236 CMR: BOARD OF CERTIFICATION OF OPERATORS OF DRINKING WATER SUPPLY FACILITIES

236 CMR 2:00: GENERAL PROVISIONS

Section

2.01: Purpose
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2.01: Purpose

The purpose of 236 CMR 2.00 through 5.00 is to insure the proper management, operation and maintenance of public water supply systems.

2.02: Severability

If any provision of 236 CMR or its application to any unit of government is held invalid, such invalidity shall not affect other provisions or applications of 236 CMR which can be given effect without the invalid provision or application, and to this end the provisions of 236 CMR are declared to be severable.

2.03: Definitions

Association of Boards of Certification (ABC) means an international organization of environmental certification boards which is a not-for-profit corporation incorporated in the State of Iowa.

Board means the Board of Certification of Operators of Drinking Water Supply Facilities as defined by M.G.L. c. 13, § 66B.

Certificate means the certificate of competency issued by the Board stating that the operator has met the requirements for the specified operator classification of the certification program.

Certification of Competency means a certificate issued by an organization, institute or school which is recognized by the Board as being appropriate for the training of a public water system operator.

Chlorination means the addition of a chlorine compound or chlorine gas to water.

Class means the classification of a public water system according to the Department of Environmental Protection's Drinking Water Regulations at 310 CMR 22.11B in consultation with the Board.

Continuing Education Unit (CEU) refers to a specified number of training contact hours (TCH). One CEU equals ten TCH's.

Contract Operations means the operation, and/or management and/or maintenance of a public water system by someone other than the official purveyor of water.

Disinfection means the altering of the water with a chlorine compound, chlorine gas or other agents or methods designed to inactivate the microbiological contaminants in the drinking water.

Distribution System means a system of conduits (laterals, distributors, pipes, mains and their appurtenances) which distributes potable water to consumers. For the purpose of 236 CMR 2.00 through 5.00, the distribution system may be deemed to include the source, booster pumping stations and storage reservoirs.

Fluoridation means the treatment by the adjustment of the fluoride ion concentration to produce the optimum fluoride concentration in the water.

2.03: continued

Full Operator Certificate Status means an operator who has passed a certification examination and meets all requirements set forth in 236 CMR 4.01 for a specified water system.

Grade C Operator 1, 2, 3, or 4 means an operator certificate issued by the Board before December 31, 1989.

Inactive Operator means a retired operator who holds a current certificate, but who is not engaged directly or indirectly in the onsite operation of a public water system as an employee of said system.

In-line Treatment means a treatment process that consists of the addition of a chemical to a water supply system in such a way that it alters the physical, chemical, radiological or microbiological quality of the water exclusive of collection or distribution of the water.

Operator means a person who is engaged in the onsite management, operations, or maintenance of a public water system or routinely performs water works related duties. "Operator" does not ordinarily apply to an official exercising only general administrative supervision or engineering design duties such as the city engineer or an elected water commissioner, or to clerical or administrative workers involved only in activities such as customer relations, billing, payroll, timekeeping, *etc.*

Operator-in-training means an applicant who has passed a certification examination, but who does not meet the education and/or experience requirements specified in 236 CMR 4.01 for the grade of examination passed.

Operator Status means the status of licenses as issued by the Board, namely "Full Operator" or "Operator-in-training".

Public Water System means a system for the provision to the public of piped water for human consumption, as defined in 310 CMR 22.00: *Drinking Water.*

Reciprocity means certification of a person who has passed a Board approved examination or a person who has a certification accepted by the Board and who meets the experience and education requirements of the Board.

Softening means the treatment process of softening water by passing it through a substance such as, but not limited to, zeolite, or the addition of chemicals that are exchanged for the hardness-causing elements.

Stabilization or Corrosion Correction means the treatment by the addition of chemical compounds to water to maintain an ionic equilibrium whereby the water is not in a depository or corrosive state.

Taste and Odor Control means the removal, masking or dispersion of unwanted tastes and/or odors in the water by chemical, mechanical or other means.

Training Contact Hours (TCH's) means the hours of training an operator has acquired in the last certificate renewal cycle. Each seminar, workshop, training course or college course will have a specific training hours value as rated by the Board. One CEU equals ten TCH's.

Treatment Process means the portion of a drinking water system containing various chemical additions and/or filtration processes exclusive of collection or distribution, which alters the physical, chemical, radiological or microbiological quality of the drinking water.

2.03: continued

Very Small System (VSS) means a public water system which serves a population of less than 500 people.

Water Vending Machine (VND) means a self-service public water system which, upon payment, dispenses drinking water in bulk without the necessity of replenishing the device between each vending function.

2.04: Board of Certification of Operators of Drinking Water Supply Facilities

(1) All meetings of the Board shall be open to the public, except that the Board may sit in executive session in those instances permitted by M.G.L c. 30A, § 11A½.

(2) Requests for topics to be placed on the Board's meeting agenda shall be filed at the office of the Board in writing not less than 30 calendar days prior to a scheduled regular or special meeting.

(3) The Board shall meet at least semi-annually. The chair of the Board may call special meetings if in the chair's judgment circumstances require it. Special meetings may also be called on petition of three members of the Board.

(4) A quorum for the conduct of business at any meeting of the Board shall consist of a majority of the serving members. Three members of the Board at a regular or special meeting may receive and review reports, applications and other correspondence.

(5) Majority vote of the Board means the majority of the membership present.

(6) The chair of the Board shall be the Commissioner of the Department of Environmental Protection or his/her designee. The Board shall annually elect by majority vote one vice chair and one secretary.

(7) The term of office of the Board members shall be as provided in M.G.L. c. 13, § 66B.

(8) The chair shall preside at all meetings of the Board, shall sign all official documents of the Board and shall act as spokesperson for the Board. In the absence of the chair, the vice-chair shall preside at meetings and perform all duties usually performed by the chair.

REGULATORY AUTHORITY

236 CMR 2.00: M.G.L. c. 13, § 66B.

NON-TEXT PAGE

236 CMR 4.00: CERTIFICATION OF OPERATORS OF PUBLIC WATER SYSTEMS

Section

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4.01: Education and Experience Qualifications for Certification

All applicants applying for certification shall pass the appropriate certification examination that corresponds to the grade and type of certificate for which the applicant applied and shall meet the following education and experience requirements as stated in 236 CMR 4.01. The applicant's experience shall be in the same field as the type of certificate for which the applicant has applied (distribution or treatment). An applicant who has passed the appropriate certification examination, but who does not meet the education and/or experience requirements specified in 236 CMR 4.01 for the grade of examination passed, shall be issued an Operator-in-training Certificate.

(1) Water Vending Machine Grade VND - 1T through Grade VND-4T (Treatment) and Grade VND-1D through Grade VND-2D (Distribution). In order to qualify for a Grade VND-1T through Grade 4T Full Operator certificate and Grade VND-1D through Grade VND-2D Full Operator certificate, applicants must provide evidence satisfactory to the Board that they have:

(a) Taken and passed the corresponding operator examination, and

(b) Three months of vending machine operation experience or a certificate of proficiency from a vending machine organization such as National Automatic Merchandising Association (NAMA) and a high school diploma or its equivalent (GED).

(2) Grade Very Small Systems (VSS). In order to qualify for a Grade VSS Full Operator certificate, applicants must pass the grade VSS examination and provide evidence satisfactory to the Board that they have:

(a) Six calendar months of acceptable experience operating a very small water system or higher grade public water system and a high school diploma or its equivalent (GED); or

(b) A high school diploma or its equivalent (GED) and demonstrate an ability to operate a very small public water system.

(3) Grade 1 Distribution (D1). In order to qualify for a Grade 1D Full Operator certificate, applicants must pass the grade D1 examination and provide evidence satisfactory to the Board that they have:

(a) A high school diploma or its equivalent (GED) and two years full-time experience in the distribution segment of a public water system; or

(b) A certificate of competency in water treatment technology or other related technical fields or one or more years of education beyond high school with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and one year full-time experience in the distribution segment of a public water system.

(4) Grade 1 Treatment (T1). In order to qualify for a Grade 1T Full Operator certificate, applicants must pass the grade T1 examination and provide evidence satisfactory to the Board that they have:

4.01: continued

(a) A high school diploma or its equivalent (GED) and two years full-time experience operating a public water system treatment process; or
(b) A certificate of competency in water treatment technology or other related technical fields or one or more years of education beyond high school with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry or other discipline acceptable to the Board) and one year full-time experience in the distribution segment of a public water system.

(5) Grade 2 Distribution (2D). In order to qualify for a Grade 2D Full Operator certificate, applicants must pass the grade 2D examination and provide evidence satisfactory to the Board that they have:
(a) Possession of a Grade 1C or Grade 1D Full Operator certificate with evidence satisfactory to the Board of continuous full-time employment in the operation of a Class I or higher public water system distribution system for one additional year after certification; or
(b) A high school diploma or its equivalent (GED) and three years full-time experience in the operation of a Class II or higher public water system distribution system; or
(c) A certificate of competency in water treatment technology or other related technical fields or one or more years of education beyond high school with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and two years full-time experience in the operation of a Class II or higher public water system distribution system; or
(d) An Associate of Science degree or two or more years of college with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and one year full-time experience in the operation of a Class II or higher public water system distribution system.

(6) Grade 2 Treatment (2T). In order to qualify for a Grade 2T Full Operator certificate, applicants must pass the grade 2T examination and provide evidence satisfactory to the Board that they have:
(a) Possession of a Grade 1C or Grade 1T Full Operator certificate with continuous full-time employment in the operation of a Class I or higher public water system treatment process for one additional year after certification; or
(b) A high school diploma or its equivalent (GED) and three years full-time experience in the operation of a Class II or higher public water system treatment process; or
(c) A certificate of competency in water treatment technology or other related technical fields or one or more years of education beyond high school with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and two years full-time experience in the operation of a Class II or higher public water system treatment process system; or
(d) An Associate of Science degree or two or more years of college with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and one year full-time experience in the operation of a Class II or higher public water system treatment process.

(7) Grade 3 Distribution (3D). In order to qualify for a Grade 3D Full Operator certificate, applicants must pass the grade 3D examination and provide evidence satisfactory to the Board that they have:
(a) Possession of a Grade 2C or Grade 2D Full Operator certificate with continuous full-time employment pursuant to 236 CMR 4.01(11)(c) in the operation of a Class II or higher public water system distribution system for two additional years after certification; or
(b) A high school diploma or its equivalent (GED) and five years full-time experience in the operation of a Class III or higher public water system distribution system; or

4.01: continued

(c) A certificate of competency in water treatment technology or other related technical fields or one year of education beyond high school with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical, or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and four years full-time experience in the operation of a Class III or higher public water system distribution system; or

(d) An Associate of Science degree or two or more years of college with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and three years full-time experience in the operation of a Class III or higher public water system distribution system or

(e) A Bachelor of Science degree or four or more years of college with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and one year full-time experience in the operation of a Class III or higher public water system distribution system.

(8) Grade 3 Treatment (3T). In order to qualify for a Grade 3T Full Operator certificate, applicants must pass the grade 3T examination and provide evidence satisfactory to the Board that they have:

(a) Possession of a Grade 2C or Grade 2T Full Operator certificate with continuous full-time employment pursuant to 236 CMR 4.01(11)(c) in the operation of a Class II or higher public water system treatment process for two additional years after certification; or

(b) A high school diploma or its equivalent (GED) and five years full-time experience in the operation of a Class III or higher public water system treatment process; or

(c) A certificate of competency in water treatment technology or other related technical fields or one or more years of education beyond high school with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and four years full-time experience in the operation of a Class III or higher public water system treatment process system; or

(d) An Associate of Science degree or two or more years of college with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and three years full-time experience in the operation of a Class III or higher public water system treatment process; or

(e) A Bachelor of Science degree or four or more years of college with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and one year full-time experience in the operation of a Class III or higher public water system treatment process.

(9) Grade 4 Distribution (4D). In order to qualify for a Grade 4D Full Operator certificate, applicants must pass the grade 4D examination and provide evidence satisfactory to the Board that they have:

(a) Possession of a Grade 3C or Grade 3D Full Operator certificate with continuous full-time employment pursuant to 236 CMR 2.01(11)(c) in the operation of a Class III or higher public water system distribution system for one additional year after certification; or

(b) A certificate of competency in water treatment technology or other related technical fields or one or more years of education beyond high school with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and five years full-time experience in the operation of a Class IV public water system distribution system; or

4.01: continued

(c) An Associate of Science degree or two or more years of college with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and four years full-time experience in the operation of a Class IV public water system distribution system; or

(d) A Bachelor of Science degree or four or more years of college (120 credit hours or equivalent) with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and two years full-time experience in the operation of a Class IV public water system distribution system.

(10) Grade 4 Treatment (4T). In order to qualify for a Grade 4T Full Operator certificate, applicants must pass the grade 4T examination and provide evidence satisfactory to the Board that they have:

(a) Possession of a Grade 3C or Grade 3T Full Operator certificate with continuous full-time employment pursuant to 236 CMR 4.01(11)(c) in the operation of a Class III or higher public water system treatment process for one additional year after certification; or

(b) A certificate of competency in water treatment technology or other related technical fields or one or more years of education beyond high school with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and five years full-time experience in the operation of a Class IV public water system treatment process; or

(c) An Associate of Science degree or two or more years of college with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and four years full-time experience in the operation of a Class IV public water system treatment process; or

(d) A Bachelor of Science degree or four or more years of college (120 credit hours or equivalent) with courses in the physical and/or biological sciences (courses shall be in the areas of sanitary, civil, chemical or environmental engineering, public health, biology, chemistry, or other discipline acceptable to the Board) and two years full-time experience in the operation of a Class IV public water system treatment process.

(11) Substitutions. The following substitutions or equivalents for required education, experience or training may be accepted by the Board. For Grade 1 and lower, no substitutions shall be permitted.

(a) Courses in the physical and/or biological sciences as defined in 236 CMR 4.01 shall equal 30 credit hours in order to qualify as one year of educational substitutions.

(b) In exceptional cases as determined by the Board, two years of experience operating a public water system may be substituted for one year of high school education, with a limit of four years of high school education.

(c) Part-time experience must be converted to full-time equivalent experience on the basis of a 2000-hour work year.

(12) The Board secretary shall record in the Board's meeting minutes the substitute qualifications that have been accepted by the Board in the issuance of any certificate.

(13) The Board may waive the education and/or experience requirements in exceptional situations as determined by the Board.

(14) Special Provisions for Small System Operators - Class 1 and 2 Systems. 236 CMR 4.01(14) applies to operators who work for a public water system that has a distribution and treatment classification equal to or less than a Class II. The Board may allow an operator presently works in a Class I or II public water system who routinely performs both treatment and distribution duties to combine his/her treatment and distribution experience to meet the experience requirements for certification as specified in 236 CMR 4.04(3) through (6) provided that:

(a) The operator applying for either a Grade 1 distribution or Grade 1 treatment certification meets the following conditions:

4.01: continued

1. The operator meets the educational requirements for the grade, for which he/she is applying as specified at 236 CMR 4.04(3) or (4);
2. The operator presently works in a Class I public water system; and
3. The operator has routinely performed distribution duties for any part of a day for 500 days and treatment duties for any part of a day for 500 days (250 days with a one year certificate or one year of acceptable college). These days may run concurrently; or

(b) The operator applying for either a Grade 2 distribution or Grade 2 treatment certification meets the following conditions:

1. The operator meets the educational requirements for the grade for which he/she is applying as specified at 236 CMR 4.04(5) or (6);
2. the operator presently works in a Class II public water system; and
3. the operator has routinely performed distribution duties for any part of a day for 750 days and treatment duties for any part of a day for 750 days concurrently (500 days with a one year certificate or one year of acceptable college; 250 days with two years of acceptable college or an Associate's of Science Degree). These days may run concurrently.

4.02: Application for Examination

(1) Any person desiring to take an examination for certification as a public water system operator shall file an application on a form provided by the Board. The Board shall not accept any application that is incomplete or illegible.

(2) No examination application shall be considered complete unless it is accompanied by the required fees as determined by the Commissioner of Administration and Finance and all required supporting documents have been received by the Board or its designee. Incomplete applications shall be retained for 180 days.

(3) The application fee for examination as set by the Commissioner of Administration and Finance is non-refundable.

(4) An applicant may apply for, and take, the examination as many times as necessary and may take any grade examination.

(5) Members of the Board shall not permit their names to be used as a reference in connection with the filing of an application for examination as an operator of a public water system.

(6) Application for examination as an operator of a public water system shall be mailed or delivered to: Board of Certification of Operators of Drinking Water Supply Facilities, or to the Board's designee.

4.03: Examinations

(1) The Board shall prepare, or cause to be prepared, examinations to be used in determining the knowledge, ability and judgment of the applicants to be examined for certification as operators of public water systems.

(2) Examinations shall be held at places and times set by the Board or its designee as directed by the Board.

(3) All examinations shall be graded by the Board or its designee and the applicant shall be notified of the outcome in writing. Examination papers will not be returned to the applicant.

(4) Separate examinations may be prepared by the Board or its designee to cover basic differences in the duties and responsibilities of operators, types of facilities, variations in drinking water quality, degree of treatment and other pertinent matters, or in exceptional circumstances as determined by the Board.

4.04: Application for Certification

(1) After taking and passing an examination, a person desiring to be a certified public water system operator shall file an application for certification on a form provided by the Board. Application for certification shall be submitted to the Board, or its designee, no later than six months from the date of notification of passing the examination. The Board will not accept any application that is incomplete or is illegible.

(2) The Board shall review applications for certification and all required supporting documents, and shall determine the eligibility of the applicant for certification as an Operator-in-training or Full Operator. An Operator-in-training certificate may be issued by the Board to any applicant who has passed the certification examination, but does not meet the requirements for a Full Operator certificate as specified in 236 CMR 4.01.

(3) The action of the Board to approve or disapprove an application for certification shall be recorded both in the minutes of the meeting and upon the face of the application, and the applicant shall be promptly notified of the Board's action.

(4) No certification application shall be considered complete unless it is accompanied by the required fees as set by the Commissioner of Administration and Finance and all required supporting documents have been received by the Board.

(5) The application fee for certification as determined by the Commissioner of Administration and Finance is non-refundable.

(6) Members of the Board shall not permit their names to be used as a reference in connection with the filing of an application for certification as an operator of a public water system.

(7) Application for certification as an operator of a public water system shall be mailed or delivered to: Board of Certification of Operators of Drinking Water Supply Facilities.

(8) When deemed necessary by the Board to demonstrate the applicant's eligibility for certification, each applicant shall, if requested by the Board, submit in support of his/her formal application for certification proof satisfactory to the Board of the statements made therein by attaching documentary evidence, affidavits, registrar's statements, diplomas, published data, photographs, or other sworn or proven evidence. The Board reserves the right to retain, as a permanent part of the application, any or all documents submitted which shall be properly marked for identification and ownership. Original documents may be replaced by photocopies of such documents, however, at the request and expense of the applicant.

(9) A personal appearance before the Board, if required, shall be at a time and place designated by the Board, and shall be at the applicant's expense. Failure to provide additional evidence or information within the time specified by the Board or to appear before the Board when such appearance is deemed necessary may be considered just and sufficient cause for disapproval of the application for certification.

4.05: Issuance of Certificates

(1) The certificate which is issued by the Board remains the property of the Board and shall be surrendered upon appropriate written request of the Board.

(2) Upon satisfactory fulfillment of the requirements provided herein, the Board shall issue to the applicant a suitable certificate designating his/her competency. The certificate shall indicate the grade for which the operator is certified and the date of issuance. This certificate shall be properly displayed in a location accessible to the public. All certifications shall expire on December 31st of odd numbered years.

4.05: continued

(3) "Temporary Emergency Certificate" as defined in M.G.L. c. 112, § 87DDDD shall, upon approval of the Board, be issued to the person designated by the public water system as the operator of said system upon payment of a non-refundable fee set by the Commissioner of Administration and Finance. Temporary Emergency Certificates are valid for a period of six months and shall not be renewed.

(4) A six-month "Provisional Certificate" may be issued upon payment of a non-refundable fee set by the Commissioner of Administration and Finance to any public water system meeting all of the requirements except examination for the grade applied for. It is the intent of 236 CMR 4.05(4) that it be used only in specific instances where a public water system has provided evidence satisfactory to the Board that the supplier is presently unable to obtain a certified operator. Furthermore, it is the intent of this provision that it only be used after the "Temporary Emergency Certificate" issued under 236 CMR 4.05(3) has expired. Issuance of the provisional certificate does not relieve the water supplier from the responsibility of vigorously pursuing the goal of obtaining a fully cert ified operator of appropriate grade at the earliest possible opportunity.

(5) The Board may issue a certificate by reciprocity upon payment of a non-refundable fee set by the Commissioner of Administration and Finance without written examination in a comparable classification to any person who holds a certificate in any state, territory or possession of the United States or any country with any professional certifying organization if, in the judgment of the Board, the requirements for certification of operators of public water systems under which such person's certificate was issued do not conflict with the provisions of 236 CMR 4.00 and are of a standard not lower than that specified by 236 CMR 4.00, and provided reciprocal privileges shall be granted to certified public water system operators of this state.

(6) An operator currently certified may obtain a duplicate certificate from the Board upon payment of a fee set by the Commissioner of Administration and Finance.

4.06: Application for Change of Operator Status (Operator-in-training to Full Operator)

(1) Upon meeting the requirements specified in 236 CMR 2.00 through 5.00, an individual wishing to upgrade his/her certificate status from Operating-in-training to a Full Operator shall file an application on a form provided by the Board. The Board will not accept any application that is incomplete or illegible. Incomplete applications shall be retained for 180 days.

(2) The Board shall review applications for changes in certificate status and all required supporting documents, and shall determine the eligibility of applicants for certificate status changes.

(3) The action of the Board to approve or disapprove an application for change of certificate status shall be recorded both in the minutes of the meeting and upon the face of the application, and the applicant shall be promptly notified of the Board's action.

(4) No change of certificate status application shall be considered complete unless it is accompanied by the required fee and until all required supporting documents have been received by the Board. The Board shall not accept an application that is not accompanied by the required fee.

(5) The application fee for change in certificate status is nonrefundable.

(6) No member of the Board shall permit his/her name to be used as a reference in connection with the filing of a change of certificate status.

(7) Applications for change of certificate status shall be mailed or delivered to: Board of Certification of Operators of Drinking Water Supply Facilities.

4.06: continued

(8) When deemed necessary by the Board to demonstrate the applicant's eligibility for change in certificate status, each applicant shall, if requested by the Board, submit in support of his/her formal application proof satisfactory to the Board of the statements made therein by attaching documentary evidence, affidavits, registrar's statements, diplomas, published data, photographs, or other sworn or proven evidence. The Board reserves the right to retain, as a permanent part of the application, any or all documents submitted which shall be properly marked for identification and ownership. Original documents may be replaced by photocopies of such documents, however, at the request and expense of the applicant.

(9) A personal appearance before the Board, if required, shall be at a time and place designated by the Board, and shall be at the applicant's expense. Failure to provide additional evidence or information within the time specified by the Board or to appear before the Board when such appearance is deemed necessary may be considered just and sufficient cause for disapproval of the application for change in certificate status.

4.07: Certificate Renewal

(1) Each renewal certification issued by the Board shall expire on December 31st of the odd numbered years and may be renewed upon payment of a fee determined by the Commissioner of Administration and Finance.

(2) A certificate holder who has not renewed his/her certificate prior to the date of expiration may renew said certificate upon payment of the renewal fee as well as any additional fees established by the Commissioner of Administration and Finance. Certificate holders shall also provide to the Board verification that they have complied with the renewal training contact hours (TCH) as stated in 236 CMR 4.07(4). Certificate holders who fail to renew their certification or qualify for renewal within two years of the date that the certificate expired will be required to retake and pass the examination for the grade held to become re-certified. The Board may require a certificate holder to take or retake the Board's examination for the grade held if in the opinion of the Board such action is appropriate and, upon the certificate holder's failure to pass the examination, may suspend the certificate until the certificate holder passes the examination.

(3) A certificate holder who continues to practice under an expired or invalid certificate where a valid certificate is required shall be subject to any and all penalties as provided by M.G.L. c. 112, § 87DDDD and §§ 61 through 65.

(4) All operators, including operators-in training, must demonstrate to the Board that they have completed in the previous two years: five or more TCH's for VSS and VND operators; ten or more TCH's for Grade 1 and Grade 2 operators; 15 TCH's or more for Grade 3 operators and 20 or more TCH's for Grade 4 operators. If an upgrade is approved within any two-year renewal cycle, the TCH requirement for the lesser grade shall apply. Operators must maintain records that they have earned the appropriate TCH's as specified in 236 CMR 4.07(6) for three certificate renewal cycles. The Board may audit operators on a random basis to determine whether the required TCH's have been completed. An operator holding more than one certificate shall be required to meet the TCH's for the higher grade of certificate held.

(5) Inactive operators will not be required to obtain the required TCH's, but must pay the bi-annual certificate renewal fee to maintain a current certificate. If an operator chooses to become inactive, the operator must notify the Board in writing of such status and in obtaining such status, agrees not to engage directly or indirectly in the onsite operation of a public water system as an employee of such system. An inactive operator who chooses to reactivate his/her certificate shall apply to the Board in writing of the status change and after completing all required TCH's as required by the Board. It is the responsibility of the inactive operator to notify the Board of his or her change in status.

(8) The Board may waive the TCH requirements in exceptional circumstances as determined by the Board.

REGULATORY AUTHORITY

236 CMR 4.00: M.G.L. c. 13, § 66B; c. 112, § 87CCCC.