

Title 197 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 3 - CLASSIFICATIONS OF FACILITIES, STAFFING REQUIREMENTS AND REPORTING REQUIREMENTS FOR OWNERS OF WASTEWATER TREATMENT FACILITIES

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

002 All wastewater treatment facilities shall be operated only by operators certified at the classification level of the wastewater treatment facility, unless the wastewater treatment facility is exempted under provisions of Chapter 2 or the operator otherwise qualifies under provisions of Chapter 4.

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

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

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

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

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

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

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

004 Compatible industrial facilities: Each compatible industrial wastewater treatment facility, shall be classified by the department as a Class I, II, III, IV, or exempt facility based upon complexity of

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treatment, downstream water course conditions, and potential health hazards in accordance with the point rating system established in Appendix B. The director shall determine a wastewater treatment facility's classification if the department is unable to classify the facility, using Appendix B.

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

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

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

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

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responsibility as determined by the DRC operator in overall charge of the entire wastewater treatment facility, using the point rating system in Appendix B.

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

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

005.02 Non-Compatible industrial facilities which are awarded 31 points or more but less than 56 points in accordance with the point rating system in Appendix B, or have wastewater treatment processes to remove base metals, or treatment for copper, nickel, or lead, are classified as an Industrial II non-compatible industrial facility. Each Industrial II non-compatible industrial facility is required to have all operators certified to at least the Industrial II level.

005.03 Non-compatible industrial facilities which are awarded 56 points or more but less than 76 points in accordance with the point rating system in Appendix B, or have treatment processes with metal separation, membrane filtration, chrome conversion, or cyanide destruction, are classified as Industrial III non-compatible industrial facilities. Each Industrial III non-compatible industrial facility is required to have all operators certified at the Industrial III level.

005.04 Non-compatible industrial facilities which are awarded 76 points or more in accordance with the point rating system in Appendix B are classified as Industrial IV non-compatible

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industrial facilities. Each Industrial IV non-compatible industrial facility is required to have all operators certified at the Industrial IV level.

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

006.01 The owner of a wastewater treatment facility shall notify the department , in writing, within 30 days of when a DRC operator leaves or is hired.

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

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

006.04 The DRC operator in overall charge of the entire Class IV or Industrial IV wastewater treatment facility shall submit a staffing plan to the department every year by December 31st.

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

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

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

006.04D Staffing plans shall include an emergency plan. The emergency plan shall describe how a treatment facility will be monitored during non-staffed operation, who will be contacted in the event of an emergency, and who will be in DRC of the plant during an emergency situation.

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006.04E Prior to initiation of operation, all new or upgraded Class IV or Industrial IV wastewater treatment facilities shall submit a staffing plan for approval by the director, outlining levels of certification for all operators.

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

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

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

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

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

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

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

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

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

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

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

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