

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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REVISION NOTE:

Document #9410, effective 3-12-09, readopted with amendments and renumbered former Part Env-Ws 367, entitled Certification of Water Works Operators, under a new subtitle as Part Env-Dw 502. The redesignation from subtitle Env-Ws to subtitle Env-Dw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Numbers of former rules under subtitle Env-Ws are cited in the source notes.

Document #9410 replaces all prior filings for rules formerly in Env-Ws 367. The prior filings for rules in former Env-Ws 367 include the following documents:

- #4850, eff 6-25-90
- #5422, eff 6-22-92
- #5873, eff 7-26-94
- #6521, eff 6-4-97
- #7396, eff 11-1-00
- #9297, INTERIM, eff 11-1-08

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PART Env-Dw 502 CERTIFICATION OF WATER WORKS OPERATORS

Statutory Authority: RSA 332-E:3

Env-Dw 502.01 Purpose. The purpose of these rules is to implement RSA 332-E relative to the certification of operators of public water system treatment plants and distribution systems, in order to:

- (a) Assure that operators of water treatment plants and distribution systems are qualified to properly operate and maintain such facilities; and
- (b) Protect public health.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.01); ss by #12363, eff 8-19-17

Env-Dw 502.02 Applicability. These rules shall apply to:

- (a) Operators of any:
 - (1) Community water system (CWS);
 - (2) Non-transient, non-community water system (NTNC); or
 - (3) Privately owned redistribution system (PORS); and
- (b) Any individual who wishes to operate a CWS, NTNC, or PORS.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.02); ss by #12363, eff 8-19-17

Env-Dw 502.03 Definitions.

- (a) “Active certificate” means a certificate issued by the department that has not expired and has not been suspended, revoked, or refused renewal by the department.
- (b) “Certificate” means “certificate” as defined in RSA 332-E:1, II, as reprinted in Appendix B.
- (c) “Clarification” means a process for the hydraulic removal of particles from water.
- (d) “Continuing Education Unit (CEU)” means a unit of credit granted by an organization that has been approved by the International Association for Continuing Education and Training (IACET) as an authorized provider based on 10 hours of instruction time.
- (e) “Department” means “department” as defined in RSA 332-E:1, III, as reprinted in Appendix B.
- (f) “Flocculation” means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means, as regulated under Env-Dw 716.
- (g) “Operator experience” means the time an operator has been actively engaged in the satisfactory performance of his or her duties at a CWS or NTNC.
- (h) “Operator-in-training (OIT)” means an applicant who has satisfactorily met the education and examination requirements for the grade for which the applicant has applied but who has not had sufficient experience to meet the full requirements for that grade.
- (i) “Primary water system operator” means an individual certified at a treatment or distribution grade equal to or greater than the classification of the water system, who has been designated by the owner of the water system as responsible for the operation of the water system as required by Env-Dw 502.24(a)(2).

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(j) “Privately owned redistribution system (PORS)” means “privately owned redistribution system” as defined in RSA 485:1-a, XIV-a, as reprinted in Appendix B.

(k) “Responsible charge experience” means the time an operator is actively engaged in supervising the operation of a water treatment plant or water distribution system.

(l) “Sedimentation” means a process in which solid particles settle out of water in a clarifier or sedimentation basin.

(m) “Source” means the source of water for a CWS or NTNC, including wells, springs, and surface waters such as lakes and streams.

(n) “Technical contact hour (TCH)” means 60 minutes of training in the technical aspects of operating, designing, or maintaining a water treatment plant or water distribution system or in the development of professional skills necessary to managing a water treatment plant or water distribution system, or any combination thereof.

(o) “Water distribution system” means “water distribution system” as defined in RSA 332-E:1, V, as reprinted in Appendix B. The term includes “distribution system”.

(p) “Water treatment plant” means “water treatment plant” as defined in RSA 332-E:1, VI, as reprinted in Appendix B. The term includes “treatment plant”.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.03); amd by #9910, eff 4-19-11; ss by #12363, eff 8-19-17

Env-Dw 502.04 Application for Operator Certification.

(a) As specified in RSA 332-E:4, I, an applicant for operator certification shall file an application with the department not later than one month preceding the date of the examination on an application form provided by the department.

(b) A complete application shall:

(1) Include a completed “Application for Water Works Operator Certification” form, dated July 2017, as specified in Env-Dw 502.05 and available at http://des.nh.gov/organization/divisions/water/dwgb/op_cert/index.htm;

(2) Be accompanied by:

a. The fee specified in RSA 332-E:4, III; and

b. All attachments to the application form, including documentation demonstrating that the applicant meets the minimum education and experience requirements specified in Env-Dw 502.20; and

(3) Be signed as specified in Env-Dw 502.06.

(c) The department shall process the application as specified in RSA 332-E:4, II.

(d) The application fee shall not be returned regardless of whether the applicant qualifies to take the examination or passes the examination.

(e) As stated in RSA 332-E:3, I, no water treatment plant or water distribution system shall be operated unless the primary operator holds an active certificate issued by the department.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.04); ss by #12363, eff 8-19-17

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Env-Dw 502.05 Required Application Information. An applicant shall provide the following information on or with the application form identified in Env-Dw 502.04(b)(1):

- (a) The name, mailing address, date of birth, telephone number including area code, and e-mail address of the applicant;
- (b) If the applicant is currently employed by a water system or other water company, the employer's name, mailing address, telephone number including area code, e-mail address, and PWS identifier, if applicable;
- (c) The type and grade of certification being applied for, as follows:
 - (1) Whether the application is for a new certification, an upgrade to an existing certification, the reactivation of an inactive certification, a re-test, or reciprocity and, if the application is based on reciprocity, the state and certification number; and
 - (2) Whether the application is for a grade IA combined distribution and treatment certification or a grade I, grade II, grade III, or grade IV treatment certification, distribution certification, or both certifications;
- (d) Information about all other professional or occupational certifications, licenses, permits, or other required authorizations and for each, the unique identification number, state of issuance, and current status, and whether the applicant has ever been refused a professional or occupational license or had one suspended or revoked, and if so an explanation;
- (e) Information about the applicant's education, including:
 - (1) The name and location of the high school the applicant attended, the number of years attended, and the year the applicant graduated or otherwise obtained a high school equivalency (HSE) certificate;
 - (2) The name and location of each college the applicant attended, the number of years attended, the year a degree was awarded, and the type of degree awarded and the major; and
 - (3) Copies of all college transcripts;
- (f) Information about the applicant's training, including the following for each course, seminar, or other program:
 - (1) The title of the program;
 - (2) The name of the program's provider;
 - (3) A brief description of the material covered in the program;
 - (4) The amount of active instruction time;
 - (5) The date the applicant completed the course; and
 - (6) A copy of the certificate of completion, transcript, or other documentation that the applicant completed the program;
- (g) Information about the applicant's work experience, including the following for each position beginning with the current or most recent:
 - (1) Employer name, location address, telephone number including area code, and email address;
 - (2) The name and title of the applicant's supervisor;
 - (3) The dates of employment and the number of hours worked per week; and

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- (4) The applicant's job title and an explanation of the applicant's duties;
- (h) For applicants other than for grade I-A, verification of work experience in the form of a statement signed by a responsible official of the applicant's employer that:
 - (1) The information provided by the applicant on the application form is true and complete to the best of the official's knowledge and belief; or
 - (2) If the information is not true and complete or if the applicant is no longer employed by that employer, a separate statement, signed as specified in Env-Dw 502.06(c), that provides the applicant's dates of employment, the number of hours worked per week, the applicant's job title, and an explanation of the applicant's duties;
- (i) Whether the applicant is seeking to substitute for education or experience as allowed by Env-Dw 502.22, and if so, an explanation of the substitution; and
- (j) Any additional information or comments that are relevant to the application that the applicant wishes to provide.

Source. #12363, eff 8-19-17

Env-Dw 502.06 Signatures and Certifications Required.

- (a) The applicant shall sign and date the application.
- (b) If verification of employment is made on the application form, a responsible official shall sign and date the form where indicated and print his or her name and title and the name of the employer.
- (c) If verification of employment is made separately pursuant to Env-Dw 502.05(h)(2), a responsible official shall sign and date the statement and print or type his or her name and title and the name of the employer.
- (d) The applicant's signature shall constitute certification by the applicant that:
 - (1) The information contained in or otherwise submitted with the document is true, complete, and not misleading to the best of the applicant's knowledge and belief; and
 - (2) The applicant understands that:
 - a. The submission of false, incomplete, or misleading information constitutes grounds for the department to:
 - 1. Deny the application;
 - 2. Revoke any certification that is granted based on the information; and
 - 3. If the applicant is a professional engineer, refer the matter to the board of professional engineers established by RSA 310-A:3; and
 - b. The applicant is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641.
- (e) Each signature provided pursuant to (b) or (c), above, shall constitute certification by the signer that the information provided by or being certified by the signer is true, complete, and not misleading to the best of the signer's knowledge and belief.

Source. #12363, eff 8-19-17

Env-Dw 502.07 Examinations.

- (a) The department shall administer written examinations to determine the knowledge, ability, and judgment of each applicant for operator certification as specified by RSA 332-E:5.

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(b) If an applicant has successfully passed, in another jurisdiction, the examination that is administered by the department, the department shall accept the results of that examination in lieu of requiring the applicant to take the examination again in New Hampshire.

(c) No applicant shall be certified who does not successfully pass the examination, except that certificates of proper classification shall be issued without examination as specified in RSA 332-E:6, VI and RSA 332-E:7.

(d) An applicant who does not pass and who wishes to retake the examination shall submit a new application as specified in Env-Dw 502.04, including the fee as required by RSA 332-E:5, IV.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.05); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.05)

Env-Dw 502.08 Issuance of Certificates; Operator Obligation to Maintain Address.

(a) As specified in RSA 332-E:6, I, upon satisfactory fulfillment by an applicant of the requirements specified in RSA 332-E and Env-Dw 502, the department shall issue a certificate to the applicant that identifies the class of treatment plant or distribution system and level of operation for which the operator is qualified.

(b) An original certificate shall be valid through December 31 of the next odd-numbered year.

(c) As required by RSA 332-E:6, I, the certificate shall be prominently displayed in the office of the public water supply system. For purposes of this requirement, “prominently displayed” means readily visible to anyone entering the office, including anyone from the public.

(d) As specified in RSA 332-E:4, V, and subject to RSA 332-E:6, IV, a renewal certificate shall be effective for 2 years beginning January 1.

(e) Any operator holding an active certificate shall maintain a current mailing address with the department.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.06); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.06)

Env-Dw 502.09 Renewal of Certificates.

(a) As specified in RSA 332-E:6, II and III, certificates shall be renewable every 2 years unless:

- (1) Revoked for cause pursuant to Env-Dw 502.11;
- (2) Replaced by one of a higher grade; or
- (3) Invalidated pursuant to RSA 332-E:6, IV.

(b) An operator who wishes to renew his or her certification shall submit to the department:

- (1) The fee specified in (c), below; and
- (2) Documents verifying completion of the courses required by Env-Dw 502.10.

(c) The renewal fee shall be \$50 if the payment is made before expiration of the certification or within 30 days after expiration. As specified in RSA 332-E:4, VI, if the renewal fee is received more than 30 days after the certificate’s expiration date, the department shall charge a late fee of 50 percent of the renewal fee in addition to the renewal fee.

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(d) As specified in RSA 332-E:4, V, if the renewal fee is not submitted within 90 days after the certificate's expiration date, the certificate shall be deemed expired.

(e) When a certificate is deemed expired per (d), above, the department shall issue notice to the certificate holder, sent to the mailing address last provided to the department, to notify him or her that the certificate is expired.

(f) The department shall issue a renewal certificate if it determines that the operator has applied for renewal as required by (b), above, and:

(1) No ground(s) for refusing to renew the certification, as specified in Env-Dw 502.09, are known to the department to exist for that operator; or

(2) Ground(s) for refusing to renew the certification exist, but reasonable conditions can be imposed to protect public health and safety and allow the operator to continue to work.

(g) If the department renews a certificate under (f)(2), above, it shall include conditions, such as additional training, increased supervision, or increased reporting, as are necessary to protect public health and safety.

(h) If the operator fails to apply for renewal within 3 months of the certificate expiration date, the operator shall apply for certification as specified in Env-Dw 502.04 and Env-Dw 502.05.

(i) As specified in RSA 332-E:6, V, the certificate of an operator who terminates employment in the water treatment or distribution field in New Hampshire shall be valid for 2 years after such termination and, unless renewed in accordance with these rules, shall automatically revert to an inactive status. Operators whose certificates are thus inactivated shall be issued new certificates of like classification on presentation of proof of competency to the department as specified in (j), below, and payment of the initial \$50 fee.

(j) Proof of competency shall be as follows:

(1) Documentation that the applicant was certified at the comparable classification in another jurisdiction, together with documentation that the applicant has completed the number of contact hours that would be required for renewal as specified in Env-Dw 502.10;

(2) Documentation that the applicant has been engaged in public water system management, operation, design, or maintenance activities at a level that demonstrates competence at the classification level sought by the applicant; or

(3) If the applicant cannot meet (1) or (2), above, successful completion of a written examination.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.07); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.07)

Env-Dw 502.10 Technical Contact Hours Required for Certification Renewal.

(a) An operator applying for renewal shall complete the number of technical contact hours (TCHs) specified in Table 502-1, below, for each 2-year period:

Table 502-1: TCHs Required Per 2-Year Period

Grade	Treatment	Distribution
I-A	5	5
I	20	20
II	20	20
III	20	20
IV	20	20

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(b) The number of required TCHs shall not be additive when an operator is certified in both treatment and distribution. For example, a grade I operator certified for both treatment and distribution shall require only 20 TCHs for the 2-year interval.

(c) A course shall consist of one or more classes that each have a minimum class length of 60 minutes not including breaks, equivalent to one TCH. Longer classes may be offered, with credit issued in increments of 0.5 hour for each additional 30 minutes.

(d) The following courses shall be credited as follows:

(1) One college credit in chemistry, mathematics, biology, engineering, or environmental science granted by an accredited college or university shall be equal to 15 TCHs;

(2) One continuing education unit (CEU) shall be credited as 10 TCHs;

(3) An introductory or advanced course on drinking water treatment and distribution offered by the department shall be credited as one TCH for each 60 minutes of instruction attended;

(4) A course approved pursuant to Env-Dw 502.26 shall be credited as one TCH for each 60 minutes of instruction attended; and

(5) The grade I-A course entitled "Small System Operation", consisting of approximately 10 hours of instruction offered by the department, shall be equal to the number of hours attended, with a maximum total credit being 10 TCHs per 2-year period.

(e) An operator may apply to the department for credit for other waterworks seminars and education courses by submitting the following to the department in writing:

(1) A description of the course, including the material covered and the total amount of instruction time;

(2) Information about the institution offering the course to demonstrate that it meets the criteria in (g), below; and

(3) The credentials of each instructor.

(f) An operator may apply for credit for completing self-study educational packets by submitting the following to the department in writing:

(1) The actual text(s) used or a summary of the material covered;

(2) Information about the institution offering the course to demonstrate that it meets the criteria in (g), below; and

(3) The credentials of each individual providing critique of student work.

(g) The department shall give credit under (e) or (f), above, if the department determines that the course was completed and understood by the operator, and the course:

(1) Was offered by:

a. An organization that has been approved by the IACET as an authorized provider; or

b. An accredited college or university; or

(2) Meets the criteria specified in Env-Dw 502.29.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09; ss by #9910, eff 4-19-11; ss by #12363, eff 8-19-17 (formerly Env-Dw 502.08)

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Env-Dw 502.11 Suspension, Revocation, or Refusal to Renew an Active Certificate.

(a) If the department receives information that provides a credible basis for concluding that good cause, as described in (f), below, exists to suspend or revoke an active certificate, the department shall proceed in accordance with RSA 332-E:9 and the provisions of RSA 541-A and Env-C 200 that apply to adjudicative proceedings.

(b) After proceeding in accordance with (a), above, the department shall:

(1) Revoke the certificate if it determines that the reason that good cause exists cannot be corrected to conform to applicable requirements and that revoking the certificate will provide greater protection to public health and safety than renewing the certificate; or

(2) Suspend the certificate, if it determines that the reason that good cause exists can be corrected to conform to applicable requirements.

(c) If a certificate is suspended pursuant to (b)(2), above, the department shall not reinstate the certificate until:

(1) The reason that good cause exists has been corrected to conform with applicable requirements; and

(2) The operator submits a written request to the department for the certificate to be reinstated, which explains all of the actions taken to address the basis for the suspension.

(d) If after receiving a request for reinstatement of a certificate pursuant to (c)(2), above, the department receives information that provides a credible basis for concluding that good cause, as described in (f), below, exists to refuse to renew the certificate, the department shall proceed in accordance with (a), above.

(e) After proceeding in accordance with (a), above, based on (d), above, the department shall:

(1) Refuse to reinstate the certificate, if it determines that good cause exists that cannot be corrected to comply to applicable requirements and that not reinstating the certificate will provide greater protection to public health and safety than reinstating the certificate; or

(2) Reinstate the certificate, if it determines that under the totality of the circumstances, not reinstating the certificate will result in greater harm to public health and safety than reinstating the certificate.

(f) Good cause to suspend, revoke, or refuse to renew a certificate shall include the following:

(1) Failing to use care, judgment, and knowledge in the performance of the operator's duties;

(2) Knowingly operating a water treatment plant or distribution system contrary to applicable requirements;

(3) Obtaining a certificate through fraud, deceit, or falsification;

(4) Submitting false or misleading information regarding any application for certification or renewal;

(5) Submitting false or misleading operational documentation relating to the performance and monitoring requirements of a public water system;

(6) Failing to submit required operational documentation to applicable regulatory agencies;

(7) Having a professional or occupational certification or license in any field from another certifying or licensing authority suspended, revoked, or refused renewal or reinstatement; and

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(8) Failing to perform the operational duties specified in Env-Dw 502.25.

(g) Administrative appeals made by an applicant in response to decisions of the department in this section shall be heard by the water council under RSA 21-O:14.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.08); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.09)

Env-Dw 502.12 Complexity of Water Treatment Processes. Treatment complexity shall be determined by a point system, wherein the points are assigned based on factors such as system size, source of water, raw water quality and average variation, chemical treatment processes, disinfection, pH adjustments, corrosion control, clarification, filtration, and other processes as listed in Table 502-2, below:

Table 502-2: Assignment of Points for Treatment Processes

FACTOR	POINTS
A. System Size	
1. Design flow average day, or peak month's average day, whichever is larger	1 per 0.5 million gallons per day (MGD), to a maximum of 20
B. Water Supply Source	
1. Seawater/Saltwater	0
2. Groundwater	0
3. Groundwater under the direct influence of surface water (GWI)	8
4. Surface water	10
C. Average Raw Water Quality Variation	
1. Little or no variation - no treatment provided except disinfection	0
2. Minor variation - e.g. high quality surface source appropriate for slow sand filtration	1
3. Moderate variation in chemical feed, dosage changes made monthly	2
4. Moderate variation in chemical feed, dosage changes made weekly	3
5. Moderate variation in chemical feed, dosage changes made daily	4
6. Variation significant enough to require pronounced or very frequent changes, or both	5
7. Severe variation - source subject to non-point discharges, agricultural or urban storm runoff, or flooding, or any combination thereof	7
8. Raw water is subject to agricultural or municipal waste point source discharges, or both	8
9. Raw water is subject to industrial waste pollution	10
D. Raw Water Quality	
1. Taste or odor, or both, for which treatment process adjustments are routinely made	2
2. Color >15 color units (CU) not due to precipitated metals	3
3. Manganese less than maximum contaminant level (MCL) with iron greater than MCL	2
4. Manganese greater than MCL, regardless of iron content	3
5. Algal growths for which treatment process adjustments are routinely made	3
E. Chemical Treatment or Addition Processes	
1. Fluoridation	4
F. Disinfection/Oxidation	
1. Hypochlorites not generated on-site	5
2. Hypochlorites generated on-site	6
3. Chlorine gas	8
4. Chloramination	8

Table 502-2: Assignment of Points for Treatment Processes

FACTOR	POINTS
5. Chlorine dioxide	10
6. Ozonization	10
7. UV Irradiation	2
8. Iodine, Peroxide, or similar	5
9. Potassium permanganate	
a. Used without greensand filtration	4
b. Used with greensand filtration	0
G. pH Adjustment for Process Control to Aid Coagulation	4
H. Stability or Corrosion Control	
1. Same chemical(s) not used for pH adjustment	4
2. Same chemical(s) used for pH adjustment	0
I. Coagulation/Flocculation & Filter Aid	
1. Primary coagulant addition	6
2. Coagulant aid or flocculant chemical addition to primary coagulant use	2
3. Flocculation	2
4. Filter aid: addition of non-ionic or anionic polymers	2
J. Clarification/Sedimentation	
1. Sedimentation with plain, tube, or plate	4
2. Contact adsorption	6
3. Other clarification processes such as air flotation or ballasted clarification	6
4. Upflow clarification	8
K. Filtration	
1. Granular media filtration for surface water or groundwater under the direct influence of surface water ≤ 3 gpm/sq ft	10
2. Granular media filtration for surface water or groundwater under the direct influence of surface water > 3 gpm/sq ft	20
3. Groundwater filtration	6
4. Membrane filtration	
a. For compliance with a primary regulation	10
b. For compliance with a secondary regulation	6
5. Diatomaceous earth as pre-coat filtration	10
6. Cartridge or bag	5
7. Pre-filtration staged cartridges or pressure sand without coagulation	1 per stage to a maximum of 3
8. Slow sand	5
L. Other Treatment Processes	
1. Aeration	3
2. Air stripping, including diffused air, packed tower aeration	5
3. Ion-exchange/softening	5
4. Greensand filtration	10
5. Lime-soda ash softening which includes chemical addition, mixing, flocculation, clarification or filtration, provided that points shall not be added for these processes separately	20
6. Granular activated carbon filter, provided that points shall not be added when included as a bed layer in another filter	5
7. Powdered activated carbon	2
8. Blending sources with significantly different water quality	
a. To achieve MCL compliance	4
b. For aesthetic reasons	2
9. Reservoir management employing chemical addition	2

Table 502-2: Assignment of Points for Treatment Processes

FACTOR	POINTS
10. Electrodialysis	15
11. Other - as determined pursuant to Env-Dw 502.13	maximum of 20
M. Residuals Disposal	
1. Discharge to sewer or equivalent	0
2. On-site disposal, land application	1
3. Discharge to lagoon/drying bed, with no recovery/recycling	1
4. Backwash recovery or recycling to discharge to basin or lagoon and then to source	2
5. Backwash recovery or recycling to discharge to basin or lagoon and then to plant intake	3
N. Facility Characteristics	
1. Instrumentation - use of Supervisory Control and Data Acquisition (SCADA) or similar instrumentation to obtain data	
a. Monitoring or alarm only with no process operation if the plan has no automated shutdown capability	0
b. Limited process operation with remote shutdown capability	1
c. Moderate process operation with alarms and shutdown and plus partial remote operation of plant	2
d. Extensive or total process operation with alarms and shutdown and full remote operation of plant possible	4

Source. (See Revision Note at pg. i) #9410, eff 3-12-09); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.10)

Env-Dw 502.13 Unspecified Treatment Processes.

(a) Any person wishing to add points to a treatment system for a process not specified in Table 502-2 shall provide the following information to the department in writing:

- (1) The name, mailing address, and daytime telephone number of the person making the request and, if available, the person's e-mail address;
- (2) If the requestor is other than an individual, the name and daytime telephone number of an individual representing the requestor for purposes of the request and, if available, the individual's e-mail address;
- (3) The name and physical address of the plant at which the treatment process for which points are sought is being used or is proposed to be used;
- (4) An explanation of the treatment process in sufficient detail to allow the department to make an independent assessment of the complexity of the process; and
- (5) The number of points sought for the treatment process.

(b) The department shall assign points to treatment processes not specified in Table 502-2 in response to a request submitted pursuant to (a), above, if the department determines that the treatment process being reviewed is not otherwise accounted for in Table 502-2 and:

- (1) Improves the quality of the water being distributed;
- (2) Lowers the cost of providing water that meets all applicable water quality standards; or
- (3) Both (1) and (2), above, apply.

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(c) The department shall assign a maximum of 20 points to the treatment process in direct proportion to the complexity of the treatment process and degree of skill required for its successful operation.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09; ss by #12363, eff 8-19-17 (formerly Env-Dw 502.11)

Env-Dw 502.14 Classification of Water Treatment Systems.

(a) Treatment systems shall be classified into 5 grades based on the complexity of the treatment processes at the system, ranging from grade I-A, the least complex, to grade IV, the most complex.

(b) Treatment system grade shall be determined by summing the points of the treatment processes as assigned under Env-Dw 502.12 and then using Table 502-3, below:

Table 502-3: Grades of Water Treatment Plant Complexity

Grade	Point Total	Other Limitations
I-A	< 16	CWS serving <500 people or having < 200 service connections, without fire protection
I-A	< 16	NTNC without fire protection
I	0-30	Excluding I-A systems
II	31-55	None
III	56-75	None
IV	≥76	None

(c) For purposes of certification, a groundwater source with no treatment whatsoever shall be considered to be a distribution system and not a treatment plant.

(d) For any water system having multiple treatment facilities in different locations, each location or facility shall be graded independently and the highest grade shall be the classification for the overall system.

(e) Each treatment process shall have points assigned only once. If a process could be classified under more than one factor and the factors have different points, the higher point value shall be used.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.09); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.12)

Env-Dw 502.15 Adjustments to Treatment Plant Classification.

(a) If the department concludes that the classification resulting from Env-Dw 502.14 does not accurately reflect the complexity of plant operations and the degree of skill required for its successful operation, the department shall adjust the classification as follows:

(1) If the plant is more complex or if a higher degree of skill is required for successful operation, the department shall increase the plant classification by one grade, subject to the limitation that grade IV is the highest grade; and

(2) If the plant is less complex or if a lower degree of skill is required for successful operation, the department shall decrease the plant classification by one grade, subject to the limitation that grade I-A is the lowest grade.

(b) The determination to raise or lower the classification of a plant shall be based on inconsistency with other similar plants and public health and safety concerns.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.13)

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Env-Dw 502.16 Classification of Water Distribution Systems. The department shall classify water distribution systems into one of 5 grades based on the population served, as specified in Table 502-4, below:

Table 502-4: Grades of Water Distribution System Complexity

Grade	Population Served (# people unless otherwise noted)	Other Limitations
I-A	< 500 or < 200 service connections	CWS without fire protection
I-A	Any number	NTNC without fire protection
I	≤ 1,500	Excluding I-A systems
II	1,501 – 15,000	None
III	15,001 - 50,000	None
IV	≥ 50,001	None

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.10); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.14)

Env-Dw 502.17 Adjustments to Distribution System Classification.

(a) If the department concludes that the classification resulting from Env-Dw 502.16 does not accurately reflect the complexity of the distribution system and the degree of skill required for its successful operation, the department shall adjust the classification as follows:

- (1) If the system is more complex or if a higher degree of skill is required for successful operation, the department shall increase the system classification by one grade, subject to the limitation that grade IV is the highest grade; and
- (2) If the system is less complex or if a lower degree of skill is required for successful operation, the department shall decrease the system classification by one grade, subject to the limitation that grade I-A is the lowest grade.

(b) The determination to raise or lower the classification of a distribution system shall be based on inconsistency with other similar distribution systems and public health and safety concerns.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.15)

Env-Dw 502.18 Grades of Operators.

(a) Operators shall be classified into 5 grades to parallel the classification of treatment and distribution systems described in Env-Dw 502.14 and Env-Dw 502.16.

(b) An operator may operate a treatment plant or distribution system of the same grade or lower than the operator’s certified grade.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.11); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.16)

Env-Dw 502.19 Operator Qualifications. To qualify to take the examination to become certified, the applicant shall:

- (a) Be capable of satisfactorily performing his or her intended duties relative to the size and complexity of a water treatment plant or distribution system typical of those of the grade for which the applicant is applying;
- (b) Be able to read and write in the English language; and
- (c) Submit evidence of the minimum number of years of education and experience for the desired operator grade, as specified in Env-Dw 502.20 and Env-Dw 502.21.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.12); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.17)

Env-Dw 502.20 Minimum Education and Experience Requirements for Operators.

(a) Subject to (b), below, and the substitutions allowed under Env-Dw 502.22, an individual seeking to become certified at a particular grade level shall have not less than the minimum education and operating experience specified in table 502-5, below, for that grade level:

Table 502-5: Minimum Education and Experience Requirements Per Grade Level

Grade	Minimum Education	Minimum Operator Experience
I-A	High school diploma or high school equivalency certificate (HSE certificate)	6 months of operator experience <u>or</u> completion of the “Small System Operation” course as specified in Env-Dw 502.10(d)(5)
I	High school diploma or HSE certificate	one year
II	High school diploma or HSE certificate	3 years
III	High school diploma or HSE certificate and 2 years of post-secondary education as specified in Env-Dw 502.21	4 years
IV	High school diploma or HSE certificate and 4 years of post-secondary education as specified in Env-Dw 502.21	6 years

(b) At least 50 percent of experience requirements shall be actual operating experience in a plant or system classified at no more than one grade below the grade for which the applicant is applying.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.18)

Env-Dw 502.21 Post-Secondary Education.

(a) Subject to (c) and (d), below, post-secondary education shall:

- (1) Be obtained at any public or private school that is accredited by the state in which the school is located to offer education beyond the high school level, including but not limited to an accredited college, university, community college, or technical institute; and
- (2) Have a concentration in environmental engineering, civil engineering, environmental sciences or related fields.

(b) For post-secondary education, 30 semester hours shall be equivalent to 45 quarter hours which shall be equivalent to one year.

(c) Continuing education units (CEUs), including but not limited to specialized operator training courses, seminars, and related college courses, may be used to satisfy post-secondary education requirements.

(d) For CEUs identified in (c), above:

- (1) 10 classroom hours of courses as specified in Env-Dw 502.10(c), (d), or (e) shall be equivalent to one CEU; and
- (2) 45 CEUs shall be equivalent to one year of post-secondary education.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09; ss by #12363, eff 8-19-17 (formerly Env-Dw 502.19)

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Env-Dw 502.22 Allowable Substitutions for Education and Experience.

- (a) An applicant may request the department to:
 - (1) Accept experience that exceeds the minimum required as a substitution for required education as described in (d) through (f), below; or
 - (2) Accept education that exceeds the minimum required as a substitution for required experience as described in (g), below.
- (b) The applicant shall request the substitution by checking the appropriate box on the application form required by Env-Dw 502.04 and providing an explanation of the desired substitution with supporting documentation.
- (c) The supporting documentation required by (b), above, shall be:
 - (1) For education, transcripts from post-secondary institutions or certification from the provider of satisfactory course completion for all other education and training; and
 - (2) For experience, certification from the employer of the dates of the applicant was employed, the number of hours the applicant worked per week, and the duties performed by the applicant.
- (d) The department shall approve a request to substitute experience for required education for an applicant for a Grade I-A operator certification if:
 - (1) The applicant scores 80% or higher on the examination; and
 - (2) The applicant's intended employer agrees to the substitution based on the duties of the position being compatible with the applicant's demonstrated level of training, knowledge, and experience.
- (e) Subject to (f), below, the department shall approve a request by an applicant for grade III or grade IV certification to substitute 1.5 years of responsible charge experience at the operator level for one year of post-secondary education to a maximum of one year credit for grade III and 2 years credit for grade IV.
- (f) The department shall approve an additional 5 years of responsible charge experience as a substitution for the remaining post-secondary education requirement for grade III and grade IV, provided:
 - (1) The experience is at a treatment plant or distribution system classified at the level of certification applied for; and
 - (2) The applicant's supervisor certifies the experience as noted in (c)(2), above.
- (g) The department shall approve a substitution of one year of post-secondary education for one year of operator experience, not to exceed 50 percent of the experience requirement.
- (h) Education, training, or experience used in substitution shall not be used to meet any other education or experience requirements.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09; ss by #12363, eff 8-19-17 (formerly Env-Dw 502.19)

Env-Dw 502.23 Operator-in-Training (OIT).

- (a) An applicant may become an operator-in-training (OIT) at a grade I, grade II, or grade III certification level without having the experience required by Env-Dw 502.20 only in accordance with this section.
- (b) The department shall allow an applicant for grade I OIT status to take the grade I examination without proof of prior experience.

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(c) The department shall allow an applicant for grade II OIT status or grade III OIT status to take the corresponding examination if the applicant submits to the department evidence of education or experience in technical fields other than water treatment or distribution, as follows:

- (1) For grade II OIT, one year of experience shall be required; and
- (2) For grade III OIT, 2 years of experience shall be required.

(d) The department shall designate the applicant as an OIT upon the applicant's passing the examination.

(e) Upon the applicant's submitting evidence that the applicant has completed the experience as specified in Env-Dw 502.20, the department shall:

- (1) Terminate the applicant's designation as an OIT; and
- (2) Issue a certificate in accordance with Env-Dw 502.08(a).

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.13); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.20)

Env-Dw 502.24 Responsibilities of Water System Owners.

(a) The owner of a CWS or NTNC shall:

- (1) Comply with RSA 485 and the rules in subtitle Env-Dw;
- (2) Designate a certified operator with an active certificate as the primary water system operator, to be responsible for the duties specified in Env-Dw 502.25 except as provided in (b), below;
- (3) Have a certified operator with an active certificate available whenever the system is in operation;
- (4) Ensure that any operating personnel making process control decisions about water quality or quantity is a certified operator with an active certificate;
- (5) Notify the department in writing within 10 days of a change in the designated primary operator;
- (6) Ensure that any persons performing maintenance or construction work on the water system or system components have the applicable licenses or certifications; and
- (7) Comply with the wellhead protection program required by Env-Dw 305 and other source water protection requirements as applicable.

(b) The owner of a Grade I-A water system shall not be required to delegate the operational duties specified in Env-Dw 502.25(a)(8) to the system's certified operator.

(c) The water system owner shall make the designation required by (a)(2), above, in writing and submit a copy to the department.

(d) The owner of a privately owned redistribution system shall comply with the requirements of (a)(2)-(6) and (c), above.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.14); amd by #9659, eff 2-24-10; ss by #12363, eff 8-19-17 (formerly Env-Dw 502.21)

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Env-Dw 502.25 Operational Duties of a Primary Water System Operator.

- (a) The primary water system operator designated pursuant to Env-Dw 502.24(a)(2) shall:
- (1) Conduct routine inspections of the water system in accordance with Env-Dw 503.15 and Env-Dw 503.16;
 - (2) Oversee operation and maintenance of the water system to maintain the safety and reliability of water service by ensuring that repairs and improvements are performed properly and in a timely manner, or, in the alternative, notifying the owner in writing of the need for such repairs and improvements;
 - (3) Be knowledgeable in all operational aspects of the water system;
 - (4) Have supervisory authority, including supervision of operating personnel, where applicable;
 - (5) Oversee all chemical monitoring, bacterial monitoring, and other monitoring required by Env-Dw 700;
 - (6) Attend any sanitary surveys conducted by state personnel;
 - (7) Conduct all reporting necessary in order for the water system to comply with the applicable requirements of Env-Dw 304 and Env-Dw 700;
 - (8) Keep complete and accurate water system records as required by Env-Dw 718;
 - (9) Be available to water system representatives and to the department during normal business hours;
 - (10) Investigate any suspected water system impairment described in Env-Dw 503.02(a); and
 - (11) Notify the department of any known water system impairment as specified in Env-Dw 503.02(b).
- (b) The primary water system operator shall communicate any regulatory non-compliance issues to the owner of the water system and, if the owner has designated a manager for the water system, to the manager.
- (c) The primary water system operator may delegate any duties specified in (a)(1) or (a)(5)-(8), above, to other individuals as allowed by the water system owner or manager, provided that the responsibility for execution of these duties remains with the primary water system operator.

Source. #9910, eff 4-19-11; ss by #12363, eff 8-19-17 (formerly Env-Dw 502.22)

Env-Dw 502.26 Approval of Training Providers and Courses.

- (a) Any individual or entity, such as a business or professional organization, seeking approval to provide one or more courses for drinking water operator certification renewal shall submit a request for approval as specified in Env-Dw 502.28 in writing to the department at least 30 days prior to the first date the training will be offered.
- (b) Within 30 days of receipt of a complete request for approval, the department shall:
- (1) Approve the request, if the request demonstrates that the criteria of Env-Dw 502.29 have been met; or
 - (2) Deny the request, if the request does not demonstrate that the criteria of Env-Dw 502.29 have been met.
- (c) The department shall notify the individual identified pursuant to Env-Dw 502.28(a) in writing of the decision. If the request is denied, the notice shall specify the reason(s) for the denial.

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(d) The department shall maintain a list of training providers and courses that have been approved pursuant to this section. Such list shall be provided to any person who requests the list.

(e) A provider shall allow a representative of the department to attend any training session approved pursuant to this section for evaluation purposes without a registration charge. Failure to allow such access shall result in the withdrawal of the training's approval.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.13); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.23)

Env-Dw 502.27 Approval for Multiple Offering of Same Course.

(a) If a provider wishes to offer a course for which approval is sought 2 or more times, the request submitted pursuant to Env-Dw 502.26(a) shall so state.

(b) If the course is approved pursuant to Env-Dw 502.26, the provider may present the course multiple times within a 2-year period.

(c) If the provider wishes to continue to present the course after the 2-year period has concluded, the provider shall submit a new request for approval.

Source. (See Revision Note at pg. i) #9410, eff 3-12-09 (formerly Env-Ws 367.13); ss by #12363, eff 8-19-17 (formerly Env-Dw 502.23(d))

Env-Dw 502.28 Contents of Request for Approval. A request for approval submitted pursuant to Env-Dw 502.26(a) shall include the following:

(a) The name, mailing address, and daytime telephone number of the individual submitting the request and, if available, an e-mail address for that individual;

(b) If the request is being submitted on behalf of an entity, the name, address, and telephone number of such entity and, if available, the URL of the entity's web site;

(c) For each course proposed to be offered, the following:

(1) A course outline that identifies the intended audience by subject matter and professional level;

(2) The training objectives of the course;

(3) Each topic to be presented and the time allotted for each topic;

(4) Whether TCH(s) will be awarded for successful completion of each topic or only for the course as a whole, and the number of TCH(s) to be awarded;

(5) A list of all instructional materials to be used in the course and, for each item, the name of the individual or entity that prepared the item, the year the item was prepared, and a summary of what the item covers;

(6) The name, mailing address, daytime telephone number, and background information or résumé of each instructor, presenter, and subject matter expert who developed the course;

(7) An explanation of how each participant will be determined to have met the requirement(s) for satisfactory completion of the course as specified in Env-Dw 502.29(e);

(8) A sample of the certificate of completion to be issued to participants who satisfactorily complete the course; and

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- (9) A copy of any evaluation form that will be used to obtain feedback from participants regarding the quality of the course;
- (d) A list of the date(s) on which training will be offered and the location(s) at which the course will be presented; and
- (e) An explanation or certification that the proposed training provider or course, as applicable, meets the applicable criteria specified in Env-Dw 502.29.

Source. #9910, eff 4-19-11); ss by #12363, eff 8-19-17
(formerly Env-Dw 502.24)

Env-Dw 502.29 Criteria for Approval of Training Providers and Courses.

- (a) A request for approval of a drinking water operator certification renewal training provider or course, or both, shall be approved only if the applicable criteria listed in (b) through (l), below, are met.
- (b) If the training provider is an entity, the entity shall have an individual or organizational unit within the entity that has responsibility for developing and conducting training courses and issuing TCHs.
- (c) Course content shall be sequenced in a logical manner from basic to more advanced levels.
- (d) Each instructor or presenter shall, for each course or topic that the individual will be presenting:
 - (1) Have a clear understanding of the training objectives and how they are to be achieved; and
 - (2) Be capable of effectively imparting that information to the participants.
- (e) Satisfactory completion of the course or of a topic, if TCHs will be awarded by topic, shall be determined by one of the following:
 - (1) Attendance at no less than 90% of the training time of the course or topic, as applicable, as measured and documented by attendance rosters or sign-in sheets;
 - (2) Performance, as measured by an assessment of each attendee's understanding of the material presented in the course or topic, as applicable, whether done orally, in writing, or by a practical demonstration of skills, as appropriate to the subject matter and the professional level of the intended audience; or
 - (3) A combination of attendance as specified in (1), above, and performance as specified in (2), above.
- (f) TCHs shall be issued based on actual training time, exclusive of breaks, meals, and introductory or welcoming remarks.
- (g) TCHs shall be awarded only upon satisfactory completion of a course or topic, as applicable, as determined pursuant to (e), above.
- (h) The certificate of completion issued to the attendees shall contain the following information:
 - (1) The attendee's name;
 - (2) The name of course or topic, as applicable;
 - (3) The number of TCHs awarded;
 - (4) The date the course was held;
 - (5) The name of the sponsoring or sanctioning organization, if applicable;

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- (6) The name of individual within the organization who is responsible for the course; and
 - (7) The name of organization issuing certificate and keeping the records, if different from the sponsoring organization.
- (i) The certificate of completion may include such other information as the issuing provider wishes to include.
- (j) The issuing provider shall maintain a record for each course that contains the following information:
- (1) The name of the course;
 - (2) The number of TCH(s) awarded;
 - (3) The course code, if applicable;
 - (4) The date and time the course was held;
 - (5) The location of the course;
 - (6) The name of each course instructor or presenter; and
 - (7) The name of each attendee, and, if available, the attendee's certified operator number.
- (k) The issuing provider shall:
- (1) Maintain the records required by (j), above, for no less than 5 years from the date of the training; and
 - (2) Provide access to the records to department staff upon request.
- (l) All advertisements of the course made by the provider shall include:
- (1) A description of the course;
 - (2) The requirements for satisfactory completion of the course; and
 - (3) The number of TCH(s) that will be awarded upon satisfactory completion of the course.

Source. #9910, eff 4-19-11); ss by #12363, eff 8-19-17
(formerly Env-Dw 502.25)

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APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Statutes and Regulations Implemented
ENV-A 502	RSA 125-C:6, XIV	42 U.S.C §7411(c) & (d); 42 U.S.C. §7412(l); 40 CFR 60; 40 CFR 61; 40 CFR 62; 40 CFR 63

APPENDIX B: STATUTORY DEFINITIONS

RSA 332-E:1

II. "Certificate" means a certificate of competency issued by the department stating that the operator has met the particular requirements set by the department for certification at his level of operation.

III. "Department" means the department of environmental services.

IV. "Operator" means the individual who has full responsibility for the operation of a water treatment plant or water distribution system and any individual who normally has charge of an operating shift, or who performs important operating functions including analytical control.

V. "Water distribution system" means that portion of the public water system which includes sources, pipes, storage facilities, pressure booster facilities, and all measuring and control devices used to convey potable water to the system users.

VI. "Water treatment plant" means the portion of the public water supply system which in some way alters the physical, chemical, or bacteriological quality of the water being treated.

RSA 485:1-a

XIV-a. "Privately owned redistribution system" means a system for the provision of piped water for human consumption which does not meet the definition of public water system under paragraph XV, and meets all the following criteria: (1) obtains all of its water from, but is not owned or operated by, a public water system; (2) serves a population of at least 25 people, 10 household units, or 15 service connections, whichever is fewest, for at least 60 days per year; and (3) has exterior pumping facilities, not including facilities used to reduce pressure, or exterior storage facilities which are not part of building plumbing.