

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Rules and Regulations for Wastewater Treatment Facility Operators
(250-RICR-150-10-5)

Rule Identifier: 250-RICR-150-10-5

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 07/16/2021

End of Public Comment: 08/15/2021

Authority for this Rulemaking:

R.I. Gen. Laws Chapter 42-17.4

Summary of Rulemaking Action:

Proposed changes are a response to wastewater sector input regarding licensure equity among varying positions within the industry, as well as updates that will benefit program administrative workflow and examination integrity.

Sections 5.4(J) and (M): Reduction in required number of supervised staff from two to one to be eligible for status of "Direct Responsible Charge," as defined in 5.4 D, which references definition provided in Sections 5.4(J) and (M) for Shift Supervisors and Operations Supervisors.

Section 5.6(B)(3)(a): Clarification provided for a more quantitative understanding of required education levels that may be considered equivalent for experience.

Section 5.6(B)(3)(b): New allowance of business/human resource education for consideration of equivalency in Direct Responsible Charge time requirements.

Section 5.6(D)(1) - (4): Based on input from the wastewater sector, proposed changes would allow certain personnel in maintenance and laboratory positions to sit for the Grade 3 exam. Currently, maintenance and laboratory personnel are allowed to be certified up to Grade 3 only. Note that for many years, the wastewater sector has been lobbying the Board for the allowance of maintenance technicians to sit for the Grade 3. Based on public/industry comments of the previous draft regulations, the Board also included laboratory technicians into the language proposed for maintenance technicians. The proposed change will benefit individual licensees and municipal operations.

Section 5.6(F): This section no longer necessary. It was an original grandfather's clause from the original regulations, circa 1978.

Sections 5.7(B) and (C): These sections have been reworded to allow for the change in Sections 5.6(D)(1) - (4), which will allow certain staff in maintenance and laboratory positions to sit for the Grade 3 exam. This "Operator in Training" language requires modification to extend the maximum Operator in Training time from three to five years. This extension will be needed for maintenance and laboratory workers who transfer to an operations position, and may then need five years of operations experience to attain a full Grade 3 license, per Section 5.6(C)(3)(c). Because operators would only need three years of Direct Responsible Charge to attain a full Grade 3 license, the Board did not extend that three-year maximum in 7.7 B.

Section 5.10(F): The Board proposes to extend from two to five years the amount of time an operator may hold a passing score of the Grade 3 exam should they be allowed to sit for the Grade 3 exam after having attained only the required time in operations without yet being in a position of Direct Responsible Charge.

Section 5.10(G): This language is required for the proposed allowance of certain maintenance and laboratory staff to sit for the Grade 3 exam should they be in supervisory positions but not in operations. Section 5.10(G) is a parallel process to the long-standing Section 5.10(F), which allows operators to sit for the Grade 3 exam with full operations experience but not supervisory experience.

Section 5.10(I): This proposed addition would limit the number of exam reviews for the Grades 1-3 exams and prohibit them for Grade 4 exams. (Note that Grade 1 is the entry level license/exam with Grade 4 being the highest.) The Board proposes this addition to ensure examination equity and integrity.

Section 5.11(B)(2): Based on public/industry comments on the previous draft regs, the Board is proposing reducing the late fee for renewals.

Section 5.11(F)(2)(b) and (c): These proposed edits are designed to better clarify and streamline the requirements for Grade 4 licensure issued through reciprocity.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until August 15, 2021 by contacting the appropriate party at the address listed below:

Bill Patenaude
Department of Environmental Management
Office of Water Resources
235 Promenade Street
Providence, RI 02908
bill.patenaude@dem.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. For full regulatory analysis or supporting documentation see agency contact person above.

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