

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 380
PROCEDURE FOR THE CERTIFICATION OF OPERATORS OF
WASTEWATER TREATMENT WORKS

SUBPART A: INTRODUCTION

Section	
380.100	Purpose
380.105	Definitions
380.110	Definitions from Other Parts
380.115	Facility Groups
380.120	Certification Classification
380.125	Prior Certifications

SUBPART B: CHIEF WASTEWATER OPERATOR

Section	
380.200	Required Supervision
380.205	Chief Wastewater Operator Requirement
380.210	Exceptions
380.215	Agency Notification

SUBPART C: BOARD OF CERTIFICATION

Section	
380.300	Purpose
380.305	Composition
380.310	Chairman
380.315	Selection and Terms of Office
380.320	Alternates
380.325	Vacancies
380.330	Meetings
380.335	Duties

SUBPART D: EXAMINATION

Section	
380.400	General Examination Requirements
380.405	Examination Request
380.410	Letter of Admission
380.415	Examination Admission

380.420 Class 1 Through 4 Examination
380.425 Class K Examination
380.430 Class R Examination
380.435 Collection System Examination
380.440 Reexamination

SUBPART E: CERTIFICATE OF ISSUANCE

Section
380.500 Application
380.505 Class 1 Certificate Issuance
380.510 Class 2 Certificate Issuance
380.515 Class 3 Certificate Issuance
380.520 Class 4 Certificate Issuance
380.525 Class K Certificate Issuance
380.530 Class R Certificate Issuance
380.535 Collection System Certificate Issuance
380.540 Metropolitan Sanitary District of Greater Chicago Certification
380.545 Agency Determination
380.550 Review of Agency Determination

SUBPART F: SANCTIONS

Section
380.600 Causes
380.602 Citizen Complaints
380.605 Procedures
380.610 Hearing
380.611 Board of Certification
380.613 Director's Decision
380.615 Sanctions
380.620 Appeal
380.625 Ex Parte Communications
380.630 Subpoena

SUBPART G: CERTIFICATE RENEWAL, RESTORATION AND REQUIRED TRAINING

Section
380.700 Certificate Expiration
380.705 Certificate Renewal Application
380.710 Restoration of Expired Certificates
380.715 Training Renewal Requirements
380.720 Training Criteria
380.725 Calculation of Training Hours
380.730 Proof of Training Records, Recordkeeping, and Audits

- 380.735 Submission of Training Hours
- 380.740 Waiver of Required Training
- 380.745 Issuance of Renewed and Restored Certificates
- 380.750 Renewal of Sanctioned Certificates
- 380.755 Voluntary Reduction of Certification
- 380.760 Contested Renewal, Restoration, and Training Determinations

SUBPART H: RECIPROCITY

- Section
- 380.800 Application for Reciprocal Certification
- 380.805 Reciprocity Determination
- 380.810 Comparable Classification and Examination Requirement

SUBPART I: OPERATOR IN TRAINING PROGRAM

- Section
- 380.900 Operator In Training
- 380.905 Duration
- 380.910 Limitations
- 380.915 Basic Operator in Training Certificate (Repealed)
- 380.920 Operator in Training Substitution Criteria (Repealed)
- 380.925 Operator in Training Examination (Repealed)

SUBPART J: CONTRACTUAL OPERATION

- Section
- 380.1000 General
- 380.1005 Contract Provisions
- 380.1010 Non-party Operators (Repealed)
- 380.1015 Documentation of Contract Provisions
- 380.1020 Contract Approval
- 380.1025 Contract Modifications and Extensions

380.APPENDIX A Map of Illinois Sections

AUTHORITY: Implementing and authorized by Sections 13(a)(4) and 13.5 of the Environmental Protection Act [415 ILCS 5/13(a)(4) and 13.5].

SOURCE: Adopted at 6 Ill. Reg. 1630, effective January 27, 1982; amended at 9 Ill. Reg. 2663, effective February 15, 1985; amended at 10 Ill. Reg. 18774, effective November 1, 1986; recodified at 31 Ill. Reg. 10532; recodified at 42 Ill. Reg. 7978; amended at 43 Ill. Reg 5203, effective July 1, 2019.

SUBPART A: INTRODUCTION

Section 380.100 Purpose

- a) These rules set forth requirements and procedures applicable to wastewater treatment works to ensure the treatment works is supervised by a wastewater operator certified under this Part.
- b) These rules contain the procedures and classifications necessary for certification of operators for wastewater treatment works.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.105 Definitions

“Activated Sludge” means sludge floc produced in raw or settled wastewater by the growth of zoogical bacteria and other organisms in the presence of dissolved oxygen and accumulated in sufficient concentration by returning floc previously formed;

“Act” means the Illinois Environmental Protection Act [415 ILCS 5];

“Activated Sludge Process” means a biological wastewater treatment process in which a mixture of wastewater and activated sludge is agitated and aerated. The activated sludge is subsequently separated from the treated wastewater by sedimentation and wasted or returned to the process as needed;

“Agency” means the Illinois Environmental Protection Agency;

“Board” means the Illinois Pollution Control Board;

“Board of Certification” means the 10 Board of Certification members composed of an Agency employee, one representative from each of the 4 Sections, a representative of municipal government, a representative of sanitary districts, 2 representatives of the Metropolitan Sanitary District of Greater Chicago, and a representative of industry;

“Certificate” means a certificate of technical competency;

“Certificate of Technical Competency” or “Certificate” means a certificate issued by the Agency attesting that a wastewater treatment works operator has fulfilled the requirements for a given class of certification;

“Certified Operator” means an operator who holds a Certificate of Technical Competency issued by the Agency pursuant to this Part;

“Chief Wastewater Operator” means an individual designated by the treatment works as the chief wastewater operator;

“Collection System” means a network of pipes, manholes, cleanouts, traps, siphons, lift stations, and other structures used to collect all wastewater and wastewater-carried wastes of an area and transport them to a wastewater treatment works or disposal system;

“Contract Operator” means an operator certified pursuant to this Part who operates or supervises the operation of a wastewater treatment works by contractual agreement with the owner;

“DAF” or “design average flow” means the average of the daily volumes to be received for a continuous 12-month period of the design year;

“Director” means the Director of the Illinois Environmental Protection Agency;

“Facility” means a treatment works or pretreatment works;

“Fixed-film Process” means the biological treatment processes in which the microorganisms responsible for the conversion of organic matter in wastewater to gases and cell tissue are attached to some inert media, such as rocks, slag, or specially designed ceramic or plastic materials. Fixed-film process includes trickling filters and rotating biological contactors but excludes sand filters;

“Hearing” is a hearing held after notice to interested persons or parties, during which testimony is taken by oath or affirmation and a verbatim record of all testimony is kept.

“Hearing Officer” is a person duly designated as a Hearing Officer by the Director to preside over the hearing.

“High School Equivalent” means possession of a General Education Development (GED) certificate;

“Lagoon” means a pond containing raw or partially treated wastewater in which aerobic and/or anaerobic stabilization occurs;

“MGD” means millions of gallons per day;

“Operator” means a wastewater operator;

“Pretreatment Works” means a treatment works designed and intended for the treatment of wastewater from an indirect discharge or industrial user as defined in

40 CFR 403, before introduction into a sewer system tributary to a publicly owned or publicly regulated treatment works;

“Primary Treatment” means the removal, usually by sedimentation, of a substantial amount of suspended matter but little or no removal of colloidal or dissolved matter;

“Section” means the geographical regions designated as Northeastern, Northwestern, Central and Southern as indicated in Appendix A;

“Treatment Works” means individually or collectively those constructions or devices (except sewers, and except constructions or devices used for the pretreatment of wastewater prior to its introduction into publicly owned or regulated treatment works) used for collecting, pumping, treating, or disposing of wastewaters or for the recovery of byproducts from such wastewater;

“Wastewater” means sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff;

“Wastewater Course” means a course approved by the Agency on wastewater collection, treatment, operations, maintenance, management, or any other courses related to wastewater treatment;

“Wastewater Operator” means any individual trained in the treatment of wastewater who has the practical working knowledge of the chemical, biological and physical sciences essential to the practical mechanics of wastewater treatment and who is capable of conducting and maintaining wastewater treatment processes in a manner which is safe.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.110 Definitions from Other Parts

Unless otherwise specified in Section 380.105, all definitions found in the Act and 35 Ill. Adm. Code: Subtitle C, Chapter I shall apply to this Part.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.115 Facility Groups

- a) Domestic and industrial wastewater treatment works and pretreatment works shall be grouped as follows:
 - 1) All publicly owned treatment works and domestic wastewater treatment works not owned by an industry shall be grouped as follows:

- A) Group 1 shall consist of all wastewater treatment works having a 1.0 MGD DAF or greater, excluding lagoon systems and primary treatment systems.
 - B) Group 2 shall consist of activated sludge systems having a DAF of less than 1.0 MGD.
 - C) Group 3 shall consist of fixed film processes, recirculating sand filter systems and Imhoff tank systems having a DAF of less than 1.0 MGD, and all primary treatment systems.
 - D) Group 4 shall consist of lagoon treatment systems and septic tank systems permitted by the Agency.
- 2) Industrial wastewater treatment works and pretreatment works
- A) Group K shall consist of industrial wastewater treatment works, pretreatment works, and domestic wastewater treatment works owned and operated by industries that are not included in Group R.
 - B) Group R shall consist of industrial wastewater treatment works, pretreatment works, and domestic wastewater treatment works owned and operated by industries that treat surface or groundwater for contamination resulting from gasoline, diesel fuel, kerosene, jet fuel or heating oil.
- b) When a facility consists of more than one wastewater treatment process, the classification of the facility will be based upon the more complex process.
 - c) Facilities which cannot be clearly grouped according to subsection (a) will be considered individually and designated within one of the above groups by the Agency. This determination shall be based on the nature of the wastewater treatment works and on the education and experience necessary to operate it.
 - d) The owner of a facility designated within one of the groups pursuant to subsection (c) may appeal the designation to the Illinois Pollution Control Board in accordance with 35 Ill. Adm. Code 105.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.120 Certification Classification

- a) The Agency may issue a Certificate of Technical Competency for each facility group identified in Section 380.115.

- 1) A Class 1 Certificate of Technical Competency corresponds to a Group 1 facility.
 - 2) A Class 2 Certificate of Technical Competency corresponds to a Group 2 facility.
 - 3) A Class 3 Certificate of Technical Competency corresponds to a Group 3 facility.
 - 4) A Class 4 Certificate of Technical Competency corresponds to a Group 4 facility.
 - 5) A Class K Certificate of Technical Competency corresponds to a Group K facility.
 - 6) A Class R Certificate of Technical Competency corresponds to a Group R facility.
- b) The Agency may issue a Collection Systems Certificate of Technical Competency.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.125 Prior Certifications

A Class 7 Industrial Certificate issued prior to February 15, 1985, shall be the equivalent to a Class K Certificate and shall expire on July 1, 2022.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART B: CHIEF WASTEWATER OPERATOR

Section 380.200 Required Supervision

All portions of a wastewater treatment or pretreatment works for which a permit is required by 35 Ill. Adm. Code 309 shall be under the direct supervision of a Chief Wastewater Operator. The Chief Wastewater Operator shall hold a Certificate of Technical Competency of the class indicated below:

- a) A Group 1 facility requires a Class 1 Certificate of Technical Competency.
- b) A Group 2 facility requires a Class 1 or Class 2 Certificate of Technical Competency.

- c) A Group 3 facility requires a Class 1, Class 2 or Class 3 Certificate of Technical Competency.
- d) A Group 4 facility requires Class 1, Class 2, Class 3 or Class 4 Certificate of Technical Competency
- e) Group K facility requires a Class K Certificate of Technical Competency.
- f) Group R facility requires a Class R Certificate of Technical Competency.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.205 Chief Wastewater Operator Requirement

- a) Except as provided in Section 380.210, every wastewater treatment or pretreatment works for which a permit is required by 35 Ill. Adm. Code 309 shall have on its operational staff and shall designate to the Agency in writing one Chief Wastewater Operator who directly supervises the use or operation of the facility.
- b) The Chief Wastewater Operator is jointly accountable with the owner for the proper operation of the facility.
- c) Each Chief Wastewater Operator shall:
 - 1) hold a Certificate of Technical Competency of the required class for the operation of the wastewater treatment works or pretreatment works;
 - 2) directly supervise the operation of the wastewater treatment works or pretreatment works;
 - 3) be responsible for process control decisions at a wastewater treatment works; and
 - 4) submit all required reports to the Agency.
- d) A wastewater treatment works or pretreatment works may satisfy the requirements of this Section by contracting the services of a certified operator. The contract between the wastewater treatment works and the contract operator must be approved by the Agency and meet the requirements of Subpart J of this Part.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.210 Exceptions

- a) A wastewater treatment works is not required to have a Chief Wastewater Operator on its operational staff if the wastewater treatment works is operated as part of a public water supply, treats waste generated only by that supply, and has designated a Responsible Operator in Charge pursuant to the Public Water Supply Operations Act [415 ILCS 45].
- b) Collection systems are not required to be under the direct supervision of a Chief Wastewater Operator.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.215 Agency Notification

- a) The owner and the Chief Wastewater Operator must file a signed statement identifying the Chief Wastewater Operator on forms provided by the Agency.
- b) Whenever a Chief Wastewater Operator begins or ceases employment with a wastewater treatment works or pretreatment works, the Chief Wastewater Operator and the owner shall notify the Agency in writing within 30 days.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART C: BOARD OF CERTIFICATION

Section 380.300 Purpose

A Board of Certification will advise the Agency on certification actions.

(Recodified from Section 380.301 to Section 380.300 at 31 Ill. Reg. 10532)

Section 380.305 Composition

The Board of Certification shall consist of:

- a) One Agency employee who shall be a non-voting member,
- b) One certified operator from each Section,
- c) One representative of municipal government,
- d) One representative of industry,
- e) One representative of sanitary districts,

- f) Two representatives from the Metropolitan Sanitary District of Greater Chicago, one of which shall be a certified operator.

(Source: Amended at 9 Ill. Reg. 2663, effective February 15, 1985; recodified from Section 380.302 to Section 380.305 at 31 Ill. Reg. 10532)

Section 380.310 Chairman

The Board of Certification will elect a Chairman annually from its members. The Agency representative will not be eligible for that position.

(Source: Amended at 9 Ill. Reg. 2663, effective February 15, 1985; recodified from Section 380.303 to Section 380.310 at 31 Ill. Reg. 10532)

Section 380.315 Selection and Terms of Office

- a) The wastewater operators shall select a certified operator from their Section to serve as their representative on the Board of Certification.
 - 1) The representative from the Central Section shall be selected during 1981 and every three years thereafter.
 - 2) The representatives from the Northeast and Southern Sections shall be selected during 1982 and every three years thereafter.
 - 3) The representative from the Northwest Section shall be selected during 1983 and every three years thereafter.
- b) The other representatives shall be chosen in the following manner.
 - 1) One representative of the Metropolitan Sanitary District of Greater Chicago shall be selected by that District by July 1, 1982 and every three years thereafter, the second representative shall be selected by that District by July 1, 1983 and every three years thereafter.
 - 2) The representative of municipal government shall be selected by the Illinois Municipal League by July 1, 1983 and every three years thereafter.
 - 3) The representative of industry shall be selected by the Illinois Manufacturer's Association by July 1, 1984 and every three years thereafter.

- 4) The representative of the sanitary districts shall be selected by the Illinois Association of Sanitary Districts by July 1, 1984 and every three years thereafter.
- 5) The representative of the Agency shall be selected by the Director of the Agency.

(Source: Amended at 9 Ill. Reg. 2663, effective February 15, 1985; recodified from Section 380.304 to Section 380.315 at 31 Ill. Reg. 10532)

Section 380.320 Alternates

- a) Alternate representatives shall be selected at the same time as the representatives are selected. The alternate's term of office shall be concurrent with that of the selected representative.
- b) An alternate shall perform the duties of the representative to the Board of Certification when that person does not perform them.

(Recodified from Section 380.305 to Section 380.320 at 31 Ill. Reg. 10532)

Section 380.325 Vacancies

- a) If a representative or alternate is not selected by the time specified in Sections 380.315 and 380.320, the Board of Certification shall appoint a representative.
- b) If a representative vacates a position on the Board of Certification, the alternate shall complete the term of office. If the alternate does not complete the term of office, the Board of Certification shall appoint a representative to complete the term.

(Source: Amended at 9 Ill. Reg. 2663, effective February 15, 1985; recodified from Section 380.306 to Section 380.325 at 31 Ill. Reg. 10532)

Section 380.330 Meetings

- a) The Chairman of the Board of Certification shall convene two regular meetings annually.
- b) Five voting representatives shall constitute a quorum. No official action shall be taken without agreement of five voting members. A special meeting may be called upon agreement of a quorum.
- c) Written notice must be given at least ten days in advance of meetings except in emergency situations.

(Source: Amended at 9 Ill. Reg. 2663, effective February 15, 1985; recodified from Section 380.307 to Section 380.330 at 31 Ill. Reg. 10532)

Section 380.335 Duties

- a) The duties of the Board of Certification members shall be:
 - 1) To solicit the opinions and comments of those persons they represent on matters pertaining to certification and to report them to the Agency and to the Board;
 - 2) To provide advice to the Agency regarding certification policy;
 - 3) To report Board of Certification activities and decisions to those they represent; and
 - 4) To attend Board of Certification meetings.
- b) The Board shall also make recommendations to the Agency on any sanction proceeding for which a hearing is held.
- c) The Board shall make recommendations to the Agency for changes in these procedures and shall comment on changes proposed by the Agency.

(Source: Amended at 9 Ill. Reg. 2663, effective February 15, 1985; recodified from Section 380.308 to Section 380.335 at 31 Ill. Reg. 10532)

SUBPART D: EXAMINATION

Section 380.400 General Examination Requirements

- a) Any person able to read and write English shall be eligible to take a wastewater examination of competency. However, a certified operator may not take the exam for which he or she holds the certification.
- b) The purpose of the wastewater operator examination is to test a person's skills, knowledge, ability, and judgment of the chemical, biological and physical sciences essential to the treatment of wastewater.
- c) The Agency or its designee shall administer the following wastewater operator examinations which correspond to facility group and certification classification at times and locations throughout the State as determined by the Agency:
 - 1) Class 1 examination;

- 2) Class 2 examination;
 - 3) Class 3 examination;
 - 4) Class 4 examination;
 - 5) Class K examination;
 - 6) Class R examination; and
 - 7) Collection System examination.
- d) The maximum time allowed for any person taking a wastewater operator examination of competency shall be 3 hours, unless a request for a reasonable accommodation has been received and approved by the Agency in writing prior to the beginning of the examination.
 - e) Any person may submit a request for a reasonable accommodation for an eligible disability under the Americans with Disabilities Act and the Illinois Human Rights Act.
 - f) The passing score for each examination shall be 70 percent of the points available.
 - g) The Agency shall send each person who takes the wastewater operator examination notification of whether the person obtained a passing score.
 - h) Passing test scores shall be valid for 5 years from the date of Agency notification of examination results. The Agency shall not issue a Certificate of Technical Competency to any person whose most recent qualifying examination scores are older than five years.
 - i) Examinations, and any part thereof, are the property of the Agency. Examinations are not to be taken from the examination site and are not to be copied. Violation of this rule will result in the applicant being ineligible for certification, and will be grounds for sanction of current certification.
 - j) Examination questions, scoring keys, other examination data, including individual test scores, and all examination materials are exempt from inspection under the Illinois Freedom of Information Act [5 ILCS 140/7(1)(Q)].

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.405 Examination Request

- a) Any person who wishes to take the wastewater operator examination must submit an examination request to the Agency. The examination request shall be on forms prescribed by the Agency, and must be submitted to the Agency at least 30 days prior to the examination date.
- b) The examination request shall specify the level of certification sought and examination classification set forth in Section 380.400(c).

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.410 Letter of Admission

The Agency shall review an examination request and issue a letter of admission within 30 days after receipt of the request. Each letter of admission shall be valid for one examination conducted up to one year after the date of issuance.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.415 Examination Admission

- a) A person who has received a Letter of Admission must schedule the examination at least 7 days prior to the examination. The Agency shall provide instructions for scheduling the examination with the Letter of Admission.
- b) Each person with a Letter of Admission will be admitted to one wastewater operator examination.
- c) The Letter of Admission and one state government issued photo identification must be presented to the examination proctor to take the examination. An examinee who fails to provide this identification will not be allowed to take the examination.
- d) A person may only take one wastewater examination per day.
- e) No person with the following items in his or her possession will be allowed to take the wastewater operator examination:
 - 1) a cellular phone, computer or tablet;
 - 2) any recording device or device with a camera;
 - 3) a radio or any other communication device;
 - 4) books, notes or other papers not provided by the Agency;

- 5) any weapon, as determined by Agency personnel; and
- 6) any technology which the exam proctor determines compromises the security of the examination.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.420 Class 1 Through 4 Examination

The Class 1 through 4 examinations will include, but not be limited to, questions on:

- a) The particular type of treatment specified for the level of certification sought, and general questions on units of treatment of lower and higher classifications.
- b) Laboratory techniques and interpretation;
- c) National Pollutant Discharge Elimination System (NPDES) permit requirements;
- d) Mathematics;
- e) Collection systems;
- f) Safety; and
- g) Administration/ management/ recordkeeping.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.425 Class K Examination

The Class K examination will include, but not be limited to, questions on:

- a) Flow schematics;
- b) The specific types of treatment processes utilized at the industrial wastewater treatment works for which the applicant seeks certification;
- c) Mathematics;
- d) Characteristics, concentrations, and sources of wastewater;
- e) Treatment principles and removal efficiencies for each treatment unit;
- f) Wastewater treatment works upset procedures;

- g) Solids handling and sludge processing and disposal;
- h) Laboratory analysis techniques and interpretation of analytical results required for, and applicable to, the wastewater treatment process utilized at the industrial wastewater treatment works for which the applicant seeks certification;
- i) Safety; and
- j) Recordkeeping.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.430 Class R Examination

The Class R examination will include, but not be limited to questions on:

- a) Operation and treatment principles of specific types of treatment units utilized for surface water or groundwater remediation for contamination resulting from gasoline, diesel fuel, kerosene, jet fuel, heating oil or other petroleum-based products;
- b) Mathematics;
- c) Procedures to prevent and correct process upsets for specific types of treatment units utilized for surface water or groundwater remediation for contamination resulting from petroleum-based products;
- d) Sampling and laboratory analyses to monitor the performance of wastewater treatment processes utilized for surface water or groundwater remediation for contamination resulting from petroleum-based products;
- e) Safety;
- f) Disposal of solids, spent carbon and petroleum products removed by the wastewater treatment processes utilized for surface water or groundwater remediation for contamination resulting from petroleum-based products; and
- g) Recordkeeping.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.435 Collection System Examination

The Collection System examination will include, but not be limited to, questions on

- a) Collection system operation and maintenance;

- b) Collection system monitoring;
- c) Lift stations and pumps;
- d) Mathematics;
- e) Recordkeeping; and
- f) Safety.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.440 Reexamination

An individual who fails a written examination must resubmit an examination request pursuant to Section 380.405 and obtain a new Letter of Admission before retaking the examination. Resubmittal of an examination request may only be made after the individual has been notified of failing the examination.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART E: CERTIFICATE OF ISSUANCE

Section 380.500 Application

- a) Any person who seeks to obtain a Certificate of Technical Competency must file an application on forms prescribed by the Agency. All applications must be in English and must contain:
 - 1) a statement specifying the class of certification sought by the applicant;
 - 2) statements showing the applicant's level of education and experience;
 - 3) evidence that the applicant has a valid passing score on the operator examination, including but not limited to test dates and scores; and
 - 4) the signature of the applicant.
- b) Information required in an application must be complete and accurate.
- c) Falsification of any information in the application will result in denial of the application and be grounds for sanctions of current certificates held by the applicant.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.505 Class 1 Certificate Issuance

The Agency shall issue a Class 1 Certificate of Technical Competency when the applicant demonstrates all the following:

- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;
- b) The applicant is capable of conducting and maintaining the facility in a safe manner;
- c) The applicant has 6 years of wastewater operator experience;
 - 1) A minimum of 3 years of experience must be hands-on at a wastewater treatment facility.
 - 2) A maximum of 3 years of experience, calculated pursuant to Section 380.545, may be earned as follows:
 - A) The Agency may grant up to 2 years of credit for wastewater courses.
 - B) The Agency may grant up to one year of credit for the successful completion of a one-year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, excluding credits granted under subsection (c)(2)(A).
 - C) The Agency may grant up to one year of credit for college credits, excluding wastewater courses credited under subsections (c)(2)(A) and (c)(2)(B).
 - D) The Agency may grant up to one year of credit for operating experience of the following:
 - i) collection systems;
 - ii) community water supplies; or
 - iii) laboratory or operational maintenance experience while employed at a wastewater treatment works.

- d) The applicant has obtained a score of 70 or higher on a Class 1 examination; and
- e) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.510 Class 2 Certificate Issuance

The Agency shall issue a Class 2 Certificate of Technical Competency when the applicant demonstrates all the following:

- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;
- b) The applicant is capable of conducting and maintaining the facility in a safe manner;
- c) The applicant has 4 years of wastewater operator experience;
 - 1) A minimum of 2 years of experience must be hands-on at a wastewater treatment facility.
 - 2) A maximum of 2 years of experience, calculated pursuant to Section 380.545, may be earned as follows:
 - A) The Agency may grant up to one year of credit for wastewater courses.
 - B) The Agency may grant up to 1 year of credit for the successful completion of a 1-year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, excluding credits granted under subsection (c)(2)(A).
 - C) The Agency may grant up to one year of credit for college credits, excluding wastewater courses credited under subsections (c)(2)(A) and (c)(2)(B).
 - D) The Agency may grant up to one year of credit for operating experience of the following:
 - i) collection systems;

- ii) community water supplies; or
 - iii) laboratory or operational maintenance experience while employed at a wastewater treatment works.
- d) The applicant has obtained a score of 70 or higher on a Class 2 examination; and
- e) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.515 Class 3 Certificate Issuance

The Agency shall issue a Class 3 Certificate of Technical Competency when the applicant demonstrates all the following:

- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;
- b) The applicant is capable of conducting and maintaining the facility in a safe manner;
- c) The applicant has 2 years of wastewater operator experience;
 - 1) A minimum of one year of experience must be hands-on at a wastewater treatment facility.
 - 2) A maximum of one year of experience, calculated pursuant to Section 380.545, may be earned as follows:
 - A) The Agency may grant up to 6 months of credit for wastewater courses.
 - B) The Agency may grant up to one year of credit for the successful completion of a one-year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, excluding credits granted under subsection (c)(2)(A).
 - C) The Agency may grant up to one year of credit for college credits, excluding wastewater courses credited under subsections (c)(2)(A) and (c)(2) (B).

- D) The Agency may grant up to 6 months of credit for operating experience of the following:
 - i) collection systems;
 - ii) community water supplies; or
 - iii) laboratory or operational maintenance experience while employed at a wastewater treatment works.
- d) The applicant has obtained a score of 70 or higher on a Class 3 examination; and
- e) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.520 Class 4 Certificate Issuance

The Agency shall issue a Class 4 Certificate of Technical Competency when the applicant demonstrates all the following:

- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;
- b) The applicant is capable of conducting and maintaining the facility in a safe manner;
- c) The applicant has one year of wastewater operator experience.
 - 1) A minimum of 6 months of experience must be hands-on at a wastewater treatment facility.
 - 2) A maximum of 6 months of experience, calculated pursuant to Section 380.545, may be earned as follows:
 - A) The Agency may grant up to 3 months of credit for wastewater courses.
 - B) The Agency may grant up to one year of credit for the successful completion of a 1-year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, excluding credits granted under subsection (c)(2)(A).

- C) The Agency will not give credit for college credits under this Section, excluding wastewater courses credited under subsections (c)(2)(A) and (c)(2) (B).
- D) The Agency may grant up to 3 months of credit for operating experience of the following:
 - i) collection systems;
 - ii) community water supplies; or
 - iii) laboratory or operational maintenance experience while employed at a wastewater treatment works;
- d) The applicant has obtained a score of 70 or higher on a Class 4 examination; and
- e) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.525 Class K Certificate Issuance

- a) The Agency shall issue a Class K Certificate of Technical Competency when the applicant demonstrates all the following:
 - 1) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;
 - 2) The applicant is capable of conducting and maintaining the facility in a safe manner;
 - 3) The applicant has obtained a score of 70 or higher on a Class K examination; and
 - 4) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.
- b) A Class K certificate will indicate, and is only valid for, the specific industrial wastewater treatment works or pretreatment works for which the operator has been certified.

- c) The Agency shall invalidate a Class K Certificate of Technical Competency if the industrial wastewater treatment works or pretreatment works is modified to include a different treatment process. The determination shall be based on review of the construction permit required pursuant to 35 Ill. Adm. Code 309.202 and the expertise necessary to operate the modified treatment works.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.530 Class R Certificate Issuance

The Agency shall issue a Class R Certificate of Technical Competency when the applicant demonstrates all the following:

- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;
- b) The applicant is capable of conducting and maintaining the facility in a safe manner;
- c) The applicant has obtained a score of 70 or higher on a Class R examination; and
- d) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.535 Collection System Certificate Issuance

The Agency shall issue a Collection System Certificate of Technical Competency when the applicant demonstrates all the following:

- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;
- b) The applicant has one year of collection system operating experience.
 - 1) A minimum of 6 months of experience must be hands-on at a collection system.
 - 2) A maximum of 6 months of experience, calculated pursuant to Section 380.545, may be earned as follows:

- A) Credit for collection system or wastewater courses may be substituted for a maximum of 3 months collection system operating experience.
- B) Wastewater treatment operating experience may be substituted for a maximum of 3 months collection system operating experience.
- c) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.
- d) The applicant has obtained a score of 70 or higher on a Collection System examination.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.540 Metropolitan Sanitary District of Greater Chicago Certification

- a) Employees of the Metropolitan Sanitary District of Greater Chicago, who are on an eligibility list for appointment for the position titles listed below, shall be issued an appropriate Illinois Certificate of Technical Competency as a wastewater operator upon receipt of an acceptable application for such certification and evidence of appointment or appointment eligibility.
- b) The position titles on the eligibility list shall be:
 - 1) Treatment Plant Operator I
 - 2) Treatment Plant Operator II
 - 3) Treatment Plant Operator III
 - 4) Assistant Engineer of Treatment Plant Operations I
 - 5) Assistant Engineer of Treatment Plant Operations II
 - 6) Engineer of Treatment Plant Operations I
 - 7) Assistant Chief Engineer
- c) Only employees of the Metropolitan Sanitary District of Greater Chicago, who are on a certified eligibility list or who have individual certification of their title by that District, shall be deemed to have passed the written examinations for Class 4 through Class 1 Certificates of Technical Competency.

- d) Metropolitan Sanitary District of Greater Chicago applicants shall be issued the level of Certificate of Technical Competency for which they possess the experience and education requirements.

(Source: Amended at 9 Ill. Reg. 2663, effective February 15, 1985; recodified from Section 380.504 to Section 380.540 at 31 Ill. Reg. 10532)

Section 380.545 Agency Determination

- a) Upon receipt of a complete application, the Agency shall review the application and determine whether the applicant has made an adequate demonstration pursuant to the standards of issuance specified in Sections 380.505 through 380.540.
- b) The Agency shall grant appropriate credit for the experience requirements in Sections 380.505 through 380.540.
 - 1) Hands-on Experience. Hands-on credit shall be awarded for each hour of work or experience at a wastewater treatment or pretreatment works. For every 400 hours of hands-on work or experience completed, the Agency shall grant the applicant 3 months of hands-on experience.
 - 2) One semester hour equals 1.5 quarter hours. Five semester hours, or 7½ quarter hours, of college credit is equal to one month of wastewater operator experience.
 - 3) 2 months of operating experience of collection systems or community water supplies is equal to one month wastewater operator experience. Credit for operating experience of collection systems or community water supplies will not be given if such experience was concurrent with wastewater operator experience.
 - 4) 2 months of laboratory or maintenance experience while employed at a wastewater treatment works is equal to one month wastewater operator experience.
 - 5) Successful completion of 30 hours of wastewater coursework is equal to 3 months wastewater operator experience. Credit granted for wastewater courses may not be used as credit for college courses. Any training used for educational credit under this subsection (b)(5) shall not be used for certificate renewal pursuant to Subpart G.
 - 6) Operating experience at a Group K or Group R facility will not be accepted as substitution credit for Class 1, Class 2, Class 3, or Class 4 certification operating experience requirements.

- c) When the Agency determines an applicant has met the requirements of this Part, the Agency shall award a Certificate of Technical Competency to the applicant for the class of certification specified in the application.
- d) The Agency shall notify the applicant in writing of the Agency's decision within 90 days after the receipt of the complete application.
- e) Any operator issued a Certificate of Technical Competency pursuant to this Section must notify the Agency in writing within 30 days of any change in telephone number, email address or mailing address.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.550 Review of Agency Determination

- a) Any applicant who disagrees with the Agency's denial of the certification application may request that the application be presented to the Board of Certification for its review and recommendation. Any request pursuant to this subsection must be made within 35 days after the date the Agency issued its determination.
- b) The Board of Certification shall review the application and determine if the applicant meets the requirements of this Part. Upon completion of its review, the Board of Certification shall make a recommendation to the Agency for reconsideration or confirmation of the Agency's determination.
- c) The Agency shall consider the Board of Certification's recommendation and notify the applicant in writing of the Agency's final decision within 45 days after the receipt of the Board of Certification's recommendation. This decision is appealable to the Illinois Pollution Control Board under 35 Ill. Adm. Code 105.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART F: SANCTIONS

Section 380.600 Causes

Certificates of Technical Competency shall be subject to sanctions of revocation or suspension upon a showing of cause by a preponderance of the evidence. Such sanction shall not be a bar to any civil or criminal proceedings. Causes for sanction shall include but are not limited to:

- a) Obtaining or attempting to obtain a Certificate of Technical Competency by fraud or deceit;

- b) Gross negligence or gross misconduct in the operation of a wastewater treatment works or pretreatment works;
- c) Falsification, failure to maintain, or nonsubmission of records and reports required by this Part or any rules adopted under the Act;
- d) Willful violation of the Act, this Part or any rules adopted under the Act; or
- e) A final judgment in a civil action or a conviction in a criminal action that the operator has performed any of the acts listed in Subsections (a) through (d) above.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.602 Citizen Complaints

Any person may file with the Agency a written complaint regarding a wastewater operator certified under this Part. The complaint shall state the name and address of the complainant, the name of the operator and any information which supports the complaint.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.605 Procedures

- a) **Filing of Documents.** All documents filed in a sanctions proceeding under this Subpart shall be filed with the Docket Clerk, Division of Legal Counsel, Illinois EPA. Filing by electronic transmission or facsimile will only be allowed with the prior approval of the Docket Clerk or Hearing Officer assigned to the proceeding.
- b) **Complaint**
 - 1) The Agency may initiate sanction proceedings on the basis of any written complaint or on its own motion.
 - 2) To initiate a sanction proceeding, the Agency shall prepare and serve the following documents on the operator by certified mail or personal delivery:
 - A) A Complaint for Sanctions that states the alleged causes for sanctions and sets forth facts that constitute alleged violations of a statute or Board rule.
 - B) A Notice to Operator that informs the operator of commencement of the sanction proceedings, the right to be represented by an attorney, the right to request a hearing, and the consequences for failing to respond to the Complaint for Sanctions.

- c) Response
 - 1) A written response to the Complaint for Sanctions may be filed by the operator and must be served on all parties within 21 days after receipt of the Complaint for Sanctions.
 - 2) Within 21 days after receipt of the Complaint for Sanctions, the operator may request a hearing by filing a written request.
 - 3) If an operator fails to file a written response or a hearing request within 21 days from receipt of the Complaint for Sanctions, all facts alleged in the Complaint for Sanctions shall be deemed to have been admitted.
- d) Service
 - 1) All documents filed in the sanction proceedings must be served on the Hearing Officer, the Agency and the operator.
 - 2) Except for service upon the operator of the Complaint for Sanctions, the Notice to Operator, and Director's decision, service may be effectuated by U.S. Mail or other mail delivery service, in person, by messenger, or as otherwise approved by the Hearing Officer.
 - 3) An affidavit of service or certificate of service must accompany all filings.
- e) Except as otherwise provided by this Part, the procedures for contested case hearings in 35 Ill. Adm. Code 168 shall apply to sanction proceedings.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.610 Hearing

- a) If the operator files a hearing request, the Hearing Officer shall set a time and place for the hearing, not more than 180 days after the service of the complaint, and provide notice of the hearing to the Agency and the operator. The hearing notice shall contain:
 - 1) A statement of the nature of the hearing, including a reference to the particular law or regulation involved;
 - 2) A statement that the hearing will be held in accordance with this Part; and
 - 3) A statement of the date, time and place of the hearing and, if a pre-hearing conference is scheduled by the Hearing Officer, the date, time and place of that conference.

- b) In addition to the service requirements in Section 380.605(d), the Hearing Officer shall serve the hearing notice on the Board of Certification.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.611 Board of Certification

- a) Within 30 days after the conclusion of a hearing, the Hearing Officer shall provide a copy of the following to the Board of Certification:
 - 1) the hearing transcript;
 - 2) hearing exhibits; and
 - 3) instructions on how the Board of Certification can file a recommendation, including the name and mailing address of the Docket Clerk and any person who must be sent a copy of the Board of Certification's recommendation.
- b) The Board of Certification may make a recommendation on the basis of the hearing transcript whether a sanction is appropriate and, if a sanction is appropriate, the suspension or revocation period. Any recommendation of the Board of Certification must be in writing.
- c) The rules of evidence specified in 35 Ill. Adm. Code 168.270 shall not apply to the Board of Certification's recommendation.
- d) The Board of Certification's recommendation shall be submitted in writing to the Docket Clerk within 30 days after receipt of transcripts and shall include a statement of reasons for the Board of Certification's recommendation.
- e) If the Board of Certification makes a recommendation, the Board of Certification shall send a copy of the recommendation to the Hearing Officer, the Agency and the operator.
- f) The Agency may issue a decision without the Board of Certification's recommendation if the Board of Certification fails to submit its recommendation within 30 days after its receipt of the hearing transcript.
- g) The Board of Certification's recommendation is not binding on the Agency.
- h) The Agency or the operator may file a response to the Board of Certification's recommendation within 15 days after the day the Board of Certification files its recommendation with the Docket Clerk.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.613 Director's Decision

- a) Proposal for Decision
 - 1) When a hearing is held pursuant to Section 380.610, the Hearing Officer shall file with the Director or the Director's designee and serve upon the Agency and operator a proposal for decision within 120 days after the date of the hearing.
 - 2) If a hearing is not held, the Hearing Officer shall file with the Director or the Director's designee and serve upon the Agency and operator a proposal for decision within 45 days after the service of the complaint.
- b) Within 21 days after service of the proposal for decision the Agency or the Operator may file with the Director any exceptions, proposed findings of fact, or a brief.
- c) Director's Decision
 - 1) The Director shall make a decision on the basis of the contested case record.
 - 2) If the operator does not request a hearing, the Director shall issue a decision within 90 days after the service of the Complaint for Sanctions.
 - 3) If the operator requests a hearing, the Director shall issue a decision within one year after the last hearing date.
 - 4) If the Director determines a sanction is appropriate, the decision must state the suspension or revocation period.
 - 5) The Director shall give written notice of the decision and the reasons for the decision to the operator by certified mail.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.615 Sanctions

- a) The decision between revocation and suspension must be based on the following:
 - 1) The severity of the violations that led to the sanction including:

- A) The frequency or duration of the violations;
 - B) The impact on the operation of the wastewater treatment works;
and
 - C) The impact on the water quality or aquatic life of the receiving waters.
- 2) The recalcitrance of the operator in preventing the recurrence of the violations.
 - 3) Any other mitigating or aggravating factors.
- b) If a Certificate of Technical Competency is suspended, it shall be considered void for a period of time not to exceed a year and a half. This period shall be set according to the factors listed in subsection (a). Experience obtained during this period shall not be credited towards meeting the requirements described in Subpart E. At the end of this period the suspended certificate shall be considered valid.
 - c) If a Certificate of Technical Competency is revoked, the operator may not reapply for any certificate for a period of not less than one and a half years but not more than 4 years. This period shall be set according to the factors listed in subsection (a).
 - d) After a Certificate of Technical Competency is revoked, an operator may not apply for a certificate until after the period set pursuant to subsection (c) has elapsed. In order to obtain a certificate the operator must successfully complete a written examination for the class of certificate sought. Education and wastewater operator experience gained prior to revocation shall be credited towards meeting the requirements described in Subpart E. However, any experience obtained during the period set pursuant to subsection (c) will not be credited towards certification.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.620 Appeal

Within 35 days of the receipt of the notice of sanction from the Director the operator may appeal the sanction to the Pollution Control Board. The revocation or suspension of the operator's Certificate of Technical Competency shall be stayed pending a final decision on the appeal by the Pollution Control Board.

(Source: Renumbered from Section 380.604 and amended at 9 Ill. Reg. 2663, effective February 15, 1985; recodified from Section 380.605 to Section 380.620 at 31 Ill. Reg. 10532)

Section 380.625 Ex Parte Communications

- a) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Hearing Officer and the Director shall not communicate directly or indirectly, in connection with any issue of fact, with any person or party, including the Board of Certification, except upon notice and opportunity for all the parties to participate.
- b) Communications regarding procedure, including but not limited to format of pleadings, number of copies required, manner of service, status of proceedings and continuances are not considered to be ex parte communications.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.630 Subpoena

- a) Upon written request by a party, the Hearing Officer will issue a subpoena for attendance of a witness or production of books, papers, documents or other tangible things at a hearing or deposition if the party shows good cause as to why the testimony and/or books, papers, documents or other tangible things cannot otherwise be obtained and states the reasons why the testimony and/or books, papers, documents or other tangible things are necessary and relevant.
- b) Witness and Mileage Fees – The cost of service and witness and mileage fees shall be borne by the person requesting the subpoena. Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois.
- c) Service and Contents – The person requesting a subpoena shall be responsible for its service. A subpoena shall be served reasonably in advance of its return date. The subpoena shall state the phone number and address of the person initiating its issuance and shall identify the person or evidence subpoenaed and the person to whom, and the place, date and the time at which, it is returnable.
- d) Petition to Quash or Modify – Within 5 days after service of a subpoena on any person, that person may file a petition to quash or modify the subpoena, stating reasons in support of the relief. Whenever a petition to quash a subpoena is properly filed under this Section, the petitioner shall not be required to respond to the subpoena until the petition has been ruled upon.
- e) Any witness subpoenaed for a deposition may be required to attend only in the county in which he or she resides or maintains an office address, or in any other

place ordered by the Hearing Officer.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART G: CERTIFICATE RENEWAL, RESTORATION,
AND REQUIRED TRAINING

Section 380.700 Certificate Expiration

- a) Class 1 and Class 2
 - 1) Beginning on July 1, 2020, Class 1 and Class 2 Certificates of Technical Competency must be issued with the expiration date being 3 years after July 1 of the calendar year in which the certificate was issued.
 - 2) Class 1 and Class 2 Certificates of Technical Competency issued before July 1, 2020 shall expire on July 1, 2023.
- b) Class 3 and Class 4
 - 1) Beginning on July 1, 2019, Class 3 and Class 4 Certificates of Technical Competency must be issued with the expiration date being 3 years after July 1 of the calendar year in which the certificate was issued.
 - 2) Class 3 and Class 4 Certificates of Technical Competency issued before July 1, 2019 shall expire on July 1, 2022.
- c) Class K and Class R
 - 1) Class K and Class R Certificates of Technical Competency expire 5 years after the date of issuance.
 - 2) Class K and Class R Certificates of Technical Competency issued before July 1, 2019 shall expire on July 1, 2024.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.705 Certificate Renewal Application

- a) Class 1, Class 2, Class 3 and Class 4 Certificates of Technical Competency are renewable.
- b) Class K and Class R Certificates of Technical Competency may not be renewed. Operators must retake the examination and reapply when a Class K or Class R certification expires.

- c) By April 1 of the year a certificate is due to expire, the Agency must notify the operator of expiration of the certificate at the most recent address, or email address, the Agency has on file for the operator.
- d) The renewal application form must be completed by the operator and must:
 - 1) specify the current certificate's expiration date, training requirements for certificate renewal, and number of hours of completed training since the current certificate was issued;
 - 2) contain a statement signed by the operator certifying that all information provided in the renewal application form is true and complete; and
 - 3) be submitted to the Agency on or before July 1 of the year in which the certificate expires.
- e) The Agency will not process incomplete renewal application forms or renewal applications without the wastewater operator's original signature.
- f) Falsification of a renewal application form shall result in denial of certificate renewal and may result in certificate suspension or revocation.
- g) Failure to receive the renewal application form does not exempt a certified wastewater operator from meeting the renewal deadline.
- h) When a certificate holder has made a sufficient application for certificate renewal (Class 1 through 4), or a new certificate (Class K and R), before expiration of the current certificate, the current certificate shall continue in full force and effect until the final agency decision on the application has been made.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.710 Restoration of Expired Certificates

- a) An individual who fails to renew before July 1 of the expiration year, but whose certificate has been expired for less than 2 years, and has not taken and failed the wastewater operator examination in the last 2 years, may have the certificate restored upon demonstration that the training required in Sections 380.715 and 380.720 has been completed.
- b) A restored certificate expires on the same date the certificate would have expired if it was timely renewed.

- c) An individual whose certificate has been expired for 2 or more years who seeks to restore his or her certification must retake the wastewater operator examination and reapply for certification as a wastewater treatment works operator in the same manner as an individual who has never been previously certified as a wastewater treatment works operator.
- d) Notwithstanding the requirements of this section, a certified wastewater operator whose Certificate of Technical Competency expired while the operator is engaged in active duty with any branch of the United States armed forces, may have his or her Certificate of Technical Competency restored without passing any additional examination provided that each of the following conditions are met:
 - 1) within one year after termination of active military service, the operator furnishes documentation to the Agency showing that the operator was engaged in active duty and said duty has been terminated; and
 - 2) the operator was not dishonorably discharged from active military duty.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.715 Training Renewal Requirements

The requirements for certificate renewal are as follows:

- a) Class 1 and Class 2 certified operators must complete and document 30 hours of training during the 3 year certificate period before the certificate expiration date.
 - 1) A minimum of 20 hours of training must relate to the technical aspects of wastewater treatment and operations.
 - 2) The Agency will accept a maximum of 10 hours of training relating to the professional responsibilities of the operator and to safety.
- b) Class 3 and Class 4 certified operators must complete and document 15 hours of training during the 3 year certificate period before the certificate expiration date.
 - 1) A minimum of 10 hours of training must relate to the technical aspects of wastewater treatment and operations.
 - 2) The Agency will accept a maximum of 5 hours of training relating to the professional responsibilities of the operator and to safety.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.720 Training Criteria

a) Training

- 1) The Agency accepts training hours related to the technical aspects of wastewater treatment and operation. These hours include, but are not limited to, the following:

Activated Sludge
Aeration
Backwash of Filters
Chemical Addition
Chlorinators
Clarifiers
Collection Systems
Digesters
Discharge Monitoring Reports
Disinfection
Electrical Maintenance
Fixed Film Processes
Flow Measurement
Imhoff Tanks
Instrumentation
Intermittent Sand Filters
Laboratory Procedures
Lagoons
Mathematics
Maintenance of Treatment Works
Operational Control Lab Analysis
Oxidation Ditches
Package Aeration
Preliminary Treatment
Primary Treatment
Process Control Decisions
Pumps and Motors
Reports and Recordkeeping
SCADA System Training
Screening
Secondary Clarifiers
Sedimentation
Sludge Drying Beds
Sludge Press
Tertiary Treatment
Trickling Filters

- 2) The Agency accepts training hours related to professional responsibilities of wastewater treatment operators and safety. These hours include, but are not limited to, the following:

Administration and Management
Computer Workshops
Emergency Planning and Preparation
First Aid
Safety

- 3) The Agency accepts training hours earned by assisting a Group 2, Group 3, or Group 4 facility classified as a Category I Noncompliance for effluent limits pursuant to 40 CFR 123.45(a)(2)(iii).

AGENCY NOTE: Category I Noncompliance is also known by USEPA as “Significant Noncompliance” or “SNC”.

- A) Hours under this subsection (a)(3) must be approved by the Agency before an operator begins assisting a facility.
- B) Hours earned under this subsection are considered related to the technical aspects of wastewater treatment and operation.
- C) Hours include, but are not limited to, the following topics:
- i) Evaluating the facility to identify causes of NPDES permit non-compliance including a comprehensive review of the facility design, operation, and administrative practices;
 - ii) Recommending innovative and cost-effective solutions for improving performance;
 - iii) Providing training of operating personnel;
 - iv) Evaluating current facility loadings and capacities;
 - v) Formulating and implementing operational or preventative maintenance programs;
 - vi) Recommending operational improvements to existing sludge handling and disposal procedures;
 - vii) Investigating industrial dischargers’ impact on the wastewater treatment system; and

viii) Helping to identify inflow and infiltration sources impacting the sewer systems.

- b) Training Exclusions. Types of training activities that do not directly relate to wastewater treatment or the professional responsibilities of the operator shall not be accepted as renewal training credit. These activities include, but are not limited to, the following:
- 1) Entertainment or recreational activities;
 - 2) On the job work or apprenticeships except as allowed under subsection (a)(3);
 - 3) Personal self-improvement courses;
 - 4) Plant tours (unless wastewater treatment training is integrated into the tour);
 - 5) Portions of meetings and conferences when wastewater related training is not provided (e.g., business session, lunch, breaks, etc.);
 - 6) Time spent viewing conference/meeting exhibits; and
 - 7) Travel time to and from training activities.
- c) Training may be provided by any of the variety of organizations equipped to provide training, including but not limited to: colleges and universities, technical institutes, educational units of governmental or industrial agencies, professional operator organizations, and equipment suppliers and manufacturers, or knowledgeable wastewater operations experts.
- d) Acceptable training formats include classroom courses, teleconferences, courses offered via the internet, workshops, seminars, correspondence courses, in-house training programs, and wastewater treatment works related training sessions at conferences/meetings of professional operator organizations.
- e) Teachers or presenters of training will be credited with double the number of hours that operators receive for successfully completing the training event. This credit is allowed only for the first time the training is given.
- f) Training must be approved by the Agency. Either training providers or certified operators may request approval of training from the Agency.
- g) Training providers must provide proof of training documentation to trainees in order for the training to be accepted for certificate renewal.

- h) Training accrued during periods that a certificate is suspended or revoked may not be applied toward meeting the renewal requirements.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.725 Calculation of Training Hours

- a) One training hour shall equal 60 minutes of training.
- b) For the purpose of calculating actual classroom hours for renewal training credit, the following conversions should be used:
 - 1) 1 Semester Hour = 15 hours of training credit.
 - 2) 1 Quarter Hour = 10 hours of training credit.
- c) Credit will only be given when the wastewater operator has obtained proof of attendance documentation from the training providers.
- d) Credit will only be given for courses approved by the Agency.
- e) Training credit is also allowed for teachers or presenters of training for the first time a course is taught or a wastewater related presentation is made.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.730 Proof of Training Records, Recordkeeping, and Audits

- a) Certified wastewater treatment works operators are required to maintain their own proof of training records for a period of 6 years from the date of training.
- b) The Agency may audit proof of training records by random selection or when additional information is required.
- c) Failure to provide proof of training documentation when specifically requested by the Agency may result in denial of certificate renewal, denial of certificate restoration, certificate suspension or revocation.
- d) Proof of training records must include:
 - 1) Name of the course or training activity;
 - 2) Name of the training provider;

- 3) Name of instructor or speaker;
- 4) Location of training;
- 5) Training date;
- 6) Total training hours completed;
- 7) Attendance verification records such as:
 - A) Completion certificates;
 - B) Diplomas;
 - C) Grade Reports; and
 - D) Other documents verifying training attendance, including the name, address and telephone number of the training provider.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.735 Submission of Training Hours

- a) A record of completed training may be submitted to the Agency at any time, but must be submitted to the Agency prior to expiration of the certificate.
- b) The record of completed training hours must contain the following information for each completed training activity:
 - 1) Training provider name, including the organization and instructor;
 - 2) Name of course or training event;
 - 3) Agency assigned course number;
 - 4) Training description or course content summary;
 - 5) Location of training;
 - 6) Dates of training (beginning and ending); and
 - 7) Training hours completed.
- c) The Agency may prescribe a form for the written record of completed training and the manner of submission, including but not limited to electronic submission.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.740 Waiver of Required Training

- a) In a case of extreme hardship, the Agency may grant a waiver from the renewal training requirements when it is demonstrated and documented that it was impossible for an operator to obtain the required training. Extreme hardship may include, but is not limited to, serious medical conditions or extended active military service.
- b) Individuals applying for a training waiver must provide the Agency with a written request within 2 years after the certificate expiration date. The Agency will provide the Board of Certification with a copy of the request, and the Board of Certification may submit a recommendation to the Agency within 45 days.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.745 Issuance of Renewed and Restored Certificates

The Agency will renew or restore a wastewater operator certification when the Agency has determined that requirements of this Subpart G have been satisfied.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.750 Renewal of Sanctioned Certificates

- a) The Agency will renew a suspended certificate that expires during the suspension period at the end of the suspension period pursuant to Section 380.615.
- b) Revoked Certificates of Technical Competency cannot be renewed.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.755 Voluntary Reduction of Certification

- a) An individual who is certified at the Class 1 or Class 2 level may make a written request to the Agency to reduce his or her certification to a Class 3 level.
 - 1) The individual must surrender his or her Class 1 or Class 2 certificate to the Agency.
 - 2) Upon receipt of the surrendered Class 1 or Class 2 certificate, the Agency will issue a Class 3 Certificate to the individual.

- 3) The reduced Class 3 Certificate will expire on the same day as the surrendered the Class 1 or Class 2 Certificate.
 - 4) Class 3 renewal requirements must be met to renew the Class 3 Certificate.
- b) Any individual who has voluntarily reduced his or her certification level must pass the Class 1 or Class 2 examination to be certified at a higher level in the future.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.760 Contested Renewal, Restoration, and Training Determinations

- a) Any certified wastewater operator who disagrees with the Agency's decision regarding renewal or restoration may seek review of the Agency's decision, as provided in Section 380.550.
- b) Operators, training providers, and training sponsors may contest Agency determinations regarding denial of training credit, and determinations regarding the amount of training credit to be awarded for a specific training event.
 - 1) Individuals contesting an Agency determination must provide the Agency with a written request for a Board of Certification review within 30 days after the Agency's determination.
 - 2) The written request shall state the name and address of the individual, the Agency determination being contested, and all information to support the individual's position.
 - 3) The Board of Certification shall review the Agency determination and shall confirm the Agency's decision or recommend reconsideration of the Agency's decision. The Agency shall consider the Board of Certification's recommendation and notify the individual of the Agency's final decision within 45 days after its receipt of the Board of Certification's recommendation.
- c) An individual's certificate shall remain valid during the contested period.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART H: RECIPROCITY

Section 380.800 Application for Reciprocal Certification

- a) An individual seeking reciprocity must submit a complete application for reciprocal certification on forms prescribed by the Agency. The application for reciprocal certification must include the following information:
 - 1) evidence that the certificate issued by the other certifying jurisdiction is in good standing and has not expired; and
 - 2) a letter of authorization from the applicant authorizing the State of Illinois to contact the other certifying jurisdiction that issued the applicant's certificate to enable Illinois to verify information submitted in the application.

- b) The Agency may grant reciprocal certification to a wastewater operator trained by the United States as a member of the United States Air Force, Army, Coast Guard, Marine Corps or Navy (U.S. Armed Forces) without examination.
 - 1) A wastewater operator seeking reciprocity under this subsection (b) must submit the following:
 - A) the Illinois application requirements found in Section 380.500, except Section 380.500(a)(3);
 - B) a detailed description of the qualifications, training and jobs performed while in the U.S. Armed Forces;
 - C) a copy of his or her military training, qualifications and performance records; and
 - D) a letter of authorization from the applicant authorizing the State of Illinois to contact the U.S. Armed Forces to enable Illinois to verify information submitted in the application.
 - 2) The wastewater operator must have the following hands-on experience for the level of certification sought:
 - A) 6 years of hands-on experience for a Class 1 certification;
 - B) 4 years of hands-on experience for a Class 2 certification;
 - C) 2 year of hands-on experience for a Class 3 certification;
 - D) one year of hands-on experience for a Class 4 certification; or
 - E) one year of hands-on experience at a collection system for a Collections System certification.

- c) The application for reciprocal certification must be signed by the applicant and must be submitted to the Agency.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.805 Reciprocity Determination

- a) The Agency may grant wastewater operators certified by another state or territory of the United States reciprocal certification in Illinois without examination, provided:
 - 1) The Agency determines by reviewing the other certifying jurisdiction's requirements that the applicant has met minimum standards equivalent to, or more stringent than, the standards specified in Subpart E; and
 - 2) The applicant resides in Illinois or is employed at a wastewater treatment or pretreatment works in Illinois.
- b) An applicant satisfying subsection (a)(1) but failing to meet the residency or employment requirement of subsection (a)(2), shall be issued a notice of intent to grant reciprocity. The applicant must submit proof of Illinois residency or employment at a wastewater treatment or pretreatment works in Illinois within 90 days after the issuance of the notice of intent. Upon receipt of such proof, the Agency shall issue an Illinois Certificate of Technical Competency. Should the applicant fail to submit proof of the residency requirement in subsection (a)(2) within 90 days after issuance of the notice, the notice of intent shall become void.
- c) Applicants for reciprocity described in Section 380.800 shall be reviewed by the Agency as follows:
 - 1) The Agency shall review each applicant's education and experience to determine the levels of certification examinations for which the applicant is eligible pursuant to Subpart E;
 - 2) The Agency shall contact the certifying officials from the other certifying jurisdiction to determine the level of certification of each applicant for reciprocity and whether or not the certificates are currently valid;
 - 3) The Agency shall review the applicant's qualifications and compare the other certifying jurisdiction's eligibility requirements for certification to those described in Subpart E to determine if the requirements of subsection (a) are fulfilled; and

- 4) If the Agency determines the requirements of subsection (a) are fulfilled, the Agency shall grant reciprocity at the appropriate level.
- d) If a certificate of Technical Competency that is issued by reciprocity, is suspended or revoked pursuant to Subpart F, the Agency shall notify the certifying official from the other certifying jurisdiction.
- e) Reciprocity will not be granted for operator-in-training, collection system operator, or industrial operator certifications.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.810 Comparable Classification and Examination Requirement

An applicant for reciprocity whose accrued experience entitles admission to a higher level of Illinois certification, but whose previous classification and examination entitles the applicant to a lower level of reciprocal certification, will receive reciprocal certification at the lower level unless the applicant passes the Illinois wastewater operator examination for the higher classification.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART I: OPERATOR IN TRAINING PROGRAM

Section 380.900 Operator In Training

- a) Any person who passes a Class 1, Class 2, Class 3, or Class 4 wastewater operator examination shall be considered an Operator In Training for the class of examination passed.
- b) The Agency's notification of a passing score on a wastewater operator examination shall constitute evidence that the person is an Operator In Training.
- c) A person may hold a Certificate of Technical Competency for one class of certification and be an Operator In Training for a higher class of certification.
- d) An Operator In Training who does not hold a Certificate of Technical Competency for Class 1, Class 2, Class 3 or Class 4 is exempt from renewal training requirements under Subpart G.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.905 Duration

- a) A person will be considered an Operator In Training while his or her wastewater operator examination results are valid. Pursuant to Section 380.400, examination results are valid for 5 years.
- b) An Operator In Training who successfully obtains a Certificate of Competency in the class for which he or she is in training will no longer be considered an Operator In Training for that class.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.910 Limitations

A wastewater treatment or pretreatment works cannot fulfill its obligations under the Illinois Pollution Control Board's rules or this Part by employing an Operator in Training who lacks the required Certificate of Competency.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.915 Basic Operator in Training Certificate (Repealed)

(Source: Repealed at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.920 Operator in Training Substitution Criteria (Repealed)

(Source: Repealed at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.925 Operator in Training Examination (Repealed)

(Source: Repealed at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART J: CONTRACTUAL OPERATION

Section 380.1000 General

- a) When the owner of a wastewater treatment or pretreatment works satisfies the Chief Wastewater Operator requirements of Subpart B by contracting the services of the certified operator, the owner of a wastewater treatment works or pretreatment works shall submit a copy of the contractual agreement to the Agency.
- b) The owner of a wastewater treatment or pretreatment works must submit the contract delegating responsibility and authority to the contract operator to the Agency for approval within 30 days following the execution of the contract.

- c) The Agency must be notified by the owner of the treatment works or pretreatment works in writing within 7 days if the contract is terminated prior to the expiration date of the contract.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.1005 Contract Provisions

When the owner of a wastewater treatment or pretreatment works satisfies the Chief Wastewater Operator requirements of Subpart B by contracting the services of a certified operator, the contract between the owner and the contract operator must delegate responsibility and authority for the operation of the facility to the contract operator. The contract must include the following:

- a) The parties involved, including names, addresses and phone numbers of each and the Operator ID of the contract operator;
- b) The specific starting and expiration dates of the contract;
- c) The minimum number of visits to be made to the wastewater treatment works by the contract operator each week, or month, whichever is applicable;
- d) A statement that the contract operator is responsible for the proper operation of the wastewater treatment works including meeting all state operating permit and NPDES permit requirements;
- e) The duties and responsibilities of each party involved including, at a minimum, the party responsible for:
 - 1) Sample collection pursuant to the NPDES Permit;
 - 2) Preparation, signature, and submittal of Discharge Monitoring Reports, sludge analysis reports, and notices of noncompliance;
 - 3) Laboratory analysis;
 - 4) Maintaining lift stations;
 - 5) Maintaining spare parts inventory;
 - 6) Maintaining required operating records and reports;
 - 7) Providing labor and materials for correcting any maintenance and operational problems;
 - 8) Maintaining, and if necessary, implementing an emergency operating plan;

- 9) Performing preventive maintenance on equipment as recommended by the manufacturer; and
 - 10) Performing routine operational control testing as recommended by the Agency.
- f) The signature of each party of the contract.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.1010 Non-party Operators (Repealed)

(Source: Repealed at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.1015 Documentation of Contract Provisions

The contract operator must maintain records to document that all contract provisions are being met and continue to maintain the records for 5 years following generation of the data. The contract operator's records must be made available to the Agency upon request for inspection and photocopying during normal business hours.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.1020 Contract Approval

- a) The Agency will approve a contractual agreement when the contractual operator is certified pursuant to this Part, and the provisions of Sections 380.1000, 380.1005 and 380.1015 are satisfied.
- b) The Agency will withdraw an approval when it is determined that the contract provisions are not being met or are inadequate to assure proper and safe operation of the wastewater treatment works.
- c) The Agency shall not approve operational contracts lasting longer than 5 years.
- d) The Agency shall, not later than 45 days following the receipt of the contract, provide written notice to the wastewater treatment works of its decision to approve or disapprove the contract.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.1025 Contract Modifications and Extensions

Modifications or extensions to contractual agreements must be submitted to the Agency as a new contract.

(Source: Section 380.906 renumbered from Section 380.904 at 9 Ill. Reg. 2663, effective February 15, 1985; recodified from Section 380.906 to Section 380.1025 at 31 Ill. Reg. 10532)

Section 380.APPENDIX A Map of Illinois Sections



(Source: Amended at 9 Ill. Reg. 2663, effective February 15, 1985)