

401 KAR 5:010. Operation of wastewater systems by certified operators.

RELATES TO: KRS 224.10-100, 224.10-110, 224.70-100, 224.70-110

STATUTORY AUTHORITY: KRS 224.10-100, 224.10-110, 224.73-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Cabinet to develop and conduct a comprehensive program for the management of water resources and to provide for the prevention, abatement, and control of water pollution. KRS 224.73-110 requires that a person shall not have primary responsibility for the operation of a sewage system or a portion of a system, whether publicly or privately owned, unless the operator has passed an examination prescribed by the cabinet. This administrative regulation establishes standards for the staffing and classification of wastewater treatment plants and collection systems that accept domestic sewage.

Section 1. Certified Operators for Wastewater Treatment Plants. A wastewater treatment plant that accepts wastewater containing domestic sewage shall be under the primary responsibility of a certified operator as established in this section.

- (1) A treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV treatment certificate.
- (2) A treatment plant with a design capacity of more than 50,000 gallons per day, but less than or equal to two (2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class II, III, or IV treatment certificate.
- (3) A treatment plant with a design capacity of more than two (2) million gallons per day, but less than or equal to seven and one-half ($7\frac{1}{2}$ ~~[1/2]~~) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class III or IV treatment certificate.
- (4) A treatment plant with a design capacity in excess of seven and one-half ($7\frac{1}{2}$ ~~[1/2]~~) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class IV treatment certificate.
- (5) A wastewater treatment plant at a school shall be under the primary responsibility of a certified operator holding an active limited certificate or a Class I, II, III, or IV treatment certificate.

Section 2. Certified Operators for Collection Systems. Each collection system transporting wastewater containing domestic sewage shall be under the primary responsibility of a certified operator as established in this section.

- (1) Collection systems with greater than 5,000 linear feet of sewer line that transport wastewater to a treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV collection certificate.
- (2) Collection systems that transport wastewater to a treatment plant with a design capacity of more than 50,000 gallons per day, but less than or equal to two (2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class II, III, or IV collection certificate.
- (3) Collection systems that transport wastewater to a treatment plant with a design capacity of more than two (2) million gallons per day, but less than or equal to seven and one-half ($7\frac{1}{2}$) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class III or IV collection certificate.
- (4) Collection systems that transport wastewater to a treatment plant with a design capacity in excess of seven and one-half ($7\frac{1}{2}$) million gallons per day shall be under the primary responsibility of a certified operator holding an active IV collection certificate.

- (5) A wastewater collection system at a school shall be under the primary responsibility of an operator holding an active:
- (a) Class I, II, III, or IV collection certificate;
 - (b) Class I, II, III, or IV treatment certificate; or
 - (c) Limited certificate.
- (6) Collection systems with not more than 5,000 linear feet of sewer line that transport wastewater to a treatment plant with a design capacity of less than or equal to 50,000 gallons per day, shall be operated under the primary responsibility of a certified operator with an active:
- (a) Class I, II, III, or IV collection certificate; or
 - (b) Class I, II, III, or IV treatment certificate.
- (7) Collection systems that transport wastewater containing domestic sewage to a treatment plant owned by another person shall use population-served for determination of the appropriate collection system certificate.
- (a) Collection systems with greater than 5,000 linear feet of sewer line and with a population served of 1,500 individuals or less shall be operated by a certified operator holding an active Class I, II, III, or IV collection certificate.
 - (b) Collection systems with a population served of 1,501 to 15,000 individuals shall be operated by a certified operator holding an active Class II, III, or IV collection certificate.
 - (c) Collection systems with a population served of 15,001 to 50,000 individuals shall be operated by a certified operator holding an active Class III or IV collection certificate.
 - (d) Collection systems with a population served of 50,001 individuals or greater shall be operated by a certified operator holding an active Class IV collection certificate.
 - (e) Collection systems with not more than 5,000 linear feet of sewer line that serve a population of not more than 1,500, shall be operated under the primary responsibility of a certified operator with an active:
 - 1. Class I, II, III, or IV collection certificate; or
 - 2. Class I, II, III, or IV treatment certificate.

Section 3. Certified Operator Availability.

- (1) The facility shall ensure that a certified operator with primary responsibility shall be able to be contacted by phone within thirty (30) minutes.
- (2) The facility shall ensure that a certified operator with primary responsibility shall be capable of being onsite:
 - (a) Within two (2) hours if the certified operator with primary responsibility is required to have a Class I or Limited certificate; or
 - (b) Within one (1) hour if the certified operator with primary responsibility is required to have a Class II, III, or IV certificate.

Section 4. Operators In Training.

- (1) A Class I Operator In Training shall not have primary responsibility of a wastewater treatment plant or wastewater collection system.
- (2) A certified operator with an Operator In Training designation shall work under the direct supervision of a certified operator who:
 - (a) Works at the same facility; and
 - (b) Holds an active certification level that is equal to or greater than the certification level required to serve in primary responsibility of the facility.
- (3) An Operator In Training may have primary responsibility for a wastewater collection system or wastewater treatment plant for which the operator holds an active Class II through Class IV certification as established in 401 KAR 11:030.

Section 5. A wastewater collection system or treatment plant may propose an alternate staffing plan to the staffing requirement established in this section.

- (1) The proposal shall be submitted to the cabinet and shall thoroughly explain the alternate proposal.
- (2) The proposal shall demonstrate:
 - (a) A necessity for the wastewater collection system or treatment plant to vary from the requirements in this paragraph; and
 - (b) An equal level of protection of human health and the environment.
- (3) The cabinet shall not approve an alternate proposal that does not propose that a duly certified operator in direct responsible charge operate a wastewater collection system or treatment plant, in accordance with KRS 224.73-110.

Section 6. Certificate Display. If a system office is available at the wastewater treatment plant or within the sewer service area, the operator's certificate shall be prominently displayed on the wall.

(6 Ky.R. 329; 560; eff. 5-7-1980; 11 Ky.R. 1128; eff. 4-9-1985; 14 Ky.R. 1289; eff. 2-8-1988; 15 Ky.R. 285; 1007; eff. 10-26-1988; 16 Ky.R. 603; 1193; eff. 1-9-1990; 19 Ky.R. 415; 717; eff. 8-27-1992; 35 Ky.R. 354; 1205; eff. 3-6-2009; Crt eff. 5-11-2018; TAm eff. 5-15-2018; 45 Ky.R. 3514; eff. 11-1-2019.)