CHESAPEAKE SANITARY BOARD
REGULAR MEETING
January 25, 2024, 6:07 p.m.

Rescheduled from January 16, 2024, due to inclement weather

Call To Order: Melissa J. Hill, President/Mayor

Roll Call by Secretary Jolinda Perdue:

President/Mayor:	Melissa J. Hill	Present
Citizen Board Member:	Jason Bowen	Present
Citizen Board Member:	Herbert Shearer	Absent
Board Secretary:	Jolinda Perdue	Present

A Quorum of the Sanitary Board has Convened.

Citizens Present: Robin Wright Taylor, Town of Chesapeake Recorder

Beth Minear, Esq. Sanitary Board Counsel

Prayer: Melissa J. Hill

Pledge of Allegiance: All

Sanitary Board Briefing by President/Mayor Hill:

a) Approval of January 25, 2024, Sanitary Board Agenda.

Motion made by Jason Bowen to approve the Sanitary Board Agenda. Melissa Hill seconded the motion. President/Mayor Hill called for a vote, with all "ayes" approving, Motion Carried.

b) December 19, 2023, Minutes were reviewed and approved by Sanitary Board Council.

Motion made by Jason Bowen to approve the Sanitary Board Meeting Minutes from December 19, 2023, with one revision at c) …."Excavation of about 8 feet of pipe" changed to "Excavation to expose about 8 feet of pipe". Correction made by Secretary Jolinda Perdue. Melissa Hill seconded the motion to accept minutes and the one revision. President/Mayor Hill called for a vote, with all "ayes" approving, Motion Carried.

Public Comment

Robin Wright Taylor noted that WV American Water was repairing a broken water line at a neighbor's home on Nancy Avenue during the week of January 16, 2024.

Special Presentation

President/Mayor Hill presented the FY2024/2025 Reorganizational Chart for Town of Chesapeake Sanitary Board and Town of Chesapeake. Discussions concerning required certifications, job descriptions and policies were exchanged. A presentation will also be given to the Town Council at their next regularly scheduled meeting.

Motion made by Jason Bowen to approve the Reorganizational Chart for the Chesapeake Sanitary Board for FY2024/2025. Melissa Hill seconded the motion. President/Mayor Hill called for a vote, with all "ayes" approving, Motion Carried.

Old Business

President/Mayor Hill advised that receipt of the Sewer System Evaluation Report from Chapman Engineering will be forthcoming very soon for review.

New Business

A) Discussion and Resolution to purchase four (4) Push to Talk phones through FirstNet at a cost of $30.99 per month/per phone. The expense shall be split between Town of Chesapeake and the Sanitary Board. Sanitary Board will purchase phones and service. Town of Chesapeake will reimburse the Sanitary Board upon presentation and approval by Town of Chesapeake Council at the next Council Meeting. President/Mayor Hill advised that there was an emergency situation that arose involving the Town's Garbage Truck and that the Town, nor the Sanitary workers, have access to emergency communications.

Motion made by Jason Bowen to approve the Sanitary Board purchasing four (4) Push to Talk phones and monthly service from FirstNet at the price of $30.99 per month/per phone and that the Town of Chesapeake will reimburse the Sanitary Board upon approval by Town Council at the next Town Council meeting. Melissa Hill seconded the motion. President/Mayor Hill called for a vote, with all "ayes" approving, Motion Carried.

B) Discussion and Resolution to implement a Special Project for a 24/7 365 Service – Discovery Project – not to exceed the cost of $2500.00. Discussion followed that the Sanitary Department needs a website, domain name, a 311 Center to automate citizen requests for service, deployment of work orders, follow-up and status. The Sanitary Board has no purchase history of integrated IT for Portfolio and Project Management.

Motion made by Jason Bowen to approve the Sanitary Board implement a Special Project for a 24/7 365 Service – Discovery Project – not to exceed the cost of $2500.00. Melissa Hill seconded the motion. President/Mayor Hill called for a vote, with all "ayes" approving, Motion Carried.

C) Discussion and Resolution to implement a Special Project for an Emergency Response Portal – Discovery Project – not to exceed the cost of $2500.00.

Motion made by Jason Bowen to approve the Sanitary Board implement a Special Project for an Emergency Response Portal – Discovery Project – not to exceed the

cost of $2500.00. Melissa Hill seconded the motion. President/Mayor Hill called for a vote, with all "ayes" approving, Motion Carried.

Legal Update

Sanitary Counsel Beth Minear presented a Resolution for the Town of Chesapeake Sanitary Board Authorization for Delegation of Authority to Chair for Routine Accounts Payable. Discussion and explanation by Counsel Minear of the Resolution explaining that passing such a Resolution would allow the Chair who is charged with the responsibility of day-to-day oversight of the business of CSB to facilitate payment of Accounts Payable in the ordinary course of business under a determined dollar thresh hold. The CSB council would delegate authority to the Chair to approve Accounts Payable for amounts up to and including $5,000.00 if arising in the ordinary course of business. The CSB Chair would still be required to seek review and approval from entire CSB Board for approval of dollar amounts over $5,000.00 arising from the ordinary course of business.

Motion made by Jason Bowen to approve the Resolution for the Town of Chesapeake Sanitary Board Authorization for Delegation of Authority to Chair for Routine Accounts Payable. Melissa Hill seconded the motion. President/Mayor Hill called for a vote, with all "ayes" approving, Motion Carried. Resolution Signed by President/Mayor Hill and CSB Secretary Jolinda Perdue.

Sanitary Board Counsel Beth Minear provided an update regarding correspondence to the Town of Chesapeake from Frederick L. Hypes dated August 10, 2018, concerning sewage flows from American Chemical and the Coal Terminal. Counsel Minear provided a copy of correspondence addressed to Frederick L. Hypes, Thrasher Group, Inc., (Dunn Engineering has since merged with Thrasher Group, Inc.), dated January 12, 2024, inquiring as to his historical knowledge of the situation. Counsel Minear advised she spoke to Mr. Hypes via telephone and confirmed the information that had been previously conveyed to the Sanitary Board in 2018.

Sanitary Counsel Minear also provided a copy of the newest legislative changes that went into effect on November 6, 2023, pertaining to 64 CSR 5, Wastewater Systems and Operators, which will expire on August 1, 2029.

A discussion ensued regarding reorganization of Chesapeake Sanitary employees and City Sanitation workers. Nathaniel Hale, who works on the City Sanitation side, but also is the only individual within the Town who has over 24 years of knowledge about the Town's sewer system, having worked and trained by Emory Peters, the Town's Chief Operator for the sewer system. Mr. Peters passed away in 2009, and Mr. Hale has always stepped up to ensure the sewage system was maintained, within the means he was given, without any compensation from the Sanitary Board currently. Mr. Hale collects all flow readings daily, even on the weekends, and monitors the pumps for issues, etc. Further discussions, as a result of the legislative changes, would allow Mr. Hale one year to become a certified wastewater operator, while also being Chief Operator of the Town of Chesapeake's sewer collection and pump systems.

The Town Council will be reviewing the new Reorganization model at the next council meeting. The Sanitary Board will reconvene after the Town Council has had an opportunity to review the reorganization plan before making any changes.

Financial Statement

President/Mayor Hill presented Resolution No. 9 from WVIJDC for payment of Invoices # 20788 and 20789, in the total amount of $1,625.00 for SSES PFA Project services. Chesapeake Town Council approved the same at their monthly meeting on Monday, January 22, 2024.

Motion made by Jason Bowen to approve Resolution #9 for the Town of Chesapeake payment to Chapman Technical Group, LTD Invoice #'s 20788 and 20789 in the total amount of $1625.00 to WVIJDC for payment to Chapman Technical Group. Melissa Hill seconded the motion. President/Mayor Hill called for a vote, with all "ayes" approving, Motion Carried.

President/Mayor Hill provided the Sanitary Board's Balance Sheet, Expenses by Vendor Detail and Profit and Loss by Class for December 2023.

President/Mayor Hill provided a copy of the Marmet Billing for Flows and Bond payments from February 2023 and City National Bank Statements for April and May 2023. President/Mayor Hill then advised the Board that the previous administration of the Sanitary Board had paid the February 2023 Invoice twice from Marmet in the total amount of $14,940.03. The bank statements revealed two payments of $3,173.13 (Bond Payment) and $11,766.83 (Flow Billing), respectively, were each made on April 13, 2023, and again on May 4, 2023. President/Mayor Hill advised the issued was resolve with the Town of Marmet and overpayment will be credited back to the Chesapeake Sanitary Board.

MEETING ADJOURNED

Motion by Board Member Jason Bowen was made to adjourn the meeting at 8:02 p.m.

President/Mayor Melissa Hill seconded the motion.

President/Mayor Hill called for a vote, with all "ayes" approving the meeting be adjourned until the next regular meeting to be held on Tuesday, February 27, 2024, at 6:00 p.m. at the Lisa Curry Annex Center.

TOWN OF



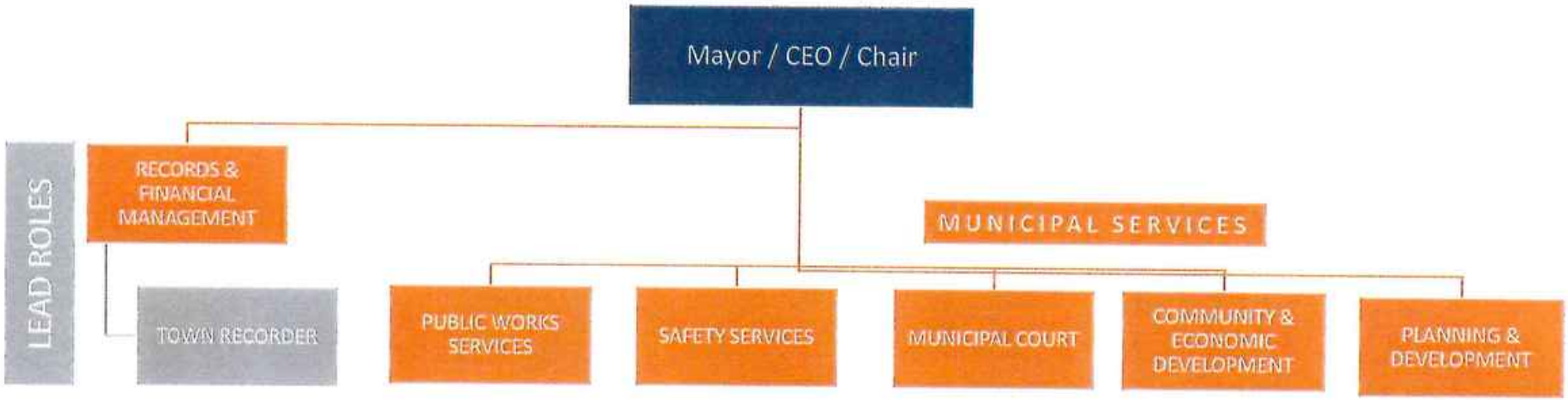
Moving from Transactional to Relational

Reactive to Proactive

REACTIVE NOT PROACTIVE

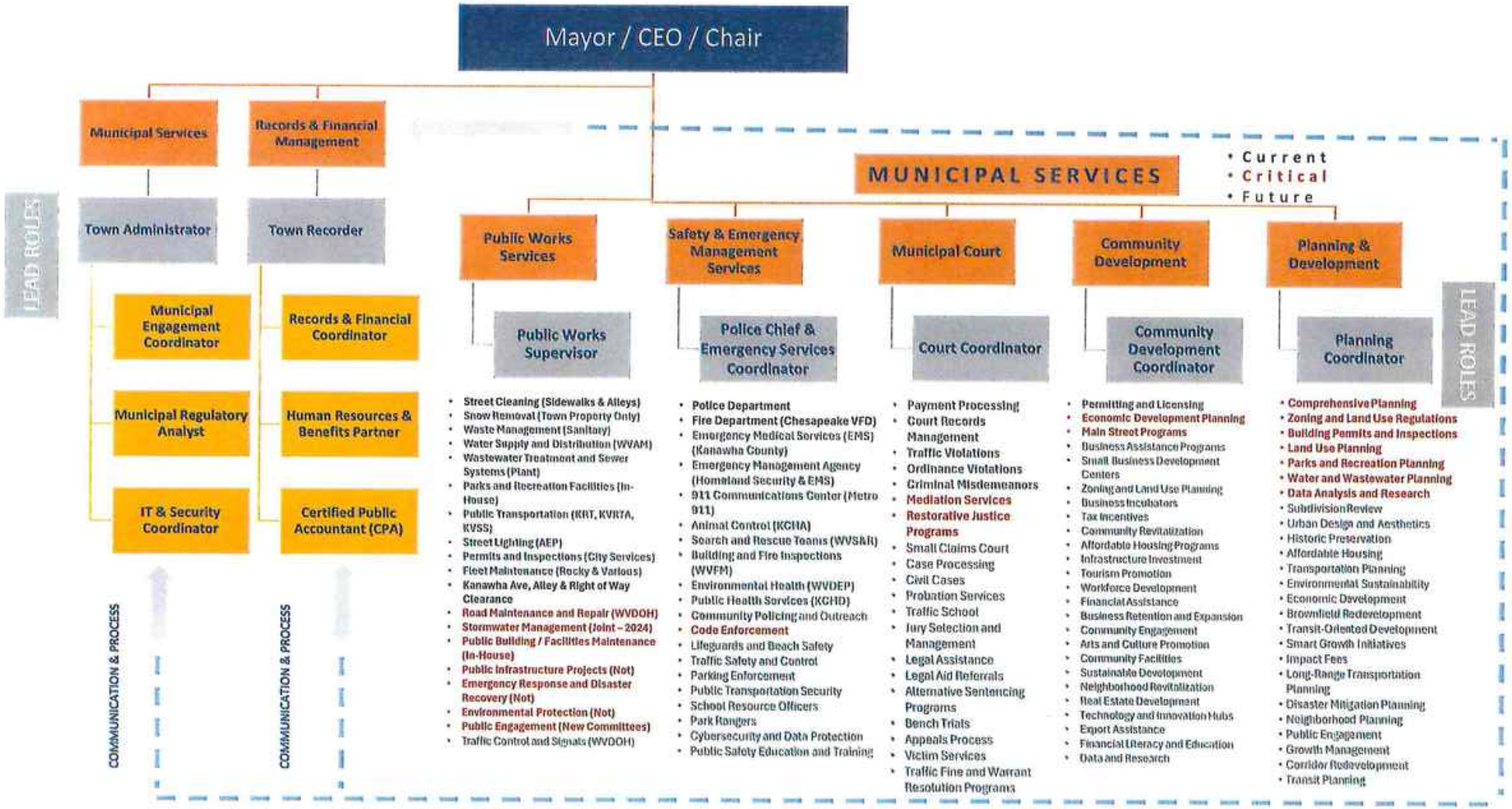


TRANSACTIONAL SERVICES



How to Execute Operations Governing Body

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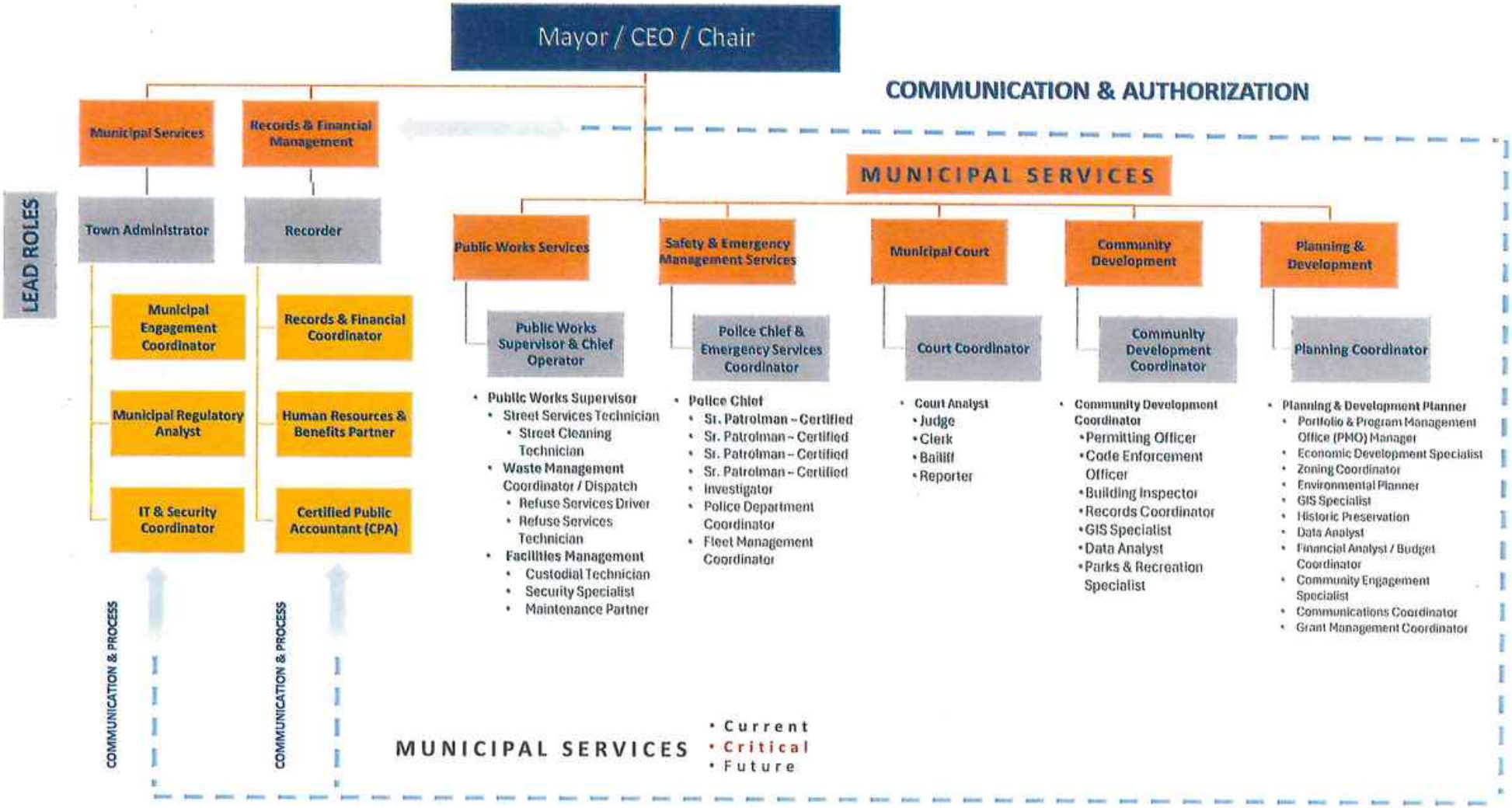
Town Recorder
Municipal Engagement Coordinator
Municipal Regulatory Analyst
IT & Security Coordinator
Records & Financial Coordinator
Human Resources & Benefits Partner
Certified Public Accountant (CPA)
LEAD ROLES
COMMUNICATION & PROCESS
COMMUNICATION & PROCESS
MUNICIPAL SERVICES
• Current
• Critical
• Future
Public Works Services
Public Works Supervisor
Safety & Emergency Management Services
Police Chief & Emergency Services Coordinator
Municipal Court
Court Coordinator
Community Development
Community Development Coordinator
Planning & Development
Planning Coordinator
LEAD ROLES
• Street Cleaning (Sidewalks & Alleys)
• Snow Removal (Town Property Only)
• Waste Management (Sanitary)
• Water Supply and Distribution (WVAM)
• Wastewater Treatment and Sewer Systems (Plant)
• Parks and Recreation Facilities (In-House)
• Public Transportation (KRT, KVRTA, KVSS)
• Street Lighting (AEP)
• Permits and Inspections (City Services)
• Fleet Maintenance (Rocky & Various)
• Kanawha Ave, Alley & Right of Way Clearance
• Road Maintenance and Repair (WVDOH)
• Stormwater Management (Joint – 2024)
• Public Building / Facilities Maintenance (In-House)
• Public Infrastructure Projects (Not)
• Emergency Response and Disaster Recovery (Not)
• Environmental Protection (Not)
• Public Engagement (New Committees)
• Traffic Control and Signals (WVDOH)
• Police Department
• Fire Department (Chesapeake VFD)
• Emergency Medical Services (EMS) (Kanawha County)
• Emergency Management Agency (Homeland Security & EMS)
• 911 Communications Center (Metro 911)
• Animal Control (KCHA)
• Search and Rescue Teams (WVS&R)
• Building and Fire Inspections (WVFM)
• Environmental Health (WVDEP)
• Public Health Services (KCHD)
• Community Policing and Outreach
• Code Enforcement
• Lifeguards and Beach Safety
• Traffic Safety and Control
• Parking Enforcement
• Public Transportation Security
• School Resource Officers
• Park Rangers
• Cybersecurity and Data Protection
• Public Safety Education and Training
• Payment Processing
• Court Records Management
• Traffic Violations
• Ordinance Violations
• Criminal Misdemeanors
• Mediation Services
• Restorative Justice Programs
• Small Claims Court
• Case Processing
• Civil Cases
• Probation Services
• Traffic School
• Jury Selection and Management
• Legal Assistance
• Legal Aid Referrals
• Alternative Sentencing Programs
• Bench Trials
• Appeals Process
• Victim Services
• Traffic Fine and Warrant Resolution Programs
• Permitting and Licensing
• Economic Development Planning
• Main Street Programs
• Business Assistance Programs
• Small Business Development Centers
• Zoning and Land Use Planning
• Business Incubators
• Tax Incentives
• Community Revitalization
• Affordable Housing Programs
• Infrastructure Investment
• Tourism Promotion
• Workforce Development
• Financial Assistance
• Business Retention and Expansion
• Community Engagement
• Arts and Culture Promotion
• Community Facilities
• Sustainable Development
• Neighborhood Revitalization
• Real Estate Development
• Technology and Innovation Hubs
• Export Assistance
• Financial Literacy and Education
• Data and Research
• Comprehensive Planning
• Zoning and Land Use Regulations
• Building Permits and Inspections
• Land Use Planning
• Parks and Recreation Planning
• Water and Wastewater Planning
• Data Analysis and Research
• Subdivision Review
• Urban Design and Aesthetics
• Historic Preservation
• Affordable Housing
• Transportation Planning
• Environmental Sustainability
• Economic Development
• Brownfield Redevelopment
• Transit-Oriented Development
• Smart Growth Initiatives
• Impact Fees
• Long-Range Transportation Planning
• Disaster Mitigation Planning
• Neighborhood Planning
• Public Engagement
• Growth Management
• Corridor Redevelopment
• Transit Planning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MUNICIPAL SERVICES
Public Works Services
Safety & Emergency Management Services
Municipal Court
Community Development
Planning & Development
Public Works Supervisor & Chief Operator
Police Chief & Emergency Services Coordinator
Court Coordinator
Community Development Coordinator
Planning Coordinator
• Public Works Supervisor
• Street Services Technician
• Street Cleaning Technician
• Waste Management Coordinator / Dispatch
• Refuse Services Driver
• Refuse Services Technician
• Facilities Management
• Custodial Technician
• Security Specialist
• Maintenance Partner
• Police Chief
• Sr. Patrolman – Certified
• Sr. Patrolman – Certified
• Sr. Patrolman – Certified
• Sr. Patrolman – Certified
• Investigator
• Police Department Coordinator
• Fleet Management Coordinator
• Court Analyst
• Judge
• Clerk
• Bailiff
• Reporter
• Community Development Coordinator
• Permitting Officer
• Code Enforcement Officer
• Building Inspector
• Records Coordinator
• GIS Specialist
• Data Analyst
• Parks & Recreation Specialist
• Planning & Development Planner
• Portfolio & Program Management Office (PMO) Manager
• Economic Development Specialist
• Zoning Coordinator
• Environmental Planner
• GIS Specialist
• Historic Preservation
• Data Analyst
• Financial Analyst / Budget Coordinator
• Community Engagement Specialist
• Communications Coordinator
• Grant Management Coordinator
MUNICIPAL SERVICES
• Current
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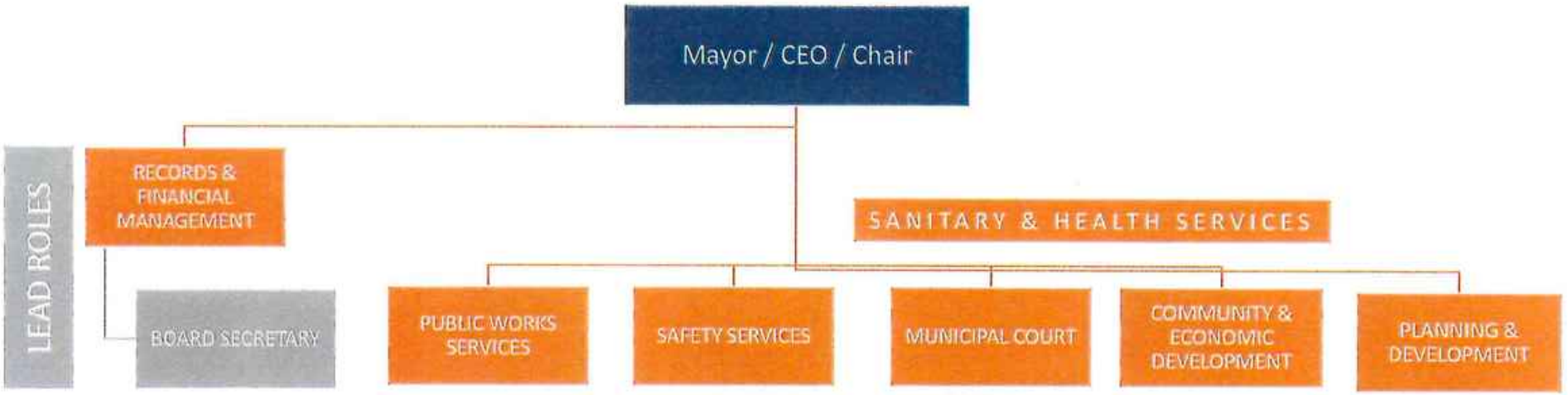
New Roles Budget

Position	Annual Salary
Town Administrator	$50,000
Recorder as Sr. Clerk & Financial Manager	$50,000
Public Works Supervisor	$40,000 (from $35,360)
Municipal Engagement Coordinator	$35,000
Municipal Regulatory Analyst	$40,000
Records & Financial Coordinator	$35,000
Total	**$285,000**



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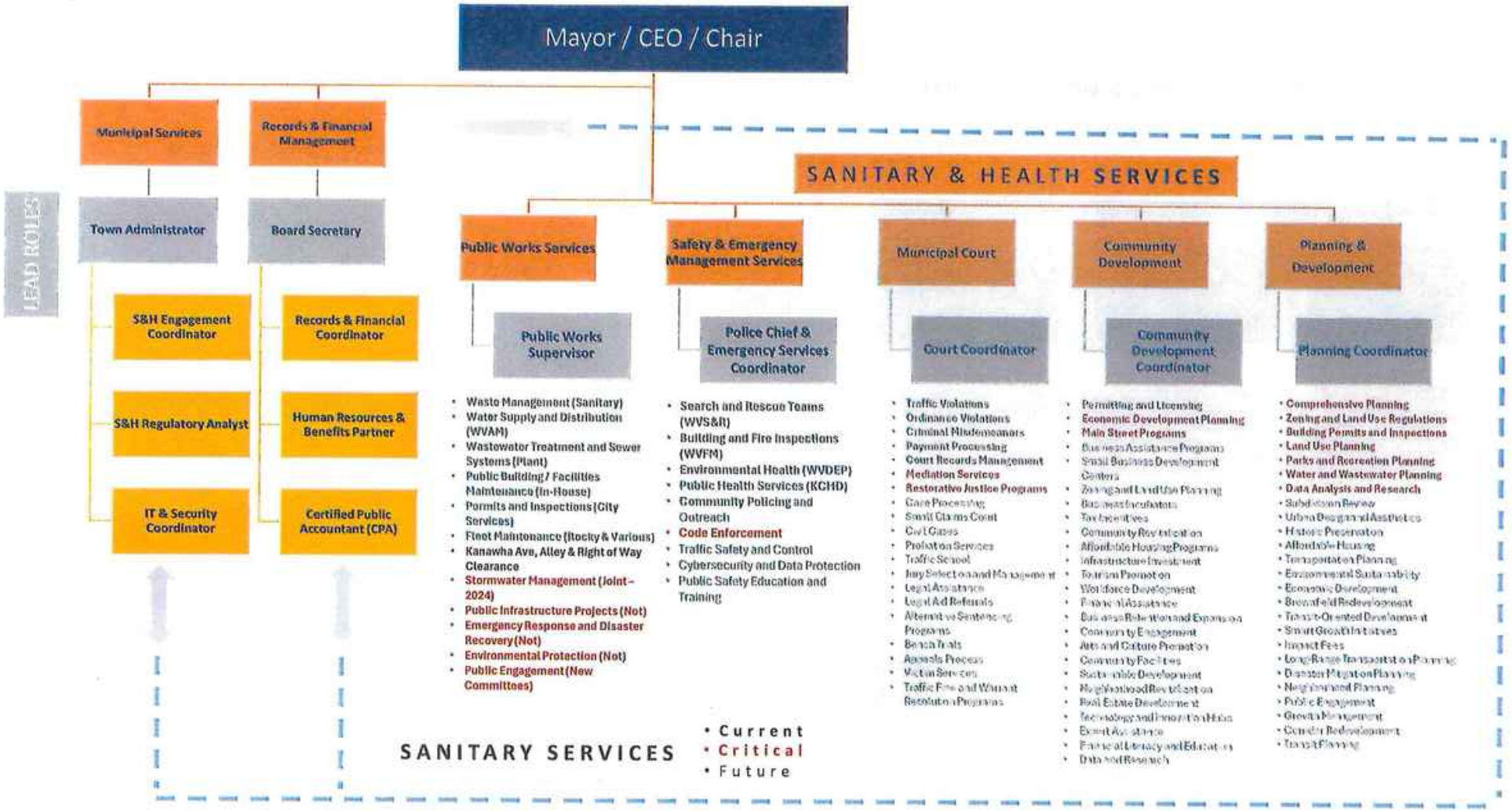
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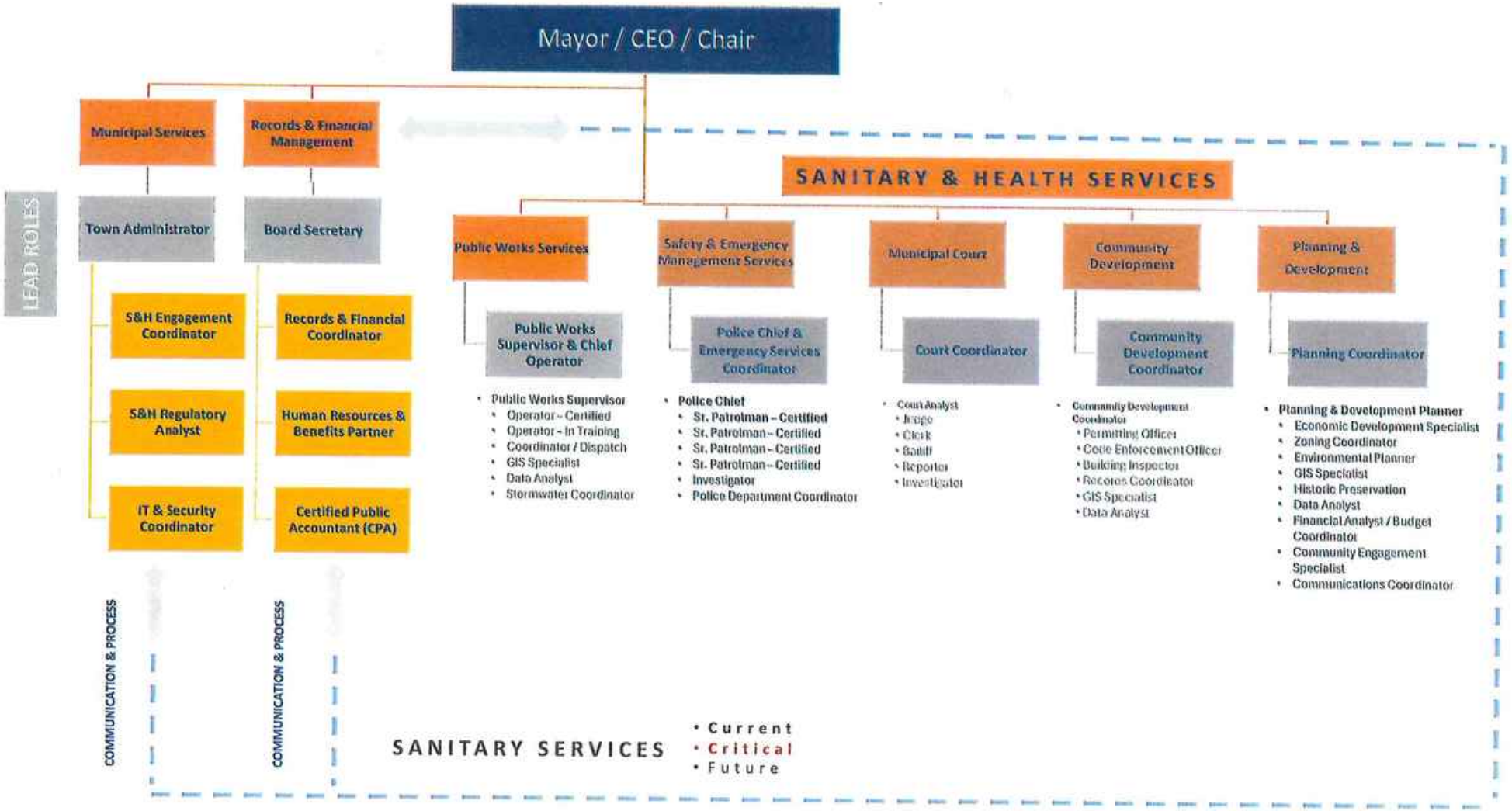
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Court Coordinator
Community Development Coordinator
Planning Coordinator
Public Works Supervisor
Operator – Certified
Operator – In Training
Coordinator / Dispatch
GIS Specialist
Data Analyst
Stormwater Coordinator
Police Chief
Sr. Patrolman – Certified
Sr. Patrolman – Certified
Sr. Patrolman – Certified
Sr. Patrolman – Certified
Investigator
Police Department Coordinator
Court Analyst
Judge
Clerk
Bailiff
Reporter
Investigator
Community Development Coordinator
Permitting Officer
Code Enforcement Officer
Building Inspector
Records Coordinator
GIS Specialist
Data Analyst
Planning & Development Planner
Economic Development Specialist
Zoning Coordinator
Environmental Planner
GIS Specialist
Historic Preservation
Data Analyst
Financial Analyst / Budget Coordinator
Community Engagement Specialist
Communications Coordinator
COMMUNICATION & PROCESS
COMMUNICATION & PROCESS
SANITARY SERVICES
Current
Critical
Future

WEST VIRGINIA SECRETAR

MAC WARNER

ADMINISTRATIVE LAW DIVI

NOTICE OF AN E

AGENCY: Health

RULE TYPE: Legislative Amendme

RULE NAME: WASTEWATER SYSTEMS AND OPE

CITE STATUTORY AUTHORITY FOR PROMULGATING EM

16-1-4(a)(4), 16-1-9a(b)(4)(B), 29A-3-15(f)

IF THE EMERGENCY RULE WAS PROMULGATED TO CON
FEDERAL STATUTE OR REGULATION, CITE THE CODE PR
LIMIT ESTABLISHED THEREIN:

n/a

An emergency exists due to an immediate need to pres
drinking and wastewater operators in the state and to p

DOES THIS EMERGENCY RULE REPEAL A CURRENT RULE?

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOU

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE O
LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE (

n/a

D. FISCAL NOTE DETAIL:

Effect of Proposal	
	2023 Increase/Decreas (use "-")
1. Estimated Total Cost	
Personal Services	
Current Expenses	
Repairs and Alterations	
Assets	
Other	
2. Estimated Total Revenues	

TITLE 64
LEGISLATIVE RULE
DEPARTMENT OF HEALTH ~~AND HUMAN RESOURCES~~
BUREAU FOR PUBLIC HEALTH

SERIES 5
WASTEWATER SYSTEMS AND OPERATORS

§64-5-1. General.

1.1. Scope. -- This rule governs the examination and certification of wastewater operators, establishes a system for the classification of wastewater systems, and specifies certain responsibilities of wastewater systems. ~~The W. Va. Code is available in public libraries and on the Legislature's web page, http://www.legis.state.wv.us/.~~

1.2. Authority. -- W. Va. Code ~~§16-1-4(c)~~ §16-1-4(a)(4) and §16-1-9a(b)(4)(B).

1.3. Filing Date. -- ~~May 2, 2012.~~

1.4. Effective Date. -- ~~May 2, 2012~~.

1.5. ~~Repeal and Replace. This rule repeals and replaces Wastewater Treatment Works and Operators, 64CSR5, effective May 1, 1995.~~ Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2029.

§64-5-2. Application and Enforcement.

2.1. Application. -- This rule applies to owners and certified operators of wastewater systems and to applicants for certification. This rule does not apply to industrial wastewater systems which are regulated by the West Virginia Department of Environmental Protection (WV DEP) or to the operators of the industrial wastewater systems. This rule does not apply to septic tanks serving individual homes unless the systems have a centralized component.

2.2. Enforcement. -- This rule is enforced by the Commissioner of the Bureau for Public Health.

§64-5-3. Definitions.

3.1. Adequate. -- A sufficient amount of time, as determined by the Commissioner, considering treatment complexity, collection system, and other factors such as personnel leave.

3.2. Advanced Operator. -- An individual holding a valid advanced West Virginia wastewater operator designation issued by the Commissioner.

3.3. Certified Operator. -- An individual holding a valid West Virginia wastewater operator certification issued by the Commissioner.

3.4. Chief Operator. -- The certified operator whom the owner designates to be responsible for managing the daily operational activities of a wastewater system or a collection system in a manner that ensures meeting state and federal Clean Water Act rules and regulations.

3.5. Class I Operator. -- An individual holding a valid Class I West Virginia wastewater operator certification issued by the Commissioner.

3.6. Class II Operator. -- An individual holding a valid Class II West Virginia wastewater operator certification issued by the Commissioner.

3.7. Class III Operator. -- An individual holding a valid Class III West Virginia wastewater operator certification issued by the Commissioner.

3.8. Class IV Operator. -- An individual holding a valid Class IV West Virginia wastewater operator certification issued by the Commissioner.

3.9. Class C Operator. -- An individual holding a valid Class C West Virginia wastewater operator certification issued by the Commissioner. This classification was previously referred to as 1C.

3.10. Class H Operator. -- An individual holding a valid Class H West Virginia wastewater operator certification issued by the Commissioner.

3.11. Class HR Operator. -- An individual holding a valid Class H West Virginia wastewater operator certification issued by the Commissioner with restricted (R) operations. This certification only applies to an individual homeowner who was grandfathered in accordance with this rule or has taken the Class H course and passed the Class H exam who is limited to operating only his or her individually owned Class H system. Class HR certification does not have a certification fee and does not require a high school diploma or GED.

3.12. Class S Operator. -- An individual holding a valid Class S West Virginia wastewater operator certification issued by the Commissioner. This classification was previously referred to as 1S.

3.13. Collection System. -- Facilities upstream of the wastewater treatment plant used to convey wastewater to the treatment plant.

3.14. Commissioner. -- Commissioner of the West Virginia Bureau for Public Health or his or her designee.

3.15. Continuing Education Hour (CEH). -- One hour of participation in an organized continuing education experience under responsible sponsorship approved by the Commissioner for renewal of wastewater operator certification.

3.16. Continuing Education Unit (CEU). -- 10 CEHs.

3.17. Experience. -- Hands-on work performing certified operator duties at a wastewater system.

3.18. ~~gpd~~ GPD. -- Gallons per day.

3.19. Home Aeration Unit (HAU). -- Sewage treatment and disposal system of domestic sewage only permitted capability of 600 gpd or less, serving individual residences and/or certain commercial establishments. It is also known as aerobic treatment unit (ATU).

3.20. MGD. -- Million gallons per day.

3.21. National Pollutant Discharge Elimination System (NPDES). -- The federal wastewater discharge permit issued by the WV DEP.

3.22. Operate. -- To perform the practical work and apply the technical knowledge and operational skills in the treatment and collection of wastewater.

3.23. Operator-in-Training (OIT). -- An individual holding a valid operator-in-training certificate, issued by the Commissioner, who is training under the responsibility of the Chief Operator at a wastewater system while completing the educational and experience requirements to become a Class I operator.

3.24. Owner. -- The person legally responsible for the operation of a wastewater system.

3.25. Person. -- An individual, partnership, association, syndicate, company, firm, trust, corporation, government, institution, department, division, bureau, federal agency, or any other entity recognized by law.

3.26. Secretary. -- Secretary of the WV DEP or his or her designee.

3.27. Wastewater. -- Water containing human, animal, or domestic waste, except this definition does not include industrial wastewater regulated by the WV DEP.

3.28. Wastewater System. -- A facility collecting, treating, and discharging wastewater, except this definition does not include industrial wastewater systems regulated by the WV DEP.

§64-5-4. Classification of Wastewater Systems.

4.1. A wastewater system is classified on the basis of the permitted flow capacity and complexity of the wastewater treatment processes.

~~4.1.a.~~ 4.1.1. Class H – A lagoon, aerated lagoon, stabilization pond, recirculating media filter, package treatment plant, or a small wastewater system with flows less than 600 gpd. This rule does not apply to septic tanks serving individual homes.

~~4.1.b.~~ 4.1.2. Class S – A lagoon, aerated lagoon, stabilization pond, recirculating media filter, package treatment plant, or a small wastewater system with flows greater than 600 gpd, but less than or equal to 0.05 MGD. It can also be multiple individual septic tanks within a managed residential district. Individual homeowner septic tanks are only included in this class if they are maintained under the jurisdiction of a responsible management entity. This classification was previously referred to as 1S.

~~4.1.c.~~ 4.1.3. Class C – A facility upstream of the wastewater treatment plant used to collect and convey wastewater. It may include pumps, valves, manholes, tanks, and other appurtenances. These facilities are also known as a collection system. This class does not include Class S facilities.

~~4.1.d.~~ 4.1.4. Class I – A lagoon, aerated lagoon, stabilization pond, or wastewater system with flows greater than 0.05 MGD, but less than or equal to 1.0 MGD. This class includes extended aeration package treatment plants with flows greater than 0.05 MGD, but less than or equal to 0.1 MGD.

~~4.1.e.~~ 4.1.5. Class II – A lagoon, aerated lagoon, stabilization pond, or wastewater system with flows greater than 1.0 MGD, but less than or equal to 1.75 MGD. This class includes extended aeration treatment plants with flows greater than 0.1 MGD, but less than or equal to 1.75 MGD.

~~4.1.f.~~ 4.1.6. Class III – A facility with flows greater than 1.75 MGD but less than 6.0 MGD.

~~4.1.g.~~ 4.1.7. Class IV – A facility with flows equal to or greater than 6.0 MGD.

~~4.1.h.~~ 4.1.8. Advanced – A system designation held in addition to Class S and Class I through Class IV classifications, where advanced treatment methods are used such as: membrane filtration or

separate nitrification; denitrification; phosphorus removal; ammonia stripping; breakpoint chlorination; carbon adsorption; chemical coagulation; flocculation; precipitation; demineralization ion exchange, reverse osmosis, or electrodialysis; or other processes considered advanced by the Commissioner.

§64-5-5. Required Personnel and Conditions of Employment.

5.1. Any individual who operates a Class S, Class C, Class I, Class II, Class III, or Class IV wastewater system in West Virginia shall be certified by the Commissioner. Any individual who operates a Class H wastewater system in West Virginia shall be certified by the Commissioner or Secretary.

5.2. A certified wastewater operator shall:

~~5.2.a.~~ 5.2.1. Be responsible for his or her certification in accordance with all aspects of this rule.

~~5.2.b.~~ 5.2.2. Carry his or her current certification card issued by the Commissioner upon them at all times the operator is operating the wastewater system.

~~5.2.c.~~ 5.2.3. Not work in a wastewater system using the certification of another person; only the person whose name appears on the operator certification is certified by that document. Certifications are not transferable.

~~5.2.d.~~ 5.2.4. Notify the Commissioner at least 30 calendar days in advance of the voluntary termination of his or her employment at a wastewater system.

~~5.2.e.~~ 5.2.5. Comply with the provisions of Bureau for Public Health legislative rule, Sewer Systems, Sewage Treatment Systems, and Sewage Tank Cleaners, 64CSR9.

~~5.2.f.~~ 5.2.6. Demonstrate data integrity by providing complete, accurate, and true information for the period in which he or she was responsible for data collection including, but not limited to, records, reports, and lab results.

5.3. A Class H and Class S system and the collection system portion only of a wastewater system under the direct jurisdiction of the treatment plant are not required to designate a Chief Operator.

~~5.3.a.~~ 5.3.1. The owner of a Class H wastewater system shall ensure it is operated by a Class H, Class I, or higher wastewater operator.

~~5.3.b.~~ 5.3.2. The owner of a Class S wastewater system shall ensure it is operated by a Class S wastewater operator.

~~5.3.c.~~ 5.3.3. The owner of a Class C wastewater system shall ensure it is operated by a Class C, Class I, or higher wastewater operator.

5.4. The owner of a wastewater system shall:

~~5.4.a.~~ 5.4.1. Employ a Chief Operator with certification equal to or higher than the system classification, except for Class H, Class S, and Class C systems. A wastewater system shall have more than one Chief Operator if jurisdiction is bifurcated between the collection system and treatment plant or otherwise approved in writing by the Commissioner based upon written request;

~~5.4.a.1.~~ 5.4.1.a. In the case of collection systems not under the direct jurisdiction of the treatment plant Chief Operator, employ an additional Chief Operator with a Class C, Class I, or higher

certification and an adequate number of certified operators to operate the collection system. The owner shall:

~~5.4.a.1.A.~~ 5.4.1.a.1. Employ a Chief Operator to be on-site at all new wastewater systems, except for Class H, Class S, and Class C, when construction is 25 percent complete; and

~~5.4.a.1.B.~~ 5.4.1.a.2. Place direct supervision of the wastewater system, including each treatment facility and collection system, under the responsible charge of the Chief Operator holding an adequate certification;

~~5.4.b.~~ 5.4.2. Employ an adequate number of certified operators to operate the system;

~~5.4.c.~~ 5.4.3. Not employ more OITs than the number of employed certified operators of higher classification, unless written permission is granted by the Commissioner;

~~5.4.d.~~ 5.4.4. Notify the Commissioner and Secretary within 24 hours, in a manner approved by the Commissioner, of any employment status changes of the system's certified operators, including their reassignment, except for Class H systems;

~~5.4.e.~~ 5.4.5. Submit a personnel status report as of July 1 by July 15 every year, except for Class H systems. The report ~~is to~~ shall be in a manner approved by the Commissioner and required information includes, at a minimum: a list of all certified operators employed, the Chief Operator, and the system owner;

~~5.4.f.~~ 5.4.6. Post a copy of the current certification of all certified operators employed at the wastewater system in a conspicuous location in the wastewater system treatment plant or the wastewater system office, except for Class H systems; and,

~~5.4.g.~~ 5.4.7. Employ an advanced certified operator to be on-site at all new advanced systems when construction is 50 percent complete.

5.5. The Chief Operator of a wastewater system shall:

~~5.5.a.~~ 5.5.1. Be responsible for the operation of the wastewater system;

~~5.5.b.~~ 5.5.2. Be employed on a full-time basis by the wastewater system owner except in Class C and Class I systems;

~~5.5.c.~~ 5.5.3. Attend a course approved by the Commissioner for training as a Chief Operator. ~~Current Chief Operators shall attend the Chief Operator course within three (3) years of the effective date of this rule.~~ A person newly designated by the owner as the Chief Operator after the effective date of this rule shall attend within one year;

~~5.5.d.~~ 5.5.4. Apply to the Commissioner for OIT certification, on behalf of an OIT applicant, within 30 calendar days of his or her hire at the wastewater system. An applicant's experience gained for certification starts only upon the issued date of the OIT certificate;

~~5.5.e.~~ 5.5.5. Be responsible for the training and job duty assignments of OITs and other certified operators and proper documentation of this experience towards a certification upgrade;

~~5.5.f.~~ 5.5.6. Renew the certification of each OIT employee every two years or until all requirements for Class I certification are met. Applicants must submit their renewal application at least 30

calendar days prior to their certificate's expiration date, in a manner approved by the Commissioner. The OIT shall attempt to pass the Class I examination at least once during each two-year renewal; and,

~~5.5.g.~~ 5.5.7. Be automatically designated as the Chief Operator if he or she is the only certified operator who meets the requirements of subsection 5.4 of this section for the system.

5.6. Adequate Operator Coverage:

~~5.6.a.~~ 5.6.1. Class H systems shall be operated by a Class H, Class I, or higher wastewater operator who shall be on call 24 hours a day/seven days a week. A Class H, Class I, or higher operator shall conduct an adequate number of on-site visits to ensure proper operation in accordance with the NPDES permit.

~~5.6.b.~~ 5.6.2. Class S systems shall be operated by a Class S operator who shall be on call 24 hours a day/seven days a week. A Class S operator shall conduct an adequate number of on-site visits to ensure proper operation in accordance with the NPDES permit. If a Class S system is designated as an advanced system, the individual providing adequate coverage in accordance with this section shall have the advanced designation.

~~5.6.c.~~ 5.6.3. Class C systems shall be operated by a Class C, Class I, or higher operator who shall be on call 24 hours a day/seven days a week. A Class C, Class I, or higher operator shall conduct an adequate number of on-site visits to ensure proper operation in accordance with the NPDES permit.

~~5.6.d.~~ 5.6.4. Class I systems shall be operated by a Class I or higher operator who shall be on call 24 hours a day/seven days a week. A Class I or higher operator shall conduct an adequate number of on-site visits to ensure proper operation in accordance with the NPDES permit. If a Class I system is designated as an advanced system, the individual providing adequate coverage in accordance with this section shall have the advanced designation.

~~5.6.e.~~ 5.6.5. Class II, Class III, and IV systems shall be operated on-site at least 40 hours per week by an operator with certification equal to or greater than the system classification, unless the Commissioner grants a written ~~exception~~ limited waiver to this requirement in response to a written request by the system owner. If granted, a limited waiver shall permit an operator who has, at a minimum, passed the next highest level certification examination to perform the tasks of an operator certified one grade higher. An operator certified at a level equal to or greater than the system classification shall be on call 24 hours a day/seven days a week. Class II, Class III, and IV systems shall have at least one certified operator (except Class H, Class S, or Class C level) in addition to the Chief Operator. If a Class II or higher system is designated as an advanced system, the individual providing adequate coverage in accordance with this section shall have the advanced designation. Adequate operator coverage shall be maintained at all times to ensure proper operation in accordance with the NPDES permit.

§64-5-6. Qualifications for Certification.

6.1. An individual desiring certification shall submit an application for certification to the Commissioner. The application shall be on a form provided by the Commissioner.

6.2. Certification of a wastewater operator is based on his or her application, education, a passing score on the applicable certification exam, and in some cases experience as an OIT or higher certified operator.

6.3. Class H, Class S, and Class C certifications are not sequential towards OIT and Class I through IV certifications. Class H, Class S, or Class C applicants seeking to obtain a Class I or higher classification shall begin with an application for an OIT.

6.4. A person working in a Class I, II, III, or IV system shall begin certification as an OIT.

6.5. Applicants shall obtain Class I through IV certifications in sequential roman numerical order.

6.6. Applicants for certification shall be 18 years of age or older. The age requirement may be waived to a minimum age of 16 upon a written request to the Commissioner and in accordance with subsection 7.3. of this rule.

6.7. Applicants who qualify for Class H, Class S, or Class C certification in addition to a current Class I or higher certification shall hold the certifications concurrently, but only maintain the renewal requirements for the highest certification held.

6.8. The Commissioner shall charge an initial fee for certification provided as listed in Table 64-5A of this rule.

§64-5-7. Education Requirements.

7.1. The education requirements for each certification are listed in Table 64-5B of this rule.

7.2. The Commissioner may waive Class H education requirements, if requested in writing, and the individual agrees to restricted operations.

7.3. The Commissioner may waive OIT education requirements, if requested in writing, to completion of the 10th grade. The student must provide verification each semester that he or she is currently attending school and maintaining a minimum of a 2.0 average on a 4.0 scale towards graduation requirements. Certification may be revoked for failure to meet the above requirements.

7.4. The Commissioner may waive the education requirements, if requested in writing, for applicants who are actively working towards a GED. The student must provide verification each semester that he or she is currently enrolled in an adult education program and completing graduation requirements. Certification may be revoked for failure to meet the above requirements.

7.5. The number of CEUs credited for courses and operating experience are in Table 64-5C of this rule.

7.6. The Commissioner evaluates all education courses for CEU. ~~100 percent credit~~ Credit of 100 percent shall be awarded for those determined to be directly related to wastewater treatment and collection, such as mathematics, science, computer, engineering, and business courses. If the Commissioner determines the course is not directly related, 50 percent credit shall be awarded.

7.7. Class III and IV applicants may request in writing to the Commissioner to be allowed to substitute up to half of the required CEU education as specified in Table 64-5B of this rule with additional experience.

~~7.7.a.~~ 7.7.1. An applicant may not use experience used as a substitute for educational requirements ~~and~~ to also satisfy experience requirements.

~~7.7.b.~~ 7.7.2. An applicant may use the Class H, Class S, Class C, Class I, Class II, and advanced courses towards the educational requirements for a Class III or higher class-level certificate.

§64-5-8. Experience Requirements.

8.1. The experience requirements for each classification are listed in Table 64-5B of this rule.

8.2. Only experience obtained as a valid certified wastewater operator may count towards the experience required for the purposes of this rule.

8.3. Experience as an operator, unless substituted pursuant to subsection 8.6.1. of this rule, should be predominantly "hands-on" or the necessary skills, knowledge, ability, and judgment acquired from daily operating experience rather than from text book study or supervisory observation. It means the individual has actually operated a wastewater treatment plant or worked in the collection system and has performed tasks including, but not limited to, routine tests, sample collection, completion of operational reports, calculation of chemical dosages, and the subsequent adjustment of chemical feeders or backwashed filters.

8.4. Experience obtained exclusively in collection, maintenance, and other non-operational or treatment duties shall not count as more than 600 hours of the total experience required for Class I through IV certification.

8.5. Experience obtained exclusively in laboratory duties shall not count as more than 1,000 hours of the total experience required for Class I through IV certification.

8.6. An applicant may substitute the experience requirements as set forth in this rule with education and training as specified in this subsection:

~~8.6.a.~~ 8.6.1. Class II, III, and IV applicants may substitute up to half of the required experience with additional education upon written request to the Commissioner.

~~8.6.b.~~ 8.6.2. An applicant may not use education used as a substitute for experience requirements to satisfy education requirements.

§64-5-9. Examination Requirements.

9.1. Examination requirements for each certification are listed in Table 64-5B of this rule.

9.2. An applicant shall first meet the Commissioner-approved certification course requirements before examinations will be administered, unless the Commissioner grants a written exception based on a written request.

9.3. An applicant for operator certification shall submit an application for examination in a manner approved by the Commissioner with proof of education and, if required, separate proof of work experience.

9.4. The Commissioner shall schedule examinations for wastewater operator certification for applicants meeting the requirements for examination and notify applicants before the examination date.

9.5. An individual shall make a score of 70 percent or better on the examination in order to be considered a passing grade.

9.6. The results of certification examinations are valid for five years. If the applicant has not met the requirements for education, experience, or both within those five years, the applicant shall reapply for examination.

9.7. An applicant who has failed an examination shall wait a minimum of 60 calendar days from the date he or she took the examination before reapplying to retake the examination.

§64-5-10. Renewal Requirements.

10.1. The applicant shall submit a renewal application at least 30 calendar days before, but no earlier than 60 calendar days prior to, the expiration date of their certification in a manner approved by the Commissioner.

10.2. The Commissioner shall approve continuing education hour (CEH) courses based on their relevance to wastewater systems.

10.3. The number of CEHs required by each classification each renewal period are:

~~10.3.a.~~ 10.3.1. Class S: three CEHs;

~~10.3.b.~~ 10.3.2. Class C: six CEHs;

~~10.3.c.~~ 10.3.3. OIT: six CEHs;

~~10.3.d.~~ 10.3.4. Class I and II: 12 CEHs;

~~10.3.e.~~ 10.3.5. Class III and IV: 24 CEHs; and

~~10.3.f.~~ 10.3.6. Class H and advanced designation: No CEHs.

10.4. An applicant may not repeat CEHs in consecutive renewal periods.

10.5. Operators shall not carry over additional CEHs completed during the two-year period to satisfy the CEH requirements for the next certification renewal period.

10.6. The Commissioner may grant extensions upon written request by the applicant.

10.7. The Commissioner may specify certain courses an operator shall attend in order to qualify for renewal.

10.8. The Commissioner shall charge a renewal fee for certification provided as listed in Table 64-5A of this rule.

§64-5-11. Expiration.

11.1. All wastewater operator certifications expire two years from the date of issuance. An individual with an expired certification shall not operate a wastewater system in West Virginia.

11.2. An applicant seeking reinstatement of his or her previous certification shall pass the examination at the certification level previously held if his or her certification has been expired for more than one year.

11.3. Advanced designation of an individual does not expire.

11.4. If an individual holds a Class H, Class S, or Class C in addition to a Class I or higher certification, the Class H, Class S, or Class C shall not expire so long as the Class I or higher certification is properly maintained.

~~§64-5-12. Grandfathering.~~

~~12.1. The specifications in this section only apply to grandfathering or facilitated implementation of the newly revised rule to currently certified operators.~~

~~12.1.a. Individuals operating Class H systems approved by WVDEP as of the effective date of this rule shall apply to the Commissioner for restricted Class H (Class HR) or Class H certification within one year of the effective date of this rule. At a minimum, the application shall document Class H system operated by the individual prior to the effective date of this rule. Class HR shall be given to an individual operating his or her own home system.~~

~~12.1.b. Current 1S certificates, as of the effective date of this rule, expire October 31st two years after the effective date of this rule and are referred to in this rule as Class S.~~

~~12.1.c. Current 1C certificates, issued prior to the effective date of this rule expire one year from the effective date of this rule and are referred to in this rule as Class C.~~

~~12.1.d. Current OIT certificates as of the effective date of this rule expire in accordance with the terms of the current certificate, which is one year from date of issuance.~~

~~12.1.e. Current Class I certificates, as of the effective date of this rule, expire April 30th two years after the effective date of this rule.~~

~~12.1.f. Current Class II certificates, as of the effective date of this rule, expire July 31st two years after the effective date of this rule.~~

~~12.1.g. Current Class III and IV certificates, as of the effective date of this rule expire in accordance with the terms of the current certificate, which is three years from date of issuance.~~

~~12.1.h. Upon designation as advanced, in accordance with this rule, an operator currently employed at an advanced wastewater system classified under this rule shall complete an approved advanced course within three years of the effective date of this rule to be grandfathered as an advanced certified operator without examination.~~

~~12.1.i. Approved CEH courses taken by individuals within one year prior to the effective date of this rule shall be applied to the first renewal period under the effective date of this rule.~~

~~§64-5-13~~ §64-5-12. Certification from Another Jurisdiction.

~~13.1.~~ 12.1. The Commissioner shall grant certification to a wastewater operator certified by another jurisdiction if the applicant:

~~13.1.a.~~ 12.1.1. Is actively seeking, has been offered, or has accepted employment which requires a certified operator in West Virginia;

~~13.1.b.~~ 12.1.2. Submits a completed application in a manner approved by the Commissioner;

~~13.1.c.~~ 12.1.3. Meets the educational and work experience requirements of this rule; and,

~~13.1.d.~~ 12.1.4. ~~Passes the West Virginia certification examination equivalent to the certification level of the other jurisdiction, as determined by the Commissioner.~~ Demonstrates he or she has successfully passed an examination in another jurisdiction substantially equivalent to the certification level sought, as determined by the Commissioner.