) The owner of each septage servicing business shall designate to the department the operator-in-charge of all septage servicing activities and certify that the operator-in-charge is a grade 2 operator if the business does

any landspreading of septage. If the business does no landspreading of septage, the operator-in-charge may be either a grade 2 operator or a grade 1 (restricted) operator.

**NR 114.19 Certification grades.** Three certification grades of septage servicing operators are established. To qualify for certification as a grade 1 operator, a person shall pass the grade 1 examination. To qualify for certification as a grade 2 operator, a person shall pass both the grade 1 and grade 2 examinations. To qualify as a grade 1 (restricted) operator a person shall pass the grade 1 (restricted) examination. A grade 1 (restricted) operator is certified to conduct all aspects of septage servicing, except the landspreading of septage.

**NR 114.20 Examinations and applications.** (1) Examinations shall be used to determine the knowledge and ability of an applicant to do septage servicing. A score of 75% or higher shall be a passing score on each written examination. The department may give oral examinations for septage servicing operators in lieu of the written examination upon a showing that the operator has difficulty reading the written examination and the operator can demonstrate the ability to properly perform septage servicing without a better reading ability. A score of 75% or higher shall be a passing score on each oral examination.

(2) Written examinations shall be conducted week days at least 2 times annually in all 6 department districts.

(3) A person desiring to be certified shall file an application with the department at least 28 days prior to the established date of a written examination on an application form provided by the department. Fees shall accompany the completed application.

(4) Written examinations may not be issued to applicants who have not properly registered 28 days prior to the examination date, or who fail to identify themselves on request.

(5) Examination papers may not be returned to an applicant. Examination results will be mailed to applicant within 60 days of the examination date.

(6) Applicants who fail to pass a written examination may apply to the department for reexamination at a subsequent scheduled examination.

**NR 114.21 Fees.** (1) Fees for certification shall be as follows:

- (a) Each written examination..... \$25.00
- (b) Certificate renewal..... \$45.00
- (c) Late renewal penalty (per certificate)..... \$25.00
- (d) Septage operator-in-training.....\$10.00
- (e) Lifetime certificate.....\$20.00
- (f) Lifetime certificate renewal..... no charge

(2) Fees may not be refunded to an applicant who fails to pass an examination, who fails to appear to take an examination, or who fails to identify themselves on request.

**NR 114.22 Issuance of certificates.** Upon satisfactory fulfillment of the qualifications required by this subchapter and receipt of the certification fee, the department shall issue a certificate to an applicant indicating the grade for which the applicant has qualified.

**NR 114.23 Certificate renewals.** (1) Except as provided in sub. (4), all certificates shall expire 3 years from the date of issuance. The renewal fee

is due on the expiration date of the certificate. Any renewal application postmarked after the expiration date shall also include the late renewal penalty fee.

(2) A person who desires to renew a certificate shall submit evidence of having met the continuing education requirements in s. NR 114.24 for approved training courses or other credit which they have successfully completed during the 3 year period. Failure to successfully complete and document the appropriate number of hours of approved training within the 3 year period shall result in rejection of a certificate renewal application.

(3) A person whose certificate has expired may within one year be reinstated by paying the renewal fee, the late penalty fee and fulfilling the continuing education requirements. Operators may not renew their certificates by taking certification examinations in lieu of obtaining continuing education credits unless their certificate has been expired for at least one year.

(4) After 9 years of continuous certification, a person may apply for a lifetime septage servicing certificate at the grade currently being held. The department shall issue the lifetime certificate if the person has had no violations of ch. NR 113 or 114 or s. 29.29, Stats., during the previous 9 years. The operator shall renew the lifetime certificate every 5 years by completing and submitting forms provided by the department. The renewal does not require any continuing education credits or a renewal fee. A lifetime certificate is subject to revocation and other sanctions listed in s. NR 114.25.

**NR 114.24 Continuing education.** (1) Grade 1 and Grade 1 (restricted) certified septage operators are required to obtain 3 hours of continuing education credits every 3 years, unless they are designated as an operator-in-charge. Any operator-in-charge is required to obtain 18 hours of continuing education credits every 3 years. All grade 2 operators are required to obtain 18 hours of continuing education credits every 3 years.

(2) All grade 2 operators who are operating on a 2 year certificate on the effective date of this rule...[revisor insert date] will be required to obtain 12 hours of continuing education in order to renew their certificates. All grade 1 operators operating on a 2 year certificate on the effective date of this rule ..[revisor insert date] will be required to obtain 12 hours of continuing education in order to renew their certificate. These operators shall be required to meet the continuing education requirements in sub. (1) when they are issued a 3 year certificate.

**NR 114.25 Sanctions.** (1) The department shall revoke certification and may not issue or renew a certificate for septage servicing for a period of 2 years to a person who has accumulated 3 or more violations of NR 113 or s. 29.29, Stats.

(2) The department may, on its own motion, make investigations and conduct hearings and may, on its own motion or on a signed and verified written complaint, revoke, suspend, refuse to issue, or refuse to renew any operator's certificate if the department finds that the holder of or applicant for a certificate has:

(a) Used deception or any form of dishonesty when writing examinations, or removed examination material from an examination site.

(b) Demonstrated incompetence to perform septage servicing as required by this chapter.

(c) Falsified any required applications, operating records or any other records submitted to the department.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on January 26, 1995 and May 25, 1995.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

July 10th, 1995  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary

(SEAL)

