

DEPARTMENT OF ENVIRONMENTAL QUALITY, GREAT LAKES, AND
ENERGY

WATER RESOURCES DIVISION

SEWERAGE SYSTEMS

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of environmental quality, Great Lakes, and energy by section 4104 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.4104, and Executive Reorganization Order Nos. ~~1995-16, 2009-31, 2011-1, and 2019-1~~, MCL 324.99903, ~~2009-31, MCL 324.99919, and 2011-1, MCL 324.99921, and 324.99923~~)

R 299.2903, R 299.2911, R 299.2912, R 299.2916, R 299.2917, R 299.2918, R 299.2920, R 299.2922, R 299.2923, R 299.2924, R 299.2925, R 299.2925a, R 299.2926, R 299.2927, R 299.2931, R 299.2933, R 299.2935, R 299.2936, R 299.2938, R 299.2939, R 299.2941, R 299.2942, R 299.2943, R 299.2952, R 299.2953, R 299.2955, R 299.2956, R 299.2957, R 299.2959, R 299.2960, and R 299.2971 of the Michigan Administrative Code are amended, and R 299.2972, R 299.2973, and R 299.2974 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 299.2903 Definitions.

Rule 3. As used in these rules:

(a) "Act" means **the natural resources and environmental protection act**, 1994 PA 451, MCL 324.101 to ~~324.90106~~**et seq.**

(b) "Board" means the board of certification authorized by R 299.2916.

(c) "Certificate" means a document that is issued by the department to a person **that** ~~who~~ meets specific qualification requirements specified in these rules, qualifying the person as a certified operator.

(d) **"Combined sewer system" means a sewer system that conveys domestic and industrial wastes and storm water through a single pipe to a publicly owned treatment works for treatment prior to discharge to surface waters.**

(~~de~~) "Department" means the director of the ~~D~~department of ~~E~~environmental ~~Quality~~, **Great Lakes, and energy** or ~~his or her~~ **the director's** designee.

(~~ef~~) "Division" means the appropriate division of the department as delegated by the director.

(fg) "Governmental agency" means a city, village, township, county, metropolitan district, other unit of government, or officers of the entities specified in this subdivision.

(gh) "Operator" means an individual who works in a treatment facility and ~~who~~ has some responsibility for the operation of the facility.

(hi) "Person" means an individual, partnership, association, corporation, or ~~any~~ a governmental agency.

(ij) **"Public" means 1 or more persons that discharge sewage from its sewer lead into a public sewer or sewerage system.**

(ik) "Renewal cycle" means the period of time from the issuance date to the expiration date stated on a certificate or a replacement certificate.

(jl) "Replacement certificate" means a certificate issued to an individual who holds a valid certificate. ~~issued before the effective date of these amendatory rules.~~

(km) **"Retention treatment basin" or "RTB" means a facility installed to collect and treat, as necessary, overflows from a combined sewer system during storm events.**

(n) **"Sewer system" or "collection system" means the pipes, channels, conduits, manholes, pumping stations, and appurtenances, collectively or severally, used or intended for use by the public for the purpose of collecting, conveying, or transporting domestic and industrial wastes to a treatment facility for more than 1 individually owned real property.**

(ko) "Sewerage system" means a sewer system and treatment facility that **is used or intended for use by the public and is** ~~are~~ used to collect, transport, and treat domestic and industrial wastes **for more than 1 individually owned real property.**

~~(l) "Sewer system" means the pipes, channels, conduits, manholes, pumping stations, and appurtenances, collectively or severally, actually used or intended for use by the public for the purpose of collecting, conveying, or transporting domestic and industrial wastes to a treatment facility.~~

(mp) "Superintendent" means an individual who is in charge of and responsible for the operation of a treatment facility and ~~in whom~~ is vested **with** the authority and responsibility for the establishment and execution of specific practices and procedures controlling the operations of the treatment facility in accordance with the policies of the owner of the facility and the department.

(nq) "Treatment facility" means structures, equipment, and appurtenances, collectively or severally, ~~actually~~ used or intended for use by the public for the purpose of treating or otherwise handling domestic and industrial wastes **for more than 1 individually owned real property.**

~~(o) "Treatment works" means a treatment facility.~~

PART 2. TREATMENT FACILITY CLASSIFICATION AND OPERATOR CERTIFICATION

R 299.2911 Initial treatment facility **and collection system** classification.

Rule 11. (1) Except as provided for in subrules (3), ~~and~~ (4), **and (5)** of this rule, treatment facilities shall be classified by the department into 4 classes, designated as

Class A, B, C, or D, with Class A being the highest. The classifications ~~must shall~~ be based on population served, the type of treatment facility, the character and volume of wastes to be treated, and the use and nature of the waters of the state receiving the effluent thereof. Treatment facilities classified according to the population criteria in subrules (2) **and (6)** of this rule may be placed in a higher classification by the department, by reason of the incorporation in the treatment facility of special features of design, **by number of connections**, ~~or~~ by characteristics more difficult to operate than usual, ~~or~~ by reasons of a particularly difficult type of sewage, or by reason of particular stream conditions or combinations thereof.

(2) One of the following minimum classifications ~~must shall~~ be assigned to each treatment facility that serves the public:

(a) Class A, treatment facilities serving or designed to serve a population of 50,000 or more persons.

(b) Class B, treatment facilities serving or designed to serve a population of 10,000 or more, but less than 50,000, persons.

(c) Class C, treatment facilities serving or designed to serve a population of 2,000 or more, but less than 10,000, persons.

(d) Class D, treatment facilities serving or designed to serve a population of less than 2,000 persons.

(3) Treatment facilities utilizing the waste stabilization lagoon process shall be classified by the department into ~~one~~ **1** of the 2 following classes, designated as class L2 and L1:

(a) Class L2, treatment facilities utilizing the waste stabilization lagoon process **that** ~~which~~ include special mechanical devices such as aerators, chemical precipitation, disinfection, or other factors. Class L2 ~~must shall~~ be considered a higher classification than class L1.

(b) Class L1, treatment facilities utilizing the waste stabilization lagoon process **that** ~~which~~ do not include special mechanical devices such as aerators, chemical precipitation, disinfection, or other factors.

(4) Treatment facilities that require minimal operation and control, and serve a population of less than 1,000 persons may be classified by the department as a special classification, designated as class SC. ~~Such~~ **These** treatment facilities include, but are not limited to, septic tank and tile field systems, and recirculating sand filters.

(5) Class RTB, treatment facilities that treat discharge from facilities serving a combined sewer system utilizing technologies that typically screen, settle, disinfect, usually store, and potentially dechlorinate, or other approved facilities.

(6) Sewer systems that convey wastewater to a treatment facility must be classified by the department into 1 of the 4 following classes, designated as class C1, C2, C3, or C4, with class C1 being the highest:

(a) Class C1, sewer systems with 25,000 or more connections, or a system with additional treatment component or components, such as chemical addition, equalization, solids removal, or other components.

(b) Class C2, sewer systems with 5,000 or more but less than 25,000 connections with all flow transported through a combination of gravity sewers, gravity sewers and pump stations with force mains, or low-pressure sewer systems.

(c) Class C3, sewer systems with 1,000 or more but less than 5,000 connections with all flow transported through a combination of gravity sewers, gravity sewers and pump stations with force mains, or low-pressure sewer systems.

(d) Class C4, sewer systems with 50 or more but less than 1,000 connections unless otherwise required by the department with all flow transported through a combination of gravity sewers or gravity sewers and pump stations with force mains.

R 299.2912 Treatment facility classification **and collection system** changes.

Rule 12. (1) ~~When~~ **If** 1 or more of the conditions described by subrule (2) of this rule exist or are imminent, the department may change the classification of a treatment facility after notice and opportunity for hearing on the proposed action not less than 60 days before the classification change. Hearings conducted by the department pursuant to this subrule ~~must~~ **shall** be undertaken according to hearing procedures prescribed by part 5 of **these rules**.

(2) The department may change the classification of a treatment facility **or collection system** ~~upon~~ **after** finding that any of the following or ~~any~~ **a** combination has occurred or is expected to occur within 60 days:

(a) The population being served by the treatment facility **or number of connections served by the collection system** has changed.

(b) There has been incorporated within the treatment facility **or collection system** special features of design or characteristics ~~that which~~ render the treatment facility **or collection system** more difficult to operate.

(c) Certain wastes are being treated within the treatment facility that require special treatment facility design or operation procedures.

(d) Conditions of flow or use of the receiving waters require an unusually high degree of treatment facility operational control.

R 299.2916 Board of certification; appointments.

Rule 16. The department shall appoint a board of certification ~~that which shall~~ consists of 5 members, of whom 1 shall be a class A certified operator, 1 shall be a qualified engineer registered in ~~this the~~ state knowledgeable in the operation and maintenance of treatment works, **and sewer system**, 1 shall be a staff member of the department, 1 shall be a municipal official, and 1 shall be a member at large. As the term of a member of the board of certification expires, the department shall appoint a member to the vacancy for a 3-year term. The department may appoint a member to a shorter term when filling a vacancy created ~~when~~ **if** a member vacates the position before the end of the term.

R 299.2917 Board of certification, duties and responsibilities.

Rule 17. (1) The board shall advise the department in the examination of persons applying for certification, as set forth in R 299.2918(1). The board shall meet **not less than at least** twice each year at ~~such~~ times and places as it may designate. The board shall do all of the following:

(a) Advise the department when it considers additional education or experience as adequate substitutions for other requirements, as set forth in R 299.2918(2).

(b) Advise the department in evaluating applications for examinations, as set forth in R 299.2920(2).

(c) Review and provide comment to the department on the substance of the examinations, as set forth in R 299.2922(1).

(d) Provide recommendations to the department on the issuance or denial of certificates following the examination process, as set forth in R 299.2924(1).

(e) Provide recommendations to the department on the issuance or denial of a certificate or a temporary certificate following the evaluation of certification received from another state, territory, or possession of the United States, or ~~any~~ **another** country as set forth in R 299.2924(2) and (3).

(f) Evaluate and approve or disapprove continuing education training courses, decide their hour value, and categorize them, as set forth in R 299.2925(5).

(g) Comment to the department regarding probation of a certified operator or the suspension or revocation of ~~a person's~~ **an individual's** certificate, as set forth in R 299.2926.

(2) Members of the board shall not be compensated, but ~~shall be~~ **are** entitled to all actual and necessary expenses in the performance of their official duties according to the rates established by the latest edition of the standard travel regulations of ~~the~~ **this** state.

(3) Three members of the board constitute a quorum.

R 299.2918 Operator certification, minimum requirements.

Rule 18. (1) Certification ~~must shall~~ require written examination conducted by the department, with the advice of the board, according to 1 or more of the following classifications based ~~upon~~ **on** minimum education and experience qualifications:

(a) Class A. To be eligible to write the examination for a ~~€~~class A certificate, the applicant shall satisfy all of the requirements in either paragraph (i) or (ii) of this subdivision, as follows:

(i) The applicant shall comply with all of the following requirements:

(~~a~~**A**) Possess a college degree with sufficient engineering or allied subjects to understand the mechanics, electronics, and hydraulics of a complex treatment facility.

(~~b~~**B**) Possess a ~~€~~class B certificate.

(~~e~~**C**) Have 4 years of acceptable experience in the operation of a ~~€~~class B or higher treatment facility, 2 years of which ~~must shall~~ have been in a supervisory position or a position of major operational responsibility.

(ii) The applicant shall comply with all of the following requirements:

(~~a~~**A**) Have completed 2 years of a standard college curriculum in engineering or allied field with sufficient subjects to understand the mechanics, electronics, and hydraulics of a complex treatment facility.

(~~b~~**B**) Possess a ~~€~~class B certificate.

(~~e~~**C**) Have 6 years of acceptable experience in the operation of a ~~€~~class B or higher treatment facility, 2 years of which ~~must shall~~ have been in a supervisory position or a position of major operational responsibility.

(b) Class B. To be eligible to write the examination for a ~~€~~class B certificate, the applicant shall comply with all of the following requirements:

(i) Have completed 1 year of college or its equivalent with sufficient subjects to aid in the understanding of the mechanics, electronics, and hydraulics of a treatment facility.

(ii) Possess a Class C certificate.

(iii) Have 4 years of acceptable experience in the operation of a treatment facility of Class C or higher, 2 years of which ~~must shall~~ have been in a supervisory position or a position of major operational responsibility.

(c) Class C. To be eligible to write the examination for a Class C certificate, the applicant shall comply with all of the following requirements:

(i) Have completed high school or its equivalent.

(ii) Possess a Class D certificate.

(iii) Have 2 years of acceptable experience in the operation of a Class D or higher treatment facility.

(d) Class D. To be eligible to write the examination for a Class D certificate, the applicant shall comply with both of the following requirements:

(i) Have completed high school or its equivalent.

(ii) Have 1 year of acceptable experience in the operation of a Class D or higher treatment facility.

(e) Class L2. To be eligible to write the examination for a Class L2 certificate, the applicant shall comply with both of the following requirements:

(i) Have completed high school or its equivalent.

(ii) Have 1 year of acceptable experience in the operation of a Class L2 lagoon system.

(f) Class L1. To be eligible to write the examination for a Class L1 certificate, the applicant shall comply with both of the following requirements:

(i) Have completed high school or its equivalent.

(ii) Have completed 1 year of acceptable experience in the operation of a Class L1 or Class L2 lagoon system.

(g) Class SC. To be eligible to write the examination for a Class SC certificate, the applicant shall comply with both of the following requirements:

(i) Have completed high school or its equivalent.

(ii) Have completed 1 year of acceptable experience in the operation of a Class SC type facility.

(h) Class RTB. To be eligible to write the examination for a class RTB certificate, the applicant shall comply with both of the following requirements:

(i) Have completed high school or its equivalent.

(ii) Have completed 1 year of acceptable experience in the operation of a class RTB facility and actively participated in not less than 4 discharge events.

(i) Class C1. To be eligible to write the examination for a class C1 certificate, the applicant shall satisfy all the requirements in paragraph (i) or (ii) of this subdivision, as follows:

(i) The applicant shall comply with all the following requirements:

(A) Possess a 4-year college degree in science, engineering, or a related field.

(B) Possess a class C2 certificate.

(C) Have 3 years of acceptable operational experience in a class C2 or higher collection system.

(ii) The applicant shall comply with all the following requirements:

(A) Possess a 2-year college degree in science, engineering, or a related field.

(B) Possess a class C2 certificate.

(C) Have 4 years of acceptable operational experience in a class C2 or higher collection system.

(j) Class C2. To be eligible to write the examination for a class C2 certificate, the applicant shall ~~satisfy all the requirements in paragraph (i) or (ii) of this subdivision, as follows:~~ comply with all the following requirements:

(i) Have completed 1 year of college or its equivalent in ~~The applicant shall comply with all the following requirements:~~

~~—(A) Possess a 4-year college degree in science, engineering, or a related field.~~

~~—(B) Possess a class C3 certificate.~~

~~—(C) Have 2 years of acceptable operational experience in a class C3 or higher collection system.~~

science, engineering, or a related field.

~~(ii) The applicant shall comply with all the following requirements:~~

~~—(A) Possess a 2-year college degree in science, engineering, or a related field.~~

~~—(B) Possess a class C3 certificate.~~

~~(iii)(C) Have 3 years of acceptable operational experience in a class C3 or higher collection system.~~

(k) Class C3. To be eligible to write the examination for a class C3 certificate, the applicant shall comply with all the following requirements:

(i) Have completed high school or its equivalent.

(ii) Possess a class C4 certificate.

(iii) Have 2 years of acceptable operational experience in a class C4 or higher collection system.

(l) Class C4. To be eligible to write the examination for a class C4 certificate, the applicant shall comply with both of the following requirements:

(i) Have completed high school or its equivalent.

(ii) Have 6 months of acceptable operational experience in a class C4 or higher collection system.

(2) Additional education or experience of an applicant may be substituted by the department, with the advice of the board, for meeting the minimum qualifications prescribed in subrule (1) of this rule.

R 299.2920 Application for Examination.

Rule 20. (1) The department shall schedule **not less than** ~~at least~~ 1 examination per year. The department shall make public the dates for examinations not less than 90 days before the dates set for the examinations.

(2) An individual desiring to be certified as in charge of and responsible for the operation of a treatment facility shall file with the department, not less than 45 days before an examination date announced by the department, an application for examination and certification on a form prepared and provided by the department. The information contained on the application **must** ~~shall~~ be evaluated by the department and the information **must** ~~shall~~ constitute a part of the examination.

(3) The department shall notify the applicants of their acceptance for examination and the time and place of the examination not less than 15 days before the date of examination.

R 299.2922 Examination procedures.

Rule 22. (1) **The department shall prepare the E**Examinations for operator certification ~~shall be prepared by the department~~, taking into account board review and comment. The examinations ~~must shall~~ include, but ~~are~~ not be limited to, the following 3 parts:

- (a) An evaluation of the educational qualifications of the applicant.
- (b) An evaluation of the experience qualifications of the applicant.
- (c) A written examination on the general subject of treatment facility operation in any or all of its phases.

(2) An applicant shall not be admitted to the written examination unless **the applicant** ~~he or she~~ meets the minimum requirements prescribed in R 299.2918.

(3) **The department shall prepare S**separate examinations for each class ~~shall be prepared by the department to that~~ encompass basic differences in the duties and responsibilities of operators, types of treatment facilities, variations in wastewater quality, conditions of receiving waters, and ~~such~~ other factors as the department determines.

R 299.2923 Examinations;, grading;, notification;, repeating exam.

Rule 23. (1) The minimum passing grade for the written examination is 70%.

(2) The department or others designated by it shall grade each examination.

(3) **The department shall mail the** results of each applicant's examination ~~shall be mailed to that applicant by the department~~ within 60 days after the date of the written examination.

(4) Applicants who fail to pass a written examination may repeat the examination ~~at any~~ a subsequent, regularly scheduled examination by submitting an application as prescribed by R 299.2920.

R 299.2924 Operator certificates;, issuance.

Rule 24. (1) Following examination, the department shall issue or deny a certificate for each applicant, taking into account the recommendation of the board. Each certificate **must shall** indicate the class of treatment facility or facilities **that for which** the certified operator is entitled to assume responsible charge **of**.

(2) An operator in another state, a territory or possession of the United States, or another country who holds an operator certificate may apply for reciprocity in obtaining a certificate under this part. ~~When~~ **If** an application for reciprocity is received, the department may do either of the following:

(a) Issue a certificate in a comparable classification without examination, if the requirements for certification of operators ~~under which~~ the certificate was issued are comparable to the requirements prescribed by this part.

(b) Issue a temporary certificate in a comparable classification without examination ~~which shall that~~ expires ~~at such time as when~~ the individual has an opportunity to obtain the results from taking **this state's** the next available equivalent ~~Michigan~~ certification examination, but ~~must shall~~ not be for more than 18 months. If the individual fails **this state's** the equivalent ~~Michigan~~ certification exam, **the individual he or she** is not eligible for ~~any an~~ additional temporary certification.

(3) A certificate, other than a replacement or temporary certificate, ~~must shall~~ be issued for a period of not less than 36, ~~nor or~~ more than 39, months. A certificate that is not renewed ~~must shall~~ expire.

R 299.2925 Replacement certificates, renewal requirements, expiration, reinstatement.

Rule 25. (1) All certificates issued before the effective date of these ~~amendatory~~ rules expire 1 year after the effective date of these ~~amendatory~~ rules.

(2) An individual who has been issued a certificate before the effective date of these ~~amendatory~~ rules pursuant to the provisions of section 4104 of the act, **MCL 324.4101**, and who submits to the department, within 10 months after the effective date of these ~~amendatory~~ rules, a completed application on a form provided by the department, shall be issued a replacement certificate at **the individual's** ~~his or her~~ current classification by the department. A replacement certificate may be issued for a term of not less than 3, ~~nor~~ more than 4-1/2 ~~½~~, years.

(3) To renew a certificate, a certified operator shall submit to the department an application for renewal on a form provided by the department.

(4) A certified operator shall be responsible for making application to renew a certificate regardless of lack of notification by the department.

(5) The board shall evaluate and either approve or disapprove continuing education training and determine the continuing education training hour value. All continuing education training approved by the board ~~must shall~~ relate to the duties, responsibilities, operation, maintenance, or supervision of a sewerage system. The board shall categorize all continuing education training as technical, managerial, or other.

(6) To renew an A or B certificate, the certified operator shall have completed, during the renewal cycle, not less than 24 hours of board-approved continuing education training. Not less than 6 hours of the training ~~must shall~~ be technical training and not less than 6 hours of the training ~~must shall~~ be managerial training.

(7) To renew a ~~C~~ class C, D, L2, or L1 certificate, the certified operator shall have completed, during the renewal cycle, not less than 12 hours of board-approved continuing education training. For ~~C~~ class C certification renewal, no more than 6 hours of training in the non-managerial, non-technical category may be used to meet the continuing education requirement.

(8) To renew a C1 or C2 certificate, the certified operator shall have completed, during the renewal cycle, not less than 20 hours of board-approved continuing education training. No more than 6 hours of training in the non-managerial, non-technical category may be used to meet the continuing education requirement.

(9) To renew a C3 or C4 certificate, the certified operator shall have completed, during the renewal cycle, not less than 10 hours of board-approved continuing education training.

(10) To renew a RTB certificate, the certified operator shall have completed, during the renewal cycle, not less than 12 hours of board-approved continuing education training.

(811) Individuals holding more than 1 certification need only meet the higher continuing education training requirement of the certifications held.

(912) Types of continuing education training programs that may be approved include, but are not limited to, the following:

- (a) Programs sponsored by **either of any** of the following entities:
- (i) Governmental agencies.
 - (ii) Professional and trade organizations.
- (b) Home study courses and correspondence courses that have independent verification of successful completion.
- (c) Technical courses conducted by private contractors.
- (d) University, college, and community college courses.
- (e) Training programs sponsored by the department and the ~~United States~~ Environmental Protection Agency.
- (f) Training sponsored by nationally recognized organizations.
- (103) The department shall issue renewal certificates to certified operators who verify to the department that they have successfully complied with the continuing education training requirements.
- (114) A certified operator shall keep **their** ~~his or her~~ own record of approved continuing education training and present proof of the training ~~upon~~ **on** application for renewal and ~~at any time subsequent to~~ **after** being issued a certificate.
- (125) A certified operator who is not eligible for renewal pursuant to the provisions of this rule may apply for examination pursuant to the provisions of R 299.2920.
- (136) A ~~Class~~ A or B certified operator who has not met the continuing education training requirements of subrule (6) of this rule may request issuance of a ~~Class~~ C or D certificate for which the requirements have been met.
- (147) A certified operator whose certificate has expired may apply for examination at the level equal to or less than the level of the valid certificate previously held pursuant to the provisions of R 299.2920.
- (158) The department may reinstate an expired certificate within 1 year **after** ~~from~~ the expiration date of the certificate when an individual has completed the necessary continuing education training requirements as prorated from the certificate's expiration date.

R 299.2925a Restricted **and initial** certificates for existing operators.

Rule 25a. ~~(1)~~ The owner of a treatment facility reclassified as a result of these rules shall notify the department of all certified operators currently employed by the owner. ~~Such~~ **The notification must** ~~shall~~ be made within 90 days after notification by the department that the system has been reclassified or within 2 years ~~from~~ **after** the effective date of these rules. **The notification must be made as follows:**

- (a) To the operator or operators identified in ~~subrule (1)~~ of this rule as holding a ~~Class~~ L certificate, the department shall issue a ~~Class~~ L1 replacement certificate.
- (b) To the operator or operators identified in ~~subrule (1)~~ of this rule as holding certificates other than a ~~Class~~ L certificate, the department shall issue a site-specific, restricted certification.
- (c) **To the operator or operators identified in this rule as holding a class D or higher certificate and actively supervising or operating an RTB system, the department may issue a site-specific, restricted RTB certification.**
- (d) **To the operator or operators identified in this rule as holding a class D or higher certificate or L2, L1, or SC certificate and actively supervising or operating a sewer system, the department may issue a site-specific, restricted C1, C2, C3, or C4**

certification. For these restricted certificates, the owner of a sewer system reclassified as a result of these rules, shall notify the department of all certified operators currently employed by the owner. The notification must be made within 90 days after notification by the department that the system has been reclassified.

(e) For the operator or operators not identified in this rule, an operator with 5 or more years of hands-on experience, or 10 or more years with direct supervision in class C1, C2, C3, or C4 sewer system, may write the examination for the sewer system as classified by the department and the department shall issue a class C1, C2, C3, or C4 certification. The examination may be taken no more than 2 times. A subsequent examination must be taken at 1 classification lower than the previous examination. This applies within 5 years after the initial facility classification by the department.

R 299.2926 Operator certificates; probation; revocation; suspension.

Rule 26. (1) Following a review and comment by the board, the department may place on probation, suspend, or revoke the certificate of a certified operator who is adjudged incompetent or unable to properly perform the duties of a certified operator in ~~their~~ ~~his~~ ~~or her~~ classification, ~~or~~ who has practiced fraud or falsification, or who has been negligent in the discharge of ~~his or her~~ ~~their~~ duties or responsibilities. Notice of suspension or revocation ~~must shall~~ be provided, by the department, in writing to the certified operator and the owner of the treatment facility.

(2) The department shall not accept an application for examination during the time period of suspension for a certified operator whose certificate has been suspended.

(3) The department may renew a suspended certificate if the applicant meets all renewal requirements. The renewal ~~must shall~~ not affect the terms of suspension.

(4) The department shall not accept an application for examination from an individual who has had a certificate revoked, for a period of 5 years ~~from~~ **after** the effective date of the revocation of the certificate. After 5 years, the department may accept an application submitted by an individual who has had a certificate revoked to write an examination at the level previously held.

R 299.2927 Appeals.

Rule 27. (1) A person ~~who~~ **that** is aggrieved by ~~any~~ **an** action under these rules, or who wishes to appeal ~~any other~~ **another** action with respect to ~~his or her~~ certification, shall have an opportunity for a hearing before the department.

(2) A hearing conducted under this rule ~~must shall~~ be conducted in accordance with R 299.2971 to R 299.2974.

PART 3. SEWERAGE SYSTEM PLANS AND SPECIFICATIONS

R 299.2931 Definitions.

Rule 31. As used in this part:

(a) "Alteration" means the construction of ~~any~~ **a** modification or addition to an existing sewerage system ~~which~~ **that** changes the process or system capacity.

(b) "Construction" means erection or installation of sewer systems or treatment facilities, including equipment and appurtenances, in accordance with approved plans and specifications.

(c) "Permit" means a construction permit issued by the director of the department for a sewer system or treatment facility pursuant to section 6 of the act and these rules.

R 299.2933 Submittal of plans and specifications.

Rule 33. (1) Before the construction or alteration of a sewerage system or portions thereof, plans and specifications ~~must shall~~ be submitted to the department for review and issuance of a construction permit.

(2) The plans and specifications ~~must shall~~ be submitted by the owner of the sewer system or treatment facility or by **the owner's** his designated agent. ~~When~~ **If** a person files plans and specifications as an agent of an owner, the owner shall furnish the agent with a letter of authorization for filing the plans and specifications. The letter ~~must shall~~ identify the plans or project and be submitted with the plans and specifications.

(3) Plans and specifications submitted to the department pursuant to subrule (1) **of this rule are shall** not be considered adequate unless prepared by a professional engineer registered in ~~this the~~ state, and the plans and specifications ~~must shall~~ be properly sealed by the engineer as required by law.

R 299.2935 Engineering reports; basis of design; minimum requirements.

Rule 35. (1) Before submission of plans and specifications, an engineering report or basis of design, or both, ~~must shall~~ be submitted to the department for review and approval.

(2) An engineering report ~~is shall~~ be required for all proposed projects dealing with construction of treatment facilities and major sewer systems. The engineer, when preparing the report, shall consider the material set forth under ~~section 11, the~~ engineering report ~~section~~, of the recommended standards for ~~sewage works~~ **wastewater facilities, which can be found at <https://www.health.state.mn.us/communities/environment/water/docs/tenstates/tenstatestan2014.pdf>**, wherever applicable, to the facility for which the report is being prepared.

(3) A basis of design ~~must shall~~ be required for all proposed projects and may be included in the engineering report. Basis of design forms for treatment facilities and pump stations are available from the division office. The basis of design for sewer systems ~~must shall~~ include, depending on applicability to the sewer system for which the basis of design is being prepared, but **are** not necessarily ~~be~~ limited to, the following:

(a) A general map of the service area showing the location of the existing and proposed sewer system.

(b) The service area in acres.

(c) The present and future population densities per acre and total population.

(d) The present and future per capita sewage contribution,; average and maximum.

(e) A description of commercial and industrial waste contributions.

(f) The present and design flow rates, average and maximum.

(g) The size of pipe, grade, and, ~~where if~~ appropriate, the size of pump station, number and capacity of pumps, size and length of force main, and point of discharge.

(h) An analysis of the effect of the proposed additional flows on the existing sewerage system.

(i) A detailed explanation of steps to be taken **if there is a in case of** power failure or equipment breakdown, including a description of special reserve units available for emergency treatment, storage, or transportation of the wastewater.

(j) An analysis and determination as to the applicability of ~~sections 2 and 5 of Act No. 245 of the Public Acts of 1929, as amended, being §§323.2 and 323.5 of the Michigan Compiled Laws, and Part 13 of the General Rules of the water resources commission, being R 323.1311 to R 323.1329 of the Michigan Administrative Code.~~

(4) If the construction or alteration proposed is for a privately owned sewer or sewerage system, or portion thereof, serving the public, the permit application must require proof of the completion of the following, before the department issues a construction permit:

(a) Proof of recordation of a notification of responsibility form acceptable to the department across each parcel served by the sewer or sewerage system.

(b) A resolution and agreement of its governing body by the city, village, or township where the proposed sewer or sewerage system is to be located accepting or not accepting operational responsibility of the sewer or sewerage system should the private owner fail to properly operate or maintain the sewer or sewerage system. If the city, village, or township refuses to accept operational responsibility, the owner of the privately owned, publicly used sewerage shall comply with subrules (4)(c) and (4)(d) of this rule.

(c) An asset management plan on a form acceptable to the department. The asset management plan must provide for the continued operation, maintenance, and funding of the repairs and replacements of the sewer or sewerage system in accordance with the requirements of the act and these rules. The owner of the constructed sewer or sewerage system shall comply with the department-approved asset management plan and update it periodically, as necessary.

(d) An escrow account or letter of credit, payable to the department that is the greater of either \$20,000.00 or 20% of the total replacement cost of the whole privately owned, publicly used sewer or sewerage system, but not more than \$100,000.00. The department may withdraw money from the escrow account or letter of credit to correct deficiencies if the sewer or sewerage system is not operated or maintained as necessary to protect the public health and the environment. If it is necessary for the department to withdraw money from the escrow account or letter of credit, the money must be replaced within 90 days by the developer, private owner, or organization then responsible for the sewer or sewerage system.

(e) The department may reduce or eliminate the need for an escrow account or letter of credit established under this rule after 10 years of operation and maintenance considered satisfactory by the department.

(f) Before the transfer of ownership of a privately owned, publicly used sewer or sewerage system, a private purchaser shall comply with this subrule.

R 299.2936 Plans and specifications; minimum requirements.

Rule 36. Information contained within the plans and specifications submitted to the department for review and approval pursuant to R 299.2933 **must shall**-include, but **is** not

necessarily be limited to, the material recommended in section 12, plans, and section 13, specifications, **engineering plans and specifications section** of the recommended standards for ~~sewage works~~ **wastewater facilities**.

R 299.2938 Plans and specifications; review by department.

Rule 38. (1) ~~Upon receipt of~~ **The department shall review** plans and specifications for the construction or alteration of a sewerage system or portion thereof, ~~the department shall review them~~ as soon as practicable **on receipt** to determine **if the plans and specifications meet their completeness** with regard to the minimum requirements specified in R 299.2936 and ~~their acceptability with regard to~~ accepted design standards for wastewater facilities in this state. In making its review, the department shall consider design criteria as set forth in recommended standards for ~~sewage works~~ **wastewater facilities** and shall be assured that the sewerage system or portion thereof is so designed so as to protect the public health and prevent unlawful pollution.

(2) If the department determines that plans and specifications are incomplete or are inadequate, ~~it~~ **the department** shall notify the owner or **the owner's** his authorized agent of the proposed sewerage system or portion thereof, and may request the resubmittal thereof with appropriate corrections or additions. The director shall not grant an approval of plans and specifications until they are complete and are judged to be adequate by the department.

R 299.2939 Approval of plans and specifications; permits.

Rule 39. (1) ~~Upon~~ **On** the determination by the department that the plans and specifications for a sewerage system or portion thereof are complete and satisfactory, the director shall approve them and ~~shall~~ issue a permit for construction.

(2) A permit issued pursuant to the act and these rules expires unless construction commences within 2 years ~~from~~ **after** the date of issuance. An owner of a wastewater facility may apply for reissuance of a permit in accordance with R 299.2933.

R 299.2941 Permits; conditions for issuance.

Rule 41. **The director of the department shall issue** A permit for the construction of a sewerage system or portions thereof ~~shall be issued by the director of the department only when if~~ both of the following conditions are met:

(a) Proper devices are or will be available and are in satisfactory operation for the collection, transportation, and treatment, before discharge into ~~any a~~ public watercourse, lake, drain, ditch, or groundwater, of the sewage or wastes collected or conveyed by ~~such these~~ systems,; or a definite program or agreement satisfactory to the department leading to the construction and operation of ~~such the~~ collection, transportation, or treatment devices **must** ~~shall~~ have been officially adopted by the applicant for ~~such the~~ permit and filed in the offices of the department.

(b) ~~Where~~ **If** the plans and specifications for the work ~~for which that~~ a construction permit is requested **for** have been properly prepared in accordance with the laws of ~~the~~ **this** state, ~~and~~ have been submitted to the director for ~~his~~ examination and approval, ~~and which~~ have been found to be in accordance with good modern practices, and, if built according to the plans and specifications, are of ~~such the~~ nature and design as to protect the public health and prevent unlawful pollution.

R 299.2942 Revisions to approved plans.

Rule 42. (1) The director shall approve ~~any~~ deviations from approved plans or specifications affecting capacity, flow, **isolation distances**, or operation **and maintenance** of units before construction of the changes. Plans and specifications so revised ~~must~~ **shall** be submitted, **along with the new application**, well in advance of ~~any~~ construction work ~~that which~~ will be affected by the changes, to ~~permit~~ **allow** sufficient time for review and approval. ~~Structural revisions of a~~ **Minor** changes not affecting capacities, flows, or operation ~~are permitted during construction without approval~~ **may be verbally approved by the department. Minor modifications include, but are not limited to, a minor change of location of the sewer or locations of manholes.**

(2) **If a person seeks confirmation of the department's verbal approval of a minor modification under subrule (1) of this rule, the person shall notify the department electronically, at an address specified by the department, with a detailed description of the request for the modification. The department shall make reasonable efforts to respond within 2 business days, confirming whether the request has been approved or denied. If the department has not responded within 2 business days after the department receives the detailed description, the verbal approval must be considered confirmed.** "As-built" plans clearly showing the work as constructed ~~shall~~ be submitted to the department at the completion of the work.

R 299.2943 Operation during construction.

Rule 43. ~~Wherever possible~~ **Bypassing** of untreated wastewater or reduction in treatment effectiveness ~~must shall~~ **adequately addressed** ~~avoided~~ during the construction of sewer system or treatment facility alterations. ~~Prior to~~ **Before** commencing construction of the alterations, a program for completing the work in a manner ~~that which~~ will minimize pollutional effects on the receiving water ~~must shall~~ be submitted to the department for review and approval.

PART 4. OPERATION AND MAINTENANCE OF SEWERAGE SYSTEMS

R 299.2952 Operator in charge.

Rule 52. (1) An owner of a treatment facility shall designate a superintendent, who ~~shall be~~ **is** a properly certified operator, to be in responsible charge of the day-to-day operation and maintenance of each treatment facility, and ~~shall~~ notify the division in writing of the designation, including the **superintendent's** address and telephone number ~~thereof~~. The superintendent shall hold a certificate equivalent to or higher than the classification of the treatment facility. The owner of the treatment facility may replace the superintendent with another properly certified operator ~~at any time~~, and shall notify the department in writing within 10 days after the replacement.

(2) During construction of a new treatment facility and before placing the facility in operation, the owner shall employ a properly certified operator who ~~is shall be~~ in charge when the facility is completed and placed in operation. This individual shall become fully familiar with all facilities and equipment; and ~~shall~~ train selected subordinate employees as appropriate both before and following facility start-up.

R 299.2953 Monthly operational reports.

Rule 53. The superintendent of a treatment facility shall file with the department each month or at ~~such~~ other intervals as the department may designate, on forms prescribed by the department, operating reports showing the effectiveness of the treatment facility operation and the quantity and quality of liquid wastes discharged into the waters of ~~the~~ **this** state. ~~When~~ **If** the superintendent is not available to file the report, the owner of the treatment facility may appoint a substitute acceptable to the department to file the report.

R 299.2955 Sewerage system operation and maintenance; general requirements.

Rule 55. (1) Sewerage systems **must** ~~shall~~ be operated and maintained at all times as efficiently as possible and in a manner **that** ~~which~~ will minimize upsets and discharges of excessive pollutants.

(2) The owner of the sewerage system shall provide an adequate operating staff **that** ~~which~~ is qualified to carry out the operation, maintenance, and laboratory testing functions required to ensure compliance with the conditions of subrule (1) **of this rule**.

(3) Wherever possible, maintenance of sewerage systems **must** ~~shall~~ not result in degradation of effluent quality. If degradation of effluent is unavoidable, maintenance **must** ~~shall~~ be programmed and scheduled during noncritical water quality periods and ~~shall~~ be carried out in a manner approved by the department.

(4) All reasonable measures, including, ~~where~~ **if** appropriate, the provision of shutoff valves adjacent to storage tanks, catchment areas, relief vessels, or entrapment dikes, **must** ~~shall~~ be taken for containment of ~~any~~ accidental losses of concentrated solutions, acids, alkalies, salts, oils, or other polluting materials.

R 299.2956 As-built plans and specifications.

Rule 56. The owner of the sewerage system shall obtain and maintain reproducible as-built plans and specifications **that** ~~which~~ accurately describe the entire sewerage system in its current condition.

R 299.2957 Operation and maintenance manual.

Rule 57. (1) The owner of a treatment facility shall prepare, or cause to be prepared, an operation and maintenance manual for the treatment facility **that** ~~which~~ **must** ~~shall~~ be used by the operator of the facility as a guide for facility operation and maintenance. The manual **must** ~~shall~~ describe the function, start-up, shutdown, and periodic maintenance procedures for each unit process and item of mechanical and electrical equipment. The appropriate responses or facility adjustments to minimize the impact of emergency situations **must** ~~shall~~ be described so as to facilitate rapid implementation of a correct response during emergencies. A copy of the operation and maintenance manual **must** ~~shall~~ be submitted to the department for its review, approval, and filing 60 days before the date of operation.

(2) If the department determines that an operation and maintenance manual is incomplete or inadequate, it may return the manual to the owner of the treatment facility with its findings and recommendations and request modification thereof. The owner of the treatment facility shall modify and resubmit the manual to the department.

R 299.2959 Emergency measures, reports to department.

Rule 59. (1) If a breakdown of a sewerage system or system component or ~~any an~~ emergency situation results in the diversion from or bypass of facilities necessary for the effective collection, transportation, or treatment of the wastes and in the discharge of pollutants in excess of those authorized by a discharge permit issued by the department under the act, ~~then~~ the system owner shall take all necessary measures to correct the breakdown or emergency and eliminate or reduce the discharge of excessive pollutants.

(2) The owner of a sewerage system that discharges, or ~~permits~~ **allows** to be discharged, excessive pollutant to the waters of the state as a result of a facility breakdown or emergency shall notify the division promptly. The owner shall supplement the notice by a written report filed with the division within 72 hours outlining the cause, its discovery, and the corrective actions taken to minimize adverse impact to the waters of ~~the this~~ state, restore facilities to operative condition, and eliminate the need for future diversion or bypass. This rule does not supersede, rescind, or otherwise alter ~~any other another~~ existing or future procedure, rule, or statute pertaining to pollution of the waters of the state.

R 299.2960 Enforcement.

Rule 60. A person ~~who that~~ violates this part is subject to the procedures and penalties prescribed by the act or ~~any other another~~ applicable law or rules of this state. **If the department has determined that a person has violated part 41 of the act, MCL 324.4101 to 324.4113, or these rules, the department may notify the alleged offender of its determination and may require that person to enter an order, or the department may follow the enforcement procedures and penalties prescribed by the act or another applicable law or rule of this state, or both.**

PART 5. HEARINGS

R 299.2971 Opportunity for hearings.

Rule 71. (1) A person ~~who that~~ is aggrieved by an action undertaken under the act or these rules may file a sworn petition with the department setting forth the grounds and reasons for ~~the his or her~~ complaint or appeal and asking for a hearing before the department. The department shall ~~then~~ fix the time and place for the hearing and notify the petitioner of the time and place, ~~by certified mail~~. At the hearing, the petitioner and ~~any other interested party~~ **parties** may appear, present witnesses, and submit evidence. Following the hearing, the final decision or disposition of the case by the department is conclusive unless reviewed in accordance with and subject to **the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328** ~~Act No. 306 or the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws, in the circuit court for the county of Ingham or for the county~~ **where in which** the person resides.

(2) An appearance at a hearing ~~must shall be either in person by the party~~ **must** be either in person **by the party** ~~themselves~~, by the party's duly authorized agent, or by counsel.

R 299.2972 ~~Hearing commissioner. Rescinded.~~

~~Rule 72. (1) The part of a hearing in a contested case in which testimony and evidence are to be taken may be referred to a hearing commissioner. The hearing commissioner shall be designated and authorized by the department to preside at the hearing.~~

~~(2) The hearing commissioner shall hear the evidence and prepare a record of the proceedings and a proposal for a decision, including findings of fact and conclusions of law. The hearing commissioner shall file the record of the proceedings and proposal for decision at the department offices as early as possible after completion of the hearing. The hearing commissioner shall transmit a copy of the proposal for decision to the department and shall serve a copy, by certified mail, on all other parties to the proceedings.~~

R 299.2973 Department files and records; use in connection with hearings. **Rescinded.**

~~Rule 73. The department shall make its files and records that are applicable to hearings conducted under these rules, except the materials exempted by section 22 of Act No. 306 of the Public Acts of 1969, as amended, being §24.222 of the Michigan Compiled Laws, available for inspection before or at the hearings held by the department or hearing commissioner. The department's files and records may be offered at a hearing as evidence on behalf of the department.~~

R 299.2974 Department hearings. **Rescinded.**

~~Rule 74. (1) The department shall provide an opportunity for either party to a contested case to submit arguments, exceptions, or appeals to the department regarding a hearing commissioner's report and proposal for decision. A party shall file arguments, exceptions, and appeals in writing and in a timely manner. To be considered by the department, written briefs or exceptions shall be received at the office of the department in Lansing not later than 2 weeks before the date set by the department for consideration of the hearing commissioner's report. The department may provide an opportunity for a party to present oral argument to the department. The department shall notify all parties if the department decides to permit oral argument.~~

~~(2) The department shall prepare and serve a certified copy of a final decision adopted in a contested case by the department. The department shall serve the copy by certified mail on the contesting parties or their attorneys. The copy of a final decision shall contain a resume of the facts and the grounds for decision.~~