

Document No. 4410
ENVIRONMENTAL CERTIFICATION BOARD
CHAPTER 51
Statutory Authority: 1976 Code Sections 40-1-70 and 40-23-60

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Synopsis:

The South Carolina Environmental Certification Board proposes to amend its regulations in conformance with its practice act.

The Notice of Drafting was published in the *State Register* on July 26, 2013.

Instructions:

The following sections of Chapter 51 are modified as provided below.

Text:

51-1. Applications for Certification.

Any person who desires to become certified by the board must make application on the proper form. The board on request will furnish this form. The application for initial certification must be accompanied by a nonrefundable fee as specified in 51-6. An application for Well Driller that is not acted upon by the applicant within twelve (12) months of receipt by the board shall become inactive.

51-2. Examinations.

A. Examinations, required for licensure, are approved by the board. An applicant may apply under the Americans' with Disabilities Act (ADA) and provide documentation for consideration.

B. An examination fee will be charged for each examination taken by an applicant.

C. Such examinations as may be prescribed under this rule will be administered through a provider approved by the board.

51-3. Levels of Licensure, Requirements for Each Level, Operator-in-Charge Requirements for Facilities.

A. The board shall certify qualified applicants in accordance with the levels of licensure defined in this article. In each case, the applicant must meet at least the minimum experience requirements set for the level of licensure being sought. Further, each applicant must comply with the examination requirements, as established in 51-2, relevant to the level of licensure desired.

B. An applicant's education, both degree-related and non-degree-related, may be considered by the board in determining whether the applicant meets the experience requirements for licensure. However, no applicant shall receive a graded certificate without having completed at least one (1) year of actual operating experience. This applies for "C", "B" and "A" level licensure only.

C. There will be no additional application fee for an operator to progress from a lower license to a higher one. However, an examination fee will be charged for each examination taken by an applicant.

D. Licensees and applicants are responsible for notifying the board within fifteen (15) days, whenever they change employers and their position requires certification.

E. The levels of licensure for water treatment plant and water distribution operators, and the requirements for each level, are defined in Section 40-23-300, South Carolina Code of Laws, 1976 as amended.

F. The levels of licensure for physical/chemical wastewater treatment plant operators, and the requirements for each level, are defined as:

1. To be licensed by the board as a "Trainee" physical/chemical wastewater treatment plant operator an applicant must:

a. submit an application on forms approved by the board and the prescribed fee.

2. To be licensed by the board as "D" physical/chemical wastewater treatment operator an applicant must:

a. hold a valid "Trainee" License;

b. have a high school diploma or the equivalent;

c. pass an examination approved by the board;

d. have completed at least one (1) year of actual operating experience at a physical/chemical wastewater facility, or the equivalent; and,

e. submit an affidavit of employment documenting the experience.

3. To be licensed by the board as a "C" physical/chemical wastewater treatment plant operator an applicant must:

a. hold a valid "D" License;

b. pass an examination approved by the board;

c. have completed at least two (2) years of actual operating experience at a physical /chemical wastewater facility, or the equivalent; and,

d. submit an affidavit of employment documenting the experience.

4. To be licensed by the board as a "B" physical/chemical wastewater treatment plant operator an applicant must:

a. hold a valid "C" License;

b. pass an examination approved by the board;

c. have completed at least three (3) years of actual operating experience at a physical/chemical wastewater facility, or the equivalent; and,

d. submit an affidavit of employment documenting the experience.

5. To be licensed by the board as an "A" physical/chemical wastewater treatment plant operator an applicant must:

a. hold a valid "B" License;

b. pass an examination approved by the board;

c. have completed at least four (4) years of actual operating experience at a physical/chemical wastewater facility, or the equivalent; and,

d. submit an affidavit of employment documenting the experience.

G. The levels of licensure for biological wastewater treatment plant operators, and the requirements for each level, are defined as:

1. To be licensed by the board as a "Trainee" biological wastewater treatment plant operator an applicant must:

a. submit an application on forms approved by the board and the prescribed fee.

2. To be licensed by the board as a "D" biological wastewater treatment plant operator an applicant must:

a. hold a valid "Trainee" License;

b. have a high school diploma or the equivalent;

c. pass an examination approved by the board;

d. have completed at least one (1) year of actual operating experience at a biological wastewater facility, or the equivalent; and,

e. submit an affidavit of employment documenting the experience.

3. To be licensed by the board as a "C" biological wastewater treatment plant operator an applicant must:

a. hold a valid "D" Operator License;

b. pass an examination approved by the board;

c. have completed at least two (2) years of actual operating experience at a biological wastewater facility, or the equivalent; and,

d. submit an affidavit of employment documenting the experience.

4. To be licensed by the board as a "B" biological wastewater treatment plant operator an applicant must:

a. hold a valid "C" License;

b. pass an examination approved by the board;

c. have completed at least three (3) years of actual operating experience at a biological wastewater facility, or the equivalent; and,

d. submit an affidavit of employment documenting the experience.

5. To be licensed by the board as an "A" biological wastewater treatment plant operator an applicant must:

a. hold a valid "B" License;

b. pass an examination approved by the board;

c. have completed at least four (4) years of actual operating experience at a biological wastewater facility, or the equivalent; and,

d. submit an affidavit of employment documenting the experience.

H. The operator-in-charge of a biological wastewater treatment plant classified by the Department of Health and Environmental Control as requiring the services of a licensed operator must hold licensure as a biological wastewater treatment plant operator at a level no lower than the level of license designated for the classification or grouping assigned the plant by the Department of Health and Environmental Control:

1. Group IB wastewater treatment plants require an operator with at least a "D" license.

2. Group IIB wastewater treatment plants require an operator with at least a "C" license.

3. Group IIIB wastewater treatment plants require an operator with at least a "B" license.

4. Group IVB wastewater treatment plants require an operator with at least an "A" license.

I. The operator-in-charge of a physical/chemical wastewater treatment plant classified by the Department of Health and Environmental Control as requiring the services of a certified operator must hold licensure as a physical/chemical wastewater treatment plant operator at a level no lower than the level of licensure designated for the classification or grouping assigned the plant by the Department of Health and Environmental Control.

1. Group I-P/C wastewater treatment plants require an operator with at least a "D" Physical/Chemical license.

2. Group II-P/C wastewater treatment plants require an operator with at least a "C" Physical/Chemical license.

3. Group III-P/C wastewater treatment plants require an operator with at least a "B" Physical/Chemical license.

4. Group IV-P/C wastewater treatment plants require an operator with at least an "A" Physical/Chemical license.

J. Actual operating experience shall be verified by an affidavit.

51-4. Renewal of License and Permit, Continuing Education.

A. Each license issued by the board shall be renewed annually or biennially on or before June 30. Any license not renewed within three hundred sixty-five (365) days of the date on which the license expired shall be considered lapsed and declared nonrenewable.

B. The board shall charge a renewal fee, the amount of such fee to be fixed by the board, in accordance with 51-6. Renewal applications received between July 1 and June 30 of the following year shall be subject to a reinstatement fee of two hundred dollars (\$200.00).

C. A person who practices while a license is lapsed may be fined up to five hundred dollars (\$500.00).

D. A certificate revoked for cause by the board may be reinstated only by action of the board.

E. Each applicant applying for renewal of any license must provide evidence of having completed twelve (12) hours of relevant continuing education every two (2) years. Alternatively, in accordance with 40-23-230(C)(3), a licensee may demonstrate he complies with the current continuing education requirements after the department renews the license, provided he does not engage in licensed activity until he has completed the continuing education requirement. Continuing education credit shall be in accordance with Continuing Education Guidelines as approved by the board. In lieu of continuing education, the applicant may take and pass the appropriate examination for his/her license grade.

51-5. Operator-in-Training Licenses.

A. Biological Wastewater Operators, Physical/Chemical Wastewater Operators, Water Treatment Operators, and Water Distribution Operators.

1. For biological wastewater treatment operators, physical/chemical wastewater treatment operators, water treatment operators, and water distribution operators the board shall issue "trainee" licenses that are valid for two (2) years for new personnel with qualifications as stated in 51-3. Operation under this license shall always be under the direct supervision of a legally licensed operator of the proper grade. All applications must be endorsed by the applicant's chief operator, or operator-in-charge.

B. Application for Trainee Licenses.

1. Trainee licenses will be valid only for the two (2) year period and will not be renewed except when an examination for a graded certificate has been passed.

51-6. Fees.

These fees shall be assessed, collected and adjusted on behalf of the board by the Department of Labor, Licensing and Regulation in accordance with this chapter and Section 40-1-50(D).

A. Biological Wastewater Treatment Operator Application - \$50

B. Biological Wastewater Treatment Operator Certification by Reciprocity - \$50

C. Biological Wastewater Treatment Operator Renewal - \$30

D. Bottled Water Operator Application - \$50

E. Bottled Water Certification by Reciprocity - \$50

F. Bottled Water Renewal - \$30

G. Water Distribution System Operator Application - \$50

H. Water Distribution System Operator Certification by Reciprocity - \$50

I. Water Distribution System Operator Renewal - \$30

J. P/C Wastewater Treatment Operator Application - \$50

K. P/C Wastewater Treatment Operator Certification by Reciprocity - \$50

L. P/C Wastewater Treatment Operator Renewal - \$30

M. Well Driller Application - \$50

N. Well Driller Certification by Reciprocity - \$50

O. Well Driller Renewal - \$50

P. Water Treatment Plant Operator Application - \$50

Q. Water Treatment Plant Operator Certification by Reciprocity - \$50

R. Water Treatment Plant Operator Renewal - \$30

S. Roster (Licensee) List - \$10

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

Statement of Rationale:

These regulations are updated to conform to the Board's practice act.