

6 MCAR 4

1 Pollution Control Agency

2 Water Quality Division

3

4 Adoption of Rules Relating to Certification of Waste Disposal

5 Facility Operators and Inspectors

6

7 Rules as Adopted

8 6 MCAR S 4.6088 Certification of operators and inspectors of

9 waste disposal facilities. Rules 6 MCAR SS 4.6088-4.6100

10 implement the requirement of Minn. Stat. S 116.41, subd. 2, that

11 the Minnesota Pollution Control Agency shall require operators

12 and inspectors of waste disposal facilities to obtain a

13 certificate of competency from the agency.

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17 the Minnesota Pollution Control Agency shall require operators

18 and inspectors of waste disposal facilities to obtain a

19 certificate of competency from the agency.

20 6 MCAR S 4.6089 Definitions.

21 A. Scope. For the purposes of 6 MCAR SS 4.6088-4.6100, the

22 following terms and abbreviations shall have the meanings

23 specified. Terms which are not specifically defined shall be

24 construed to be in conformance with Minn. Stat. chs. 115, 115A

25 and 116, their context, and professional usage.

26 B. Agency. "Agency" means the Minnesota Pollution Control

27 Agency.

28 C. Agency director. "Agency director" means the Executive

29 Director of the Minnesota Pollution Control Agency or its

30 designated staff.

31 D. Certification. "Certification" means a process by which

32 individuals must show competency in their chosen occupation

33 through a combination of work experience, education, training,

34 and successful completion of an examination as set forth in 6

35 MCAR SS 4.6090-4.6100.

8-13-82

1 E. Contact hour. "Contact hour" means a pertinent
2 instructional or training session of 50 minutes.

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

7 G. Equipment operator. "Equipment operator" means an
8 individual on the site who performs the necessary actions of
9 properly disposing of the waste.

10 H. Inspector. "Inspector" means any individual who has
11 governmental authority to routinely reviews review waste
12 disposal facilities to determine compliance with applicable
13 statutes, rules, permits, ordinances, or standards. "Inspector"
14 does not include county board members, agency board members, or
15 other individuals employed, appointed, or elected who are not
16 directly involved in routine review of a waste disposal
17 facility. "Inspector" may include individuals who are employed
18 as environmental health specialists or sanitarians, technicians,
19 zoning administrators, county solid waste officers, pollution
20 control specialists, engineers, soil scientists, and
21 hydrologists.

22 H- I. Operator. "Operator" means any individual responsible
23 for conducting work at a waste disposal facility. "Operator"
24 does not include ~~elected officials~~, office personnel, laborers,
25 transporters, corporate directors, ~~elected officials~~, or other
26 individuals in managerial roles ~~who~~ unless such individuals are
27 ~~not~~ directly involved in on-site supervision or operation of a
28 waste disposal facility. "Operator" does not include private
29 individuals who store or landspread sewage sludge on property
30 owned or farmed by that individual. "Operator" includes
31 facility managers, supervisors, and equipment operators.

32 H- J. Waste. "Waste" means solid waste, sewage sludge,
33 hazardous waste and construction debris, as those terms are
34 defined in Minn. Stat. S 115A.03.

35 6 MCAR S 4.6090 Classification of disposal facilities. The
36 agency adopts the following classifications of disposal

1 facilities for training and certification purposes.

2 A. Type I. A Type I facility is any disposal facility that
3 accepts hazardous waste.

4 B. Type II. A Type II facility is any disposal facility
5 that accepts solid waste; or a facility permitted to dispose
6 sewage sludge with solid waste; or a facility that uses the
7 landfill method for sewage sludge disposal. This facility type
8 includes sanitary landfills, modified sanitary landfills, and
9 sewage sludge landfills.

10 C. Type III. A Type III facility is any disposal facility
11 that accepts only nonhazardous source-specific waste from
12 industrial processes or construction debris. This facility type
13 includes demolition landfills and industrial waste landfills.

14 D. Type IV. A Type IV facility is any disposal facility
15 that applies on the land any sewage sludge or semi-solid,
16 liquid, or contained gaseous waste semisolids from commercial or
17 industrial operations. This facility type includes spray
18 irrigation, subsurface injection, and land application
19 facilities.

20 E. Type V. A Type V facility is any disposal facility that
21 applies on the land any nonhazardous liquid waste from
22 commercial, industrial, or agricultural operations.

23 6 MCAR S 4.6091 Certification committee.

24 A. Establishment. The agency shall establish a
25 certification committee consisting of ~~nine~~ eleven voting members
26 and two nonvoting members. The voting members shall be
27 appointed by the agency for three-year terms and shall serve
28 without compensation. The initial appointments shall be ~~three~~
29 ~~four~~ three-year terms, ~~three~~ four two-year terms and three
30 one-year terms. The initial term lengths will be determined by
31 lot once the appointments are made. There shall be equal
32 representation of operators and inspectors on the committee.
33 There shall be one citizen representative. Not more than one
34 voting member shall be a member of the agency staff. Voting
35 members, except the citizen representative, must be certified.
36 There shall be two nonvoting members who are agency staff

1 members responsible for training and certification. Robert's
2 Rules of Order shall govern committee meetings.

3 B. Duties of the committee. The committee shall maintain
4 accurate records of all meetings. The committee shall also
5 review and make recommendations in the following areas to the
6 agency director or, when appropriate, to the agency:

7 1. Applicants to be certified based on information
8 provided in their applications and examination results;

9 2. Changes to 6 MCAR SS 4.6088-4.6100;

10 3. Changes in examinations and training to meet needs;

11 4. Action on operator and inspector complaints relating
12 to certification and training; and

13 5. The number of initial or renewal contact hours to be
14 given for nonagency training courses.

15 C. Transitional committee. The advisory committee that was
16 established by the agency director to develop 6 MCAR SS
17 4.6088-4.6100 shall function as the certification committee
18 until 24 months after the effective date of 6 MCAR SS
19 4.6088-4.6100.

20 6 MCAR S 4.6092 Individuals required to be certified.

21 A. Operators. Operators of waste disposal facilities shall
22 be certified to operate the appropriate type of facility. The
23 number of certified operators at a waste disposal facility which
24 has three or fewer operators shall be at least one. The number
25 of certified operators at a waste disposal facility which has
26 four to seven operators shall be at least two. The number of
27 certified operators at a waste disposal facility that has eight
28 or more operators shall be at least three.

29 B. Inspectors. Inspectors of waste disposal facilities
30 shall be certified to inspect the appropriate type of facility.

31 C. Waiver. Operators of Type IV ~~liquid industrial waste~~
32 ~~land application~~ V facilities that are certified under 6 MCAR SS
33 5.001-5.003 are not required to be certified under 6 MCAR SS
34 4.6088-4.6100 unless they also operate a land application
35 facility for solids or semisolids. Operators of Type IV ~~liquid~~
36 ~~industrial waste land application~~ V facilities shall have the

1 option to be certified under 6 MCAR SS 5.001-5.003 or 6 MCAR SS
2 4.6088-4.6100.

3 6 MCAR S 4.6093 Certification of facility operators.

4 A. In general. To be certified an operator must demonstrate
5 the skill, knowledge, and experience necessary to operate the
6 appropriate type of facility by qualifying for and passing the
7 appropriate examination required by 6 MCAR S 4.6096.

8 B. Type I requirements. Before taking an examination, an
9 applicant for certification as an operator of a Type I facility
10 shall:

11 1. Have a bachelor's degree in an appropriate branch of
12 biological, physical, or chemical science or engineering or
13 equivalent experience;

14 2. Complete at least 15 contact hours of training offered
15 through the agency or other training courses approved by the
16 agency director which are designed to ensure competency at a
17 Type I facility within three years prior to the date of
18 application; and

19 3. Have at least six months work experience as a Type I
20 facility operator.

21 C. Type II requirements. Before taking an examination, an
22 applicant for certification as an operator of a Type II facility
23 shall:

24 1. Have a high school diploma or equivalent or equivalent
25 experience;

26 2. Complete at least 15 contact hours of training offered
27 through the agency or other training courses approved by the
28 agency director which are designed to ensure competency at a
29 Type II facility within three years prior to the date of
30 application; and

31 3. Have at least six months work experience as a Type II
32 facility operator.

33 D. Type III requirements. Before taking an examination, an
34 applicant for certification as an operator of a Type III
35 facility shall complete at least four contact hours of training
36 offered through the agency or other training courses approved by

1 the agency director which are designed to ensure competency at a
2 Type III facility within three years prior to the date of
3 application.

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

7 1. Have a high school diploma or equivalent or equivalent
8 experience;

9 2. Complete at least nine contact hours of training
10 offered through the agency or other training courses approved by
11 the agency director which are designed to ensure competency at a
12 Type IV facility within three years prior to the date of
13 application; and

14 3. Have at least six months work experience as a Type IV
15 facility operator.

16 F. Type V requirements. Before taking an examination, an
17 applicant for certification as an operator of a Type V facility
18 shall:

19 1. Within the three years before the date of application,
20 complete at least nine contact hours of training courses offered
21 through the agency or other training courses approved by the
22 agency director which are designed to ensure competency at a
23 Type V facility; and

24 2. Have at least one spray season's work experience as a
25 Type V facility operator.

26 6 MCAR S 4.6094 Certification of facility inspectors.

27 A. In general. To be certified, an inspector shall
28 demonstrate the knowledge, skill, education, and experience
29 necessary to inspect the appropriate type of waste disposal
30 facility by qualifying for and passing a written examination
31 required by 6 MCAR S 4.6096.

32 B. Facility inspector requirements. An individual who seeks
33 certification as an inspector of a waste disposal facility shall
34 meet the same educational requirements and contact hours of
35 training outlined for operators of the corresponding facility
36 types as specified in 6 MCAR S 4.6093 before taking an

1 examination. Each applicant shall also have conducted at least
2 ten inspections of the appropriate type of waste disposal
3 facility in the presence of a certified inspector. This
4 inspection requirement does not apply to inspectors of Type I
5 facilities until 24 months after a Type I facility is given a
6 permit to operate in this state.

7 C. Waiver. The agency director shall waive the requirement
8 of B. for supervised inspections for individuals applying for an
9 inspector certificate within 24 months after the effective date
10 of 6 MCAR SS 4.6088-4.6100 if the applicant produces evidence of
11 employment as an inspector for that type of facility for at
12 least one year immediately preceding application and has
13 conducted at least ten inspections of the appropriate facility
14 type during that year.

15 6 MCAR S 4.6095 Application for examination.

16 A. Form. Application for examination shall be made in
17 writing on a form provided by the agency director and shall be
18 submitted at least 15 days prior to the examination date.

19 B. Fee. The examination fee shall accompany the application.

20 C. Review of application. The agency director shall review
21 the application for certification and determine the accuracy of
22 the information included in the application. If the agency
23 director determines that additional information or documentation
24 is necessary to assess the eligibility of the applicant to take
25 the examination, the director shall notify the applicant. The
26 applicant shall provide the information prior to examination.

27 D. Notification. The agency director shall notify an
28 applicant of eligibility for examination at least five days
29 before the examination date.

30 6 MCAR S 4.6096 Examinations.

31 A. Content. The agency director shall prepare separate
32 operator and inspector examinations for the different types of
33 waste disposal facilities. The examinations shall test the
34 applicant's knowledge in any one or more of the following
35 areas: basic math, science, public health, rules and laws,

1 facility operation, and facility maintenance.

2 B. Conditions of testing. The examination shall be closed
3 book.

4 C. Passing grade. A minimum grade of 70 percent shall be
5 required to pass.

6 D. Results; review. The agency director shall notify the
7 applicant in writing of the examination results. Examinations
8 shall not be returned to the applicant. Upon request, within 60
9 days after notification of the results, the applicant shall be
10 allowed to review the examination.

11 E. Reexamination. An applicant who fails to pass the
12 examination shall not retake the same examination for a period
13 of three months.

14 6 MCAR S 4.6097 Certificates.

15 A. Use of certificate.

16 1. Operators shall not be allowed to inspect facilities
17 unless they have a valid inspector certificate.

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

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

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

24 B. Issuance. Certificates shall be issued by the agency
25 director when all necessary conditions prescribed in 6 MCAR SS
26 4.6088-4.6099 have been met. Certificates shall be valid for
27 three years.

28 C. Renewal. A certified individual shall apply for
29 certificate renewal within 30 days of certificate expiration.
30 Renewal certificates shall be issued by the agency director when
31 the agency director receives the application, renewal fee, and
32 evidence that the person has, during the preceding three years,
33 obtained credit for attending training courses offered through
34 the agency or other waste disposal facility training courses
35 approved by the agency director for the number of contact hours
36 specified in Exhibit 6 MCAR S 4.6097 C.-1. for the appropriate

1 type of facility. Individuals who are certified under both 6
 2 MCAR SS 4.6088-4.6100 and 6 MCAR SS 5.001-5.003 shall be allowed
 3 to renew their Type IV certificate by submitting the renewal
 4 application, fee and information required by 6 MCAR S 5.003 and
 5 evidence of completion of the training hours specified in
 6 Exhibit 6 MCAR S 4.6097 C.-1. After confirming that the
 7 individual meets the requirements for certificate renewal, the
 8 agency director shall issue one certificate which evidences
 9 renewal of both the certificate issued under 6 MCAR SS
 10 4.6088-4.6100 and the certificate issued under 6 MCAR SS
 11 5.001-5.003.

12 Exhibit 6 MCAR S 4.6097 C.-1.

13 Required Training for Certificate Renewal

14	Facility	Training
15	Type I	18 Contact hours
16	Type II	18 Contact hours
17	Type III	9 6 Contact hours
18	Type IV	9 Contact hours
19	Type V	6 Contact hours
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20 D. List of courses. The agency director shall annually
 21 prepare and make available to the operators and inspectors a
 22 list of accredited training courses and approved educational
 23 activities for which credit may be obtained.

24 E. Reinstatement. An individual whose certificate has
 25 expired may apply to the agency director for reinstatement of
 26 the certificate in the same classification. Before a
 27 certificate will be reissued the individual must submit the
 28 following:

- 29 1. An application for reinstatement;
- 30 2. A nonrefundable fee for a reinstatement certificate;
- 31 and
- 32 3. Evidence of completion of the minimum number of
- 33 contact hours described in C. since the certificate was last
- 34 issued or renewed.

35 F. Denial of reinstatement. An individual who is denied
 36 reinstatement shall follow the procedure imposed for a new

1 applicant. In such cases the reinstatement fee shall be
2 credited towards the fee for examination and new certificate.

3 G. Reciprocity. Operators or inspectors who are certified
4 in states other than Minnesota shall be entitled to
5 certification to operate or inspect the appropriate type of
6 facility in Minnesota if they can provide evidence of meeting
7 requirements equivalent to those of 6 MCAR SS 4.6088-4.6100.

8 6 MCAR S 4.6098 Fees.

9 A. Schedule of fees. Fees for certification shall be as
10 follows:

- 11 1. Application examination - \$15.00;
- 12 2. Issuance of certificate - \$15.00;
- 13 3. Reexamination from failure to pass an examination -
14 \$15.00;
- 15 4. Renewal of certificate - \$15.00;
- 16 5. Replacement certificate - \$5.00; and
- 17 6. Reinstatement or reciprocity certificate - \$30.00.

18 B. Refund of fees. The agency director shall return fees
19 received only from individuals who are rejected for examination.

20 6 MCAR S 4.6099 Sanctions.

21 A. Criteria. The agency director shall refuse to issue,
22 renew, or reinstate a certificate, suspend or revoke a
23 certificate, or use any lesser remedy against an individual for
24 any of the following reasons:

- 25 1. Submission of false or misleading information or
26 credentials in order to obtain or renew a certificate;
- 27 2. Failure to meet the requirements for renewal
28 certification; or
- 29 3. Incompetency, negligence, or inappropriate conduct in
30 the performance of operator or inspector duties.

31 B. Investigation. Upon receiving a signed written complaint
32 which alleges the existence of grounds for sanctions against a
33 certified individual, the agency director shall initiate an
34 investigation. No revocation, suspension, or other sanction
35 shall be imposed before notice is given to the certified

1 individual and an opportunity for a contested case hearing is
2 provided.

3 C. Procedures. Procedures for contested case hearings shall
4 comply with the provisions of the Administrative Procedures Act,
5 Minn. Stat. ch. 15.

6 D. Return of certificate. Upon revocation or suspension,
7 certified individuals shall return to the agency their
8 certificate and current renewal certificates.

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

14 F. Reinstatement after suspension. The agency director
15 shall reinstate a suspended certificate if the individual whose
16 certificate has been suspended fulfills the terms of the
17 suspension order and meets all applicable requirements of the
18 rules for obtaining a certificate.

19 6 MCAR S 4.6100 Certification deadlines. Individuals requiring
20 certification who are employed on the effective date of 6 MCAR
21 SS 4.6088-4.6100 as operators or inspectors of a disposal
22 facility shall obtain certification within 24 months after the
23 effective date of 6 MCAR SS 4.6088-4.6100. After this initial
24 24-month time period, operators or inspectors needing
25 certification Except as provided in 6 MCAR S 4.6093 F.2.,
26 individuals newly employed after the effective date of 6 MCAR SS
27 4.6088-4.6100 must become certified within ten months after
28 obtaining employment. During this ten-month time period, they
29 shall be allowed to operate or inspect the appropriate type of
30 waste disposal facility if they meet the educational
31 requirements necessary for certification and, within 30 days
32 after obtaining employment, submit their application for
33 certification and a signed statement of intention to complete
34 all other requirements for certification within the ten-month
35 time period.