

CHAPTER 7048

MINNESOTA POLLUTION CONTROL AGENCY

WASTE DISPOSAL: OPERATORS, INSPECTORS

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7048.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the following terms and abbreviations shall have the meanings specified. Terms which are not specifically defined shall be construed to be in conformance with Minnesota Statutes, chapters 115, 115A, and 116, their context, and professional usage.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. [Repealed by amendment, L 1987 c 186 s 15]

Subp. 4. **Certification.** "Certification" means a process by which individuals must show competency in their chosen occupation through a combination of work experience, education, training, and successful completion of an examination as set forth in parts 7048.0300 to 7048.1200.

Subp. 4a. **Agency commissioner.** "Agency commissioner" means the commissioner of the Minnesota Pollution Control Agency or its designated staff.

Subp. 5. **Contact hour.** "Contact hour" means a pertinent instructional or training session of 50 minutes.

Subp. 6. **Disposal facility.** "Disposal facility" means a waste facility that is designed or operated for the purpose of disposing of waste on or in the land and has a permit, stipulation agreement, or other written approval from the agency.

Subp. 7. **Equipment operator.** "Equipment operator" means an individual on the site who performs the necessary actions of properly disposing of the waste.

Subp. 8. **Inspector.** "Inspector" means any individual who has governmental authority to routinely review waste disposal facilities to determine compliance with applicable statutes, rules, permits, ordinances, or standards. "Inspector" does not include county board members, agency board members, or other individuals employed, appointed, or elected who are not directly involved in routine review of a waste disposal facility. "Inspector" may include individuals who are employed as environmental health specialists or sanitarians, technicians, zoning administrators, county solid waste officers, pollution control specialists, engineers, soil scientists, and hydrologists.

Subp. 9. **Operator.** "Operator" means any individual responsible for conducting work at a waste disposal facility. "Operator" does not include office personnel, laborers, transporters, corporate directors, elected officials, or other individuals in managerial roles unless such individuals are directly involved in on-site supervision or operation of a waste disposal facility. "Operator" does not include private individuals who store or landspread sewage sludge on property owned or farmed by that individual. "Operator" includes facility managers, supervisors, and equipment operators.

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Subp. 10. **Waste.** "Waste" means solid waste, sewage sludge, hazardous waste and construction debris, as those terms are defined in Minnesota Statutes, section 115A.03.

Statutory Authority: *MS s 116.41*

History: *L 1987 c 186 s 15*

7048.0200 PURPOSE.

This chapter implements the requirement of Minnesota Statutes, section 116.41, subdivision 2, that the Minnesota Pollution Control Agency shall require operators and inspectors of waste disposal facilities to obtain a certificate of competency from the agency.

Statutory Authority: *MS s 116.41*

7048.0300 CLASSIFICATION OF DISPOSAL FACILITIES.

The agency adopts the following classifications of disposal facilities for training and certification purposes:

- A. Type I: A Type I facility is any disposal facility that accepts hazardous waste.
- B. Type II: A Type II facility is any disposal facility that accepts solid waste; or a facility permitted to dispose sewage sludge with solid waste; or a facility that uses the landfill method for sewage sludge disposal. This facility type includes sanitary landfills, modified sanitary landfills, and sewage sludge landfills.
- C. Type III: A Type III facility is any disposal facility that accepts only nonhazardous source-specific waste from industrial processes or construction debris. This facility type includes demolition landfills and industrial waste landfills.
- D. Type IV: A Type IV facility is any disposal facility that applies on the land any sewage sludge or semisolids from commercial or industrial operations.
- E. Type V: A Type V facility is any disposal facility that applies on the land any nonhazardous liquid waste from commercial, industrial, or agricultural operations.

Statutory Authority: *MS s 116.41*

7048.0400 CERTIFICATION COMMITTEE.

Subpart 1. **Establishment.** The agency shall establish a certification committee consisting of 11 voting members and two nonvoting members. The voting members shall be appointed by the agency for three-year terms and shall serve without compensation. The initial appointments shall be four three-year terms, four two-year terms and three one-year terms. The initial term lengths will be determined by lot once the appointments are made. There shall be equal representation of operators and inspectors on the committee. There shall be one citizen representative. Not more than one voting member shall be a member of the agency staff. Voting members, except the citizen representative, must be certified. There shall be two nonvoting members who are agency staff members responsible for training and certification. Robert's Rules of Order shall govern committee meetings.

Subp. 2. **Duties of the committee.** The committee shall maintain accurate records of all meetings. The committee shall also review and make recommendations in the following areas to the agency commissioner or, when appropriate, to the agency:

- A. applicants to be certified based on information provided in their applications and examination results;
- B. changes to this chapter;
- C. changes in examinations and training to meet needs;
- D. action on operator and inspector complaints relating to certification and training; and
- E. the number of initial or renewal contact hours to be given for nonagency training courses.

Subp. 3. **Transitional committee.** The advisory committee that was established by the agency commissioner to develop this chapter shall function as the certification committee until September 1984.

Statutory Authority: *MS s 116.41*

History: *L 1987 c 186 s 15*

7048.0500 INDIVIDUALS REQUIRED TO BE CERTIFIED.

Subpart 1. **Operators.** Operators of waste disposal facilities shall be certified to operate the appropriate type of facility. The number of certified operators at a waste disposal facility which has three or fewer operators shall be at least one. The number of certified operators at a waste disposal facility which has four to seven operators shall be at least two. The number of certified operators at a waste disposal facility that has eight or more operators shall be at least three.

Subp. 2. **Inspectors.** Inspectors of waste disposal facilities shall be certified to inspect the appropriate type of facility.

Subp. 3. **Waiver.** Operators of Type V facilities that are certified under parts 9400.0200 to 9400.1500 are not required to be certified under this chapter unless they also operate a land application facility for solids or semisolids. Operators of Type V facilities shall have the option to be certified under parts 9400.0200 to 9400.1500 or this chapter.

Statutory Authority: *MS s 115.72; 116.41*

History: *21 SR 1165*

7048.0600 CERTIFICATION OF FACILITY OPERATORS.

Subpart 1. **In general.** To be certified an operator must demonstrate the skill, knowledge, and experience necessary to operate the appropriate type of facility by qualifying for and passing the appropriate examination required by part 7048.0900.

Subp. 2. **Type I requirements.** Before taking an examination, an applicant for certification as an operator of a Type I facility shall:

- A. have a bachelor's degree in an appropriate branch of biological, physical, or chemical science or engineering or equivalent experience;
- B. complete at least 15 contact hours of training offered through the agency or other training courses approved by the agency commissioner which are designed to ensure competency at a Type I facility within three years prior to the date of application; and
- C. have at least six months work experience as a Type I facility operator.

Subp. 3. **Type II requirements.** Before taking an examination, an applicant for certification as an operator of a Type II facility shall:

- A. have a high school diploma or equivalent or equivalent experience;
- B. complete at least 15 contact hours of training offered through the agency or other training courses approved by the agency commissioner which are designed to ensure competency at a Type II facility within three years prior to the date of application; and
- C. have at least six months work experience as a Type II facility operator.

Subp. 4. **Type III requirements.** Before taking an examination, an applicant for certification as an operator of a Type III facility shall complete at least four contact hours of training offered through the agency or other training courses approved by the agency commissioner which are designed to ensure competency at a Type III facility within three years prior to the date of application.

Subp. 5. **Type IV requirements.** Before taking an examination, an applicant for certification as an operator of a Type IV facility shall:

- A. have a high school diploma or equivalent or equivalent experience;

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B. complete at least nine contact hours of training offered through the agency or other training courses approved by the agency commissioner which are designed to ensure competency at a Type IV facility within three years prior to the date of application; and

C. have at least six months work experience as a Type IV facility operator.

Subp. 6. **Type V requirements.** Before taking an examination, an applicant for certification as an operator of a Type V facility shall:

A. within the three years before the date of application, complete at least nine contact hours of training courses offered through the agency or other training courses approved by the agency commissioner which are designed to ensure competency at a Type V facility; and

B. have at least one spray season's work experience as a Type V facility operator.

Statutory Authority: *MS s 116.41*

History: *L 1987 c 186 s 15*

7048.0700 CERTIFICATION OF FACILITY INSPECTORS.

Subpart 1. **In general.** To be certified, an inspector shall demonstrate the knowledge, skill, education, and experience necessary to inspect the appropriate type of waste disposal facility by qualifying for and passing a written examination required by part 7048.0900.

Subp. 2. **Facility inspector requirements.** An individual who seeks certification as an inspector of a waste disposal facility shall meet the same educational requirements and contact hours of training outlined for operators of the corresponding facility types as specified in part 7048.0600 before taking an examination. Each applicant shall also have conducted at least ten inspections of the appropriate type of waste disposal facility in the presence of a certified inspector. This inspection requirement does not apply to inspectors of Type I facilities until 24 months after a Type I facility is given a permit to operate in this state.

Subp. 3. **Waiver.** The agency commissioner shall waive the requirement of subpart 2 for supervised inspections for individuals applying for an inspector certificate by September 1984 if the applicant produces evidence of employment as an inspector for that type of facility for at least one year immediately preceding application and has conducted at least ten inspections of the appropriate facility type during that year.

Statutory Authority: *MS s 116.41*

History: *L 1987 c 186 s 15*

7048.0800 APPLICATION FOR EXAMINATION.

Subpart 1. **Form.** Application for examination shall be made in writing on a form provided by the agency commissioner and shall be submitted at least 15 days prior to the examination date.

Subp. 2. **Fee.** The examination fee shall accompany the application.

Subp. 3. **Review of application.** The agency commissioner shall review the application for certification and determine the accuracy of the information included in the application. If the agency commissioner determines that additional information or documentation is necessary to assess the eligibility of the applicant to take the examination, the commissioner shall notify the applicant. The applicant shall provide the information prior to examination.

Subp. 4. **Notification.** The agency commissioner shall notify an applicant of eligibility for examination at least five days before the examination date.

Statutory Authority: *MS s 116.41*

History: *L 1987 c 186 s 15*

7048.0900 EXAMINATIONS.

Subpart 1. **Content.** The agency commissioner shall prepare separate operator and inspector examinations for the different types of waste disposal facilities. The examinations

shall test the applicant's knowledge in any one or more of the following areas: basic math, science, public health, rules and laws, facility operation, and facility maintenance.

Subp. 2. **Conditions of testing.** The examination shall be closed book.

Subp. 3. **Passing grade.** A minimum grade of 70 percent shall be required to pass.

Subp. 4. **Results; review.** The agency commissioner shall notify the applicant in writing of the examination results. Examinations shall not be returned to the applicant. Upon request, within 60 days after notification of the results, the applicant shall be allowed to review the examination.

Subp. 5. **Reexamination.** An applicant who fails to pass the examination shall not retake the same examination for a period of three months.

Statutory Authority: *MS s 116.41*

History: *L 1987 c 186 s 15*

7048.1000 CERTIFICATES.

Subpart 1. **Use of certificate.** Operators shall not be allowed to inspect facilities unless they have a valid inspector certificate.

Operators having a Type II facility operator certificate shall be allowed to operate a Type III facility.

Inspectors shall not be allowed to operate facilities unless they have a valid operators certificate.

Inspectors having a Type II facility inspector certificate shall be allowed to inspect a Type III facility.

Subp. 2. **Issuance.** Certificates shall be issued by the agency commissioner when all necessary conditions prescribed in parts 7048.0100 to 7048.1200 have been met. Certificates shall be valid for three years.

Subp. 3. **Renewal.** A certified individual shall apply for certificate renewal within 30 days of certificate expiration. Renewal certificates shall be issued by the agency commissioner when the agency commissioner receives the application, renewal fee, and evidence that the person has, during the preceding three years, obtained credit for attending training courses offered through the agency or other waste disposal facility training courses approved by the agency commissioner for the number of contact hours specified in subpart 4 for the appropriate type of facility. Individuals who are certified under both this chapter and parts 9400.0200 to 9400.1500 shall be allowed to renew their Type IV certificate by submitting the renewal application, fee and information required by parts 9400.0200 to 9400.1500 and evidence of completion of the training hours specified in subpart 4. After confirming that the individual meets the requirements for certificate renewal, the agency commissioner shall issue one certificate which evidences renewal of both the certificate issued under this chapter and the certificate issued under parts 9400.0200 to 9400.1500.

Subp. 4. **Required training for facility certificate renewal.** Required training for facility certificate renewal is as follows:

- A. type I, 18 contact hours;
- B. type II, 18 contact hours;
- C. type III, 6 contact hours;
- D. type IV, 9 contact hours;
- E. type V, 6 contact hours.

Subp. 5. **List of courses.** The agency commissioner shall annually prepare and make available to the operators and inspectors a list of accredited training courses and approved educational activities for which credit may be obtained.

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Subp. 6. **Reinstatement.** An individual whose certificate has expired may apply to the agency commissioner for reinstatement of the certificate in the same classification. Before a certificate will be reissued the individual must submit the following:

- A. an application for reinstatement;
- B. a nonrefundable fee for a reinstatement certificate; and
- C. evidence of completion of the minimum number of contact hours described in subpart 3 since the certificate was last issued or renewed.

Subp. 7. **Denial of reinstatement.** An individual who is denied reinstatement shall follow the procedure imposed for a new applicant. In such cases the reinstatement fee shall be credited towards the fee for examination and new certificate.

Subp. 8. **Reciprocity.** Operators or inspectors who are certified in states other than Minnesota shall be entitled to certification to operate or inspect the appropriate type of facility in Minnesota if they can provide evidence of meeting requirements equivalent to those of this chapter.

Statutory Authority: *MS s 115.72; 116.41*

History: *L 1987 c 186 s 15; 21 SR 1165*

7048.1100 FEES.

Subpart 1. **Schedule of fees.** Fees for certification shall be as follows:

- A. application examination, \$15;
- B. issuance of certificate, \$15;
- C. reexamination from failure to pass an examination, \$15;
- D. renewal of certificate, \$15;
- E. replacement certificate, \$5; and
- F. reinstatement or reciprocity certificate, \$30.

Subp. 2. **Refund of fees.** The agency commissioner shall return fees received only from individuals who are rejected for examination.

Statutory Authority: *MS s 116.41*

History: *L 1987 c 186 s 15*

7048.1200 SANCTIONS.

Subpart 1. **Criteria.** The agency commissioner shall refuse to issue, renew, or reinstate a certificate, suspend or revoke a certificate, or use any lesser remedy against an individual for any of the following reasons:

- A. submission of false or misleading information or credentials in order to obtain or renew a certificate;
- B. failure to meet the requirements for renewal certification; or
- C. incompetency, negligence, or inappropriate conduct in the performance of operator or inspector duties.

Subp. 2. **Investigation.** Upon receiving a signed written complaint which alleges the existence of grounds for sanctions against a certified individual, the agency commissioner shall initiate an investigation. No revocation, suspension, or other sanction shall be imposed before notice is given to the certified individual and an opportunity for a contested case hearing is provided.

Subp. 3. **Procedures.** Procedures for contested case hearings shall comply with the provisions of the Administrative Procedures Act, Minnesota Statutes, chapter 14.

Subp. 4. **Return of certificate.** Upon revocation or suspension, certified individuals shall return to the agency their certificate and current renewal certificates.

Subp. 5. **Recertification.** An individual whose certificate has been revoked shall not be entitled to apply for recertification until at least one year following the effective date of revocation or for any longer period of time specified in the revocation order.

Subp. 6. **Reinstatement after suspension.** The agency commissioner shall reinstate a suspended certificate if the individual whose certificate has been suspended fulfills the terms of the suspension order and meets all applicable requirements of the rules for obtaining a certificate.

Statutory Authority: *MS s 116.41*

History: *L 1987 c 186 s 15*

7048.1300 CERTIFICATION DEADLINES.

Individuals requiring certification who are employed on September 13, 1982, as operators or inspectors of a disposal facility shall obtain certification by September 1984. Except as provided in this chapter, individuals newly employed after September 13, 1982, must become certified within ten months after obtaining employment. During this ten-month time period, they shall be allowed to operate or inspect the appropriate type of waste disposal facility if they meet the educational requirements necessary for certification and, within 30 days after obtaining employment, submit their application for certification and a signed statement of intention to complete all other requirements for certification within the ten-month time period.

Statutory Authority: *MS s 116.41*