

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**ENVIRONMENTAL RESPONSE DIVISION**

**GENERAL RULES**

(By authority conferred on the water resources commission by sections 2 and 5 of Act No. 245 of the Public Acts of 1929, as amended, sections 33 and 63 of Act No. 306 of the Public Acts of 1969, as amended, and Executive Order No. 1976-8a, being SS323.2, 323.5, 24.233, and 24.263 of the Michigan Compiled Laws)

**PART 10. TREATMENT PLANT OPERATORS**

**R 323.1251 Purpose.**

Rule 251. Section 6a of Act No. 245 of the Public Acts of 1929, as added by Act No. 209 of the Public Acts of 1968 and amended by Act No. 129 of the Public Acts of 1972, being S323.206a of the Michigan Compiled Laws, requires that every industrial or commercial entity which discharges liquid wastes into any surface or ground waters or underground or on the ground other than through a public sanitary sewer shall have waste treatment or control facilities under the specific supervision and control of persons who have been certified by the water resources commission as being properly qualified to operate the facilities. These rules set forth the requirements for certification of such operators.

History: 1979 AC.

Editor's note: R 323.1251 - R 323.1259 were transferred from R 323.21 - R 323.29. See 1954 ACS 72.

**R 323.1252 Definitions.**

Rule 252. (1) "Board" means the board of examiners established by the commission.

(2) "Certificate" means a document issued by the commission at testing that a person is properly qualified to operate or supervise the operation of certain designated waste treatment or control facilities.

(3) "Owner" means an industrial or commercial entity which discharges liquid wastes into any surface or ground waters or underground or on the ground other than through a public sanitary sewer.

(4) "Public sanitary sewer" means an enclosed pipe or conduit intended to carry wastewater from homes, businesses, and industries and is owned, operated, and maintained by a city, village, township, county, authority, or other municipal entity.

(5) "Waste treatment or control facilities" means any disposal system, including disposal wells, or any treatment works, equipment, machinery, or installation constructed,

used, or placed in operation for the purpose of reducing or eliminating water pollution caused by industrial waste or any device or equipment for retaining, metering, regulating, or monitoring a wastewater discharge, except that this rule shall not apply to water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes and is under permit by the state supervisor of wells.

History: 1979 AC.

**R 323.1253 Classification of waste treatment or control facilities.**

Rule 253. (1) Each waste treatment or control facility shall be classified by the commission as to type. The commission shall notify the owner of the waste treatment or control facility of its classification by issuing a certificate of classification. An owner who objects to the

assigned classification may appeal to the commission in accordance with the commission's rules of procedure. Upon appeal, the commission shall schedule a hearing and request the owner to present evidence to support his claim. After the hearing, the commission shall determine the proper waste treatment or control facility classification.

(2) Classifications shall be of 3 types, described as physical, chemical, and biological. Each of these classifications shall be further subdivided into at least 3 subclassifications, with the more complex facilities assigned the higher numbers.

**EXAMPLES OF WASTE TREATMENT OR CONTROL FACILITIES CLASSIFICATIONS**

**A. PHYSICAL**

Subclassification No. 1	Subclassification No. 2
Plain sedimentation	Filtration
Screening	Thermo control, cooling towers
Spray pond	Incineration, land disposal
Skimming	Radioactivity monitoring
Gravity separation	Air flotation
Flotation	Gas stripping
Impoundment, regulated discharge	Centrifuging
Impoundment, without discharge	Discharge measuring and monitoring
Land surface disposal	
Subsurface disposal	Subclassification No. 3
Deep well injection	Wax oxidation
	Membrane filtration

**B. CHEMICAL**

Subclassification No. 1	
Sludge conditioning	Adsorption
Neutralization	Absorption

Subclassification No. 2	Ion exchange
Chemical cloagulation	Subclassification No. 3
Precipitation	Chemical oxidation reduction
Emulsion breaking	Chemical recovery

**C. BIOLOGICAL**

Subclassification No. 1	Subclassification No. 2
Extended aeration	Disinfection
Aerated Lagoons	Trickling filters
Natural stabilization basin	Aerobic and anaerobic digestion
	Subclassification No. 3
	Activated sludge

History: 1979 AC.

**R 323.1254 Board of examiners.**

Rule 254. The commission shall appoint a 5-member board of examiners, of which 1 member shall be a member of the staff of the commission, 1 shall be a member of the staff of the Michigan department of public health, 1 shall be an owner of a commercial or industrial enterprise which operates a waste treatment facility or an employee of such an owner, 1 shall be a holder of a certificate to operate or supervise the operation of a waste treatment facility, and 1 shall be chosen at large. Of the members first appointed, 1 shall be appointed for a term of 1 year, 2 for terms of 2 years and 2 for terms of 3 years. Thereafter, each member shall be appointed for a term of 3 years. At its first meeting in each calendar year, the board shall select from its membership a chairman and such other officers as may be needed to conduct its business. Members of the board shall be reimbursed for their actual and necessary expenses in transacting board business.

History: 1979 AC.

**R 323.1255 Applications and examinations.**

Rule 255. (1) A person desiring to be certified in 1 or more of the classifications shall file an application with the commission at least 30 days before the established date of the examination on an application form provided by the commission. The information included therein shall constitute a part of the examination.

(2) The board, shall, under the direction of the commission, examine applicants for certification in order to determine their ability and qualifications, at such times and places as it designates and in accordance with the provisions of these rules. Examinations shall be held at least annually. Sixty days' notice of the examination date shall be given. The board, as a result of the examination and the requirements of the act, shall recommend to the commission the issuance or non-issuance of certificates.

(3) The commission may maintain reciprocal certification with other states.

History: 1979 AC.

**R 323.1256 Qualifications for certification.**

Rule 256. (1) The board may recommend for certification, following an oral examination and such other examinations, including an evaluation of the applicant's experience, as the board may require, persons with the following qualifications:

(a) Minimum requirements, all types of classification no. 1:

(i) The ability to read and write.

(ii) Comprehension of the principles and problems of management of the treatment process and facilities.

(iii) The ability to perform arithmetic calculations necessary to, operate the waste treatment or control facility, and prepare the required report to the commission.

(b) Minimum requirements, all types of classification no. 2:

(i) The equivalent of a high school education with the equivalent of high school chemistry.

(ii) Comprehension of the principles and problems of management of the treatment process and facilities.

(iii) The ability to perform arithmetic calculations necessary to carry out the operation of the waste treatment or control facility, and prepare the required report to the commission.

(c) Minimum requirements, all types of classification no. 3:

(i) The equivalent of 2 years of college education in engineering, chemistry, biological sciences, or allied field. Graduation from high school and with at least 4 courses in post-high school level chemistry or biological sciences, or both, may be considered to be equivalent.

(ii) Comprehension of the principles and problems of management of the treatment process and facilities.

(2) The board may recommend for certification in an appropriate classification, without written examination, or with oral examinations at the board's option, persons having the following qualifications:

(a) Applicants who are registered professional engineers in Michigan and have at least 2 years' experience in the water pollution control or waste treatment field.

(b) Applicants who have a bachelor of science or higher degree in engineering, chemistry, biological sciences, or allied field and have at least 3 years' experience in the water pollution control or waste treatment field.

(c) Applicants who hold a classification no. 1 or no. 2 certificate, have at least 5 years' experience in the water pollution control or waste treatment field, have proved their competence in their present

classification, and have successfully completed advanced courses in 1 or more of the following: chemistry, biological sciences, and waste treatment operation.

(3) Oral examinations, when held by the board, shall determine the overall knowledge of the applicant in regard to the operation of the type of facility the applicant will be responsible for, and the possible

effects of discharge of untreated or inadequately treated waste upon the waters receiving the plant effluent.

(4) The commission may deny a certificate to a person who has given false information in his application or who has been guilty of fraudulent practices in his examination. This denial, or any other denial of a certificate, may be appealed from in accordance with the commission's rules of procedure.

History: 1979 AC.

**R 323.1257 Renewal and revocation of certificates.**

Rule 257. (1) A certificate is valid for 5 years from the next July 1 after the date of issuance. On or after January 1 of the year in which a certificate expires, the certified person may apply for renewal thereof.

The commission may waive reexamination if the certified operator's operation record justifies such exceptions. Failure to apply for renewal shall result in termination of such certification. The commission shall notify the certified operator and the owner as to the action it has taken.

(2) If the certificate of an operator is not renewed within 30 days after its renewal date, the commission shall give notice of the nonrenewal to the owner and the operator and 30 days thereafter certification shall be terminated unless application for renewal has been received in the interim.

(3) The commission may revoke the certificate of a person who, after a hearing, is adjudged incompetent or unable to properly perform the duties of operator in his classification, or who has practiced fraud or falsification or who has been negligent in the discharge of his duties. Notice of revocation shall be given to the owner and to the person whose certification is being revoked.

History: 1979 AC.

**R 323.1258 Persons in responsible charge and changes.**

Rule 258. (1) An owner shall designate a certified operator to be in responsible charge of the day-to-day operation of each waste treatment facility, and shall inform the commission of the designation. The owner may replace the designated operator with another properly certified operator at any time and shall notify the commission within 10 days after the replacement.

(2) A certified operator who changes his address or place of employment shall notify the commission thereof within 30 days after the change.

History: 1979 AC.

**R 323.1259 Reports.**

Rule 259. The person in responsible charge of a waste treatment or control facility shall file with the commission, each month or at such longer interval as the commission may designate, on forms provided by the commission, operating reports showing the effectiveness of the treatment facility operation and the quantity and quality of liquid wastes discharged into any surface or ground waters or underground

or on the ground other than through a public sanitary sewer. When the person in responsible charge is not available to file the report, the owner may appoint a substitute suitable to the commission to file the report.

History: 1979 AC.

Editor's note: R 323.1251 - R 323.1259 were transferred from R 323.21 - R 323.29. See 1954 ACS 72.