

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 7 WASTEWATER AND WATER SUPPLY FACILITIES
PART 4 UTILITY OPERATOR CERTIFICATION

20.7.4.1 ISSUING AGENCY: Water Quality Control Commission.
[20.7.4.1 NMAC - Rp, 20 NMAC 7.4.100, 1-26-01]

20.7.4.2 SCOPE: All persons, facilities and systems subject to the act.
[20.7.4.2 NMAC - Rp, 20 NMAC 7.4.101, 1-26-01; A, 11-15-06]

20.7.4.3 STATUTORY AUTHORITY: Utility Operators Certification Act, NMSA 1978, Sections 61-33-1 to 10.
[20.7.4.3 NMAC - Rp, 20 NMAC 7.4.102, 1-26-01]

20.7.4.4 DURATION: Permanent.
[20.7.4.4 NMAC - Rp, 20 NMAC 7.4.103, 1-26-01]

20.7.4.5 EFFECTIVE DATE: January 26, 2001, unless a later date is indicated in the history note at the end of a section.
[20.7.4.5 NMAC - Rp, 20 NMAC 7.4.104, 1-26-01]

20.7.4.6 OBJECTIVE: The objective of this part is to implement the act.
[20.7.4.6 NMAC - Rp, 20 NMAC 7.4.105, 1-26-01; A, 11-15-06]

20.7.4.7 DEFINITIONS: All terms used in this part shall have the following meanings:

- A.** "act" means the Utility Operators Certification Act, NMSA 1978, Sections 61-33-1 to 10;
- B.** "board" means the utility operators certification advisory board;
- C.** "certified operator" means ~~an individual person~~ who is certified by the department as being qualified to operate one of the classifications of public water supply systems or public wastewater facilities;
- D.** "collection system" means pipelines or conduits, pumping stations, force mains, and all other devices, appurtenances and facilities used for collecting and conducting waste to a point of treatment and disposal;
- E.** "commission" means the water quality control commission;
- F.** "department" means the New Mexico environment department;
- G.** "distribution system" means pipelines, appurtenances, devices and facilities which carry potable water under pressure to each consumer;
- H.** "domestic liquid waste" means human excreta and water-carried waste from typical residential plumbing fixtures and activities, including but not limited to waste from toilets, sinks, bath fixtures, clothes or dishwashing machines and floor drains;
- I.** "domestic liquid waste treatment unit" means any system that is designed to discharge less than two thousand gallons per day and that is subject to the rules promulgated by the environmental improvement board pursuant to Paragraph (3) of Subsection (A) of Section 74-1-8 NMSA 1978 or a watertight unit designed, constructed and installed to stabilize only domestic liquid waste and to retain solids contained in such domestic liquid waste, including septic tanks;
- J.** "education" means academic credit received attending any public or private primary, secondary or high school, approved vocational training courses in the water supply and wastewater field, college or university;
- K.** "experience" means actual work as an operator in the fields of public water supply systems or public wastewater facilities as defined in Paragraphs (1) through (5) of Subsection K. Work experience in a related field may be accepted at the discretion of the department.

(1) "water experience" means drinking water treatment or distribution system operation work experience on a public water supply system, full or part-time, acquired by performing day-to-day system integrity/process control operations, rather than from textbook study or observation. It means the applicant has operated a public water treatment facility or distribution system. The applicant must have experience in some combination of public water system and/or distribution system operational tasks, including but not limited to: routine operational tests; routine process control operations; interpretation of test results; calculation of chemical dosages and subsequent adjustment of chemical feeders; flow rate and pressure adjustments; filter backwash; water main repair,

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installation, tapping, disinfection and flushing; water meter installation, replacement, operation and maintenance; advanced water treatment operation and maintenance; and completion of operational reports.

(2) “distribution experience” means drinking water distribution system operation work experience on a public water supply system, full or part-time, acquired by performing day-to-day system integrity/process control operations, rather than from textbook study or observation. It means the applicant has operated a public drinking water distribution system. The applicant must have experience in some combination of distribution system operational tasks, including but not limited to: routine operational tests; routine process control operations; interpretation of test results; calculation of chemical dosages and subsequent adjustment of chemical feeders; flow rate and pressure adjustments; water main repair, installation, tapping, disinfection and flushing; hydrant installation, maintenance and repair; valve installation, maintenance and repair; and curb/stop installation and replacement and water meter installation, replacement, operation and maintenance.

(3) “wastewater experience” means wastewater treatment or collection operation work experience on a public wastewater facility, full or part-time, acquired by performing day-to-day system integrity/process control operations, rather than from textbook study or observation. It means the applicant has operated a public wastewater treatment facility or collection system. The applicant must have experience in some combination of public wastewater treatment and or collection system operational tasks, including but not limited to: routine operational tests; routine process control operations; interpretation of test results; calculation of chemical dosages and subsequent adjustment of chemical feeders; flow rate and pressure adjustments; nitrification/denitrification; activated sludge management; sewer main installation, repair, tapping, flushing and jet/mechanical rodding; valve installation, maintenance and repair; lift station maintenance and repair; bar screen/grit chamber maintenance; effluent chlorination/dechlorination; advanced water treatment operation and maintenance; routine system operation and maintenance; and completion of operational reports.

(4) “collection experience” means wastewater collection system operation work experience on a public wastewater facility, full or part-time, acquired by performing day-to-day system integrity/process control operations, rather than from textbook study or observation. It means the applicant has operated a public wastewater collection system. The applicant must have experience in some combination of public wastewater collection system operational tasks, including but not limited to: routine system operation and maintenance; routine process control operations; flow rate and pressure adjustments; sewer main installation, repair, tapping, flushing and jet/mechanical rodding; valve and stop installation, maintenance and repair; lift station maintenance and repair; and completion of operational reports.

(5) “wastewater laboratory technician experience” means wastewater laboratory sample collection and analysis work experience at a public wastewater facility, full or part-time, acquired by performing day-to-day system integrity/process control operations based on wastewater analysis results, rather than from textbook study or observation. It means the applicant has sampled and analyzed wastewater at a public wastewater treatment facility. The applicant must have experience in some combination of wastewater sampling and laboratory analysis tasks, including but not limited to: total residual chlorine by DPD method or titration; pH by probe; temperature; dissolved oxygen by probe or by the Winkler Method; colorimetry using commercially prepared reagents; specific ion electrode analysis; titration; gravimetry; media and standards preparation; Biochemical Oxygen Demand-BOD, fecal coliform, and E. coli; wastewater residual analyses including Total Suspended Solids-TSS, Total Volatile Solids-TVS and Volatile Suspended Solids-VSS; analyses using reagents and standards preparations to perform digestion, distillation, spectrophotometry and chromatography; analyses for nitrates, nitrites, Total Kjeldahl Nitrogen-TKN, ammonium-NH₄, trace metals, anions and whole effluent toxicity.

L. “general service area” means within the physical boundary of a single public water supply system or public wastewater facility; it does not include consecutive systems.

M. “operate” means performing any activity or function or making any process control or system integrity decision regarding water quality or water quantity that has the potential to affect the proper functioning of a public water supply system or public wastewater facility or to affect human health, public welfare or the environment.

N. “operator” means any ~~individual person~~ who operates a public water supply system or public wastewater facility.

O. “operator in training” is a training level of operator certification that allows potential operators to take the level one operator exam(s) to show proficiency in the subject prior to gaining the experience required to become properly certified.

P. “person” means any agency, department or instrumentality of the United States and any of its officers, agents or employees, the state or any agency, institution or political subdivision thereof, any public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any political subdivision or public or private corporation;

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Q. "population served" means actual or estimated maximum number of ~~individuals~~ persons served by the public water supply system or public wastewater facility;

R. "program" means the New Mexico utility operator certification program.

S. "public wastewater facility" means a system of structures, equipment and processes designed to collect and treat domestic and industrial waste and dispose of the effluent, but does not include:

- (1) any domestic liquid waste treatment unit;
- (2) any industrial facility subject to an industrial pretreatment program regulated by the United States environmental protection agency under the requirement of the federal Clean Water Act of 1977; or
- (3) any waste treatment system which is strictly limited to treating non-human, agricultural waste;

T. "public water supply system" means:

(1) a system for the provision through pipes or other constructed conveyances to the public of water for human consumption or domestic purposes if the system:

- (a) has at least fifteen service connections; or
- (b) regularly serves an average of at least twenty-five individuals at least sixty days

of the year;

(2) any water supply source and any treatment, storage and distribution facilities under control of the operator of the system; and

(3) any collection device, including but not limited to wells, spring boxes, infiltration galleries or intake structures, and any treatment, storage, and distribution facilities under the control of the operator of such system and any collection device or pretreatment storage facilities not under such control which are used primarily in connection with such system;

U. "relevant experience" means experience in water, wastewater, distribution, collections, or laboratory technician operations as defined in 20.7.4.7.K. NMAC.

V. "supervision" means the coordination, direction, oversight or inspection of the operation of a public water supply system or a public wastewater facility

W. "training" means approved education or non-academic training in the fields of public water supply system or public wastewater facility operations;

X. "training credit" means the amount of credit earned by a participant in a training program; ~~and~~

Y. "treatment works" means any plant or other works used for the purpose of treating, stabilizing or holding wastes.

[20.7.4.7 NMAC - Rp, 20 NMAC 7.4.108, 1-26-01; A, 10-17-01; A, 11-15-06]

20.7.4.8 CONSTRUCTION: This part shall be liberally construed to carry out the purposes of the act. If any provision or application of this part is held invalid, the remainder or its application to other situations or persons shall not be affected.

[20.7.4.8 NMAC - Rp, 20 NMAC 7.4.106, 1-26-01; A, 11-15-06]

20.7.4.9 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this part does not relieve a person from the obligation to comply with other applicable state and federal regulations.

[20.7.4.9 NMAC - Rp, 20 NMAC 7.4.107, 1-26-01]

20.7.4.10 LEVELS OF CERTIFICATION FOR OPERATORS OF PUBLIC WATER SUPPLY SYSTEMS AND PUBLIC WASTEWATER FACILITIES:

A. The levels of general certification for operators of public water supply systems from lowest to highest shall be:

- (1) level 1 water supply (WS1);
- (2) level 2 water supply (WS2);
- (3) level 3 water supply (WS3); and
- (4) level 4 water supply (WS4).

B. The levels of special certification for operators of public water supply systems from lowest to highest shall be:

- (1) small water (SW); and
- (2) small water advanced (SWA);

C. The levels of certification for water sample technicians at public water supply systems from lowest to highest shall be:

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- (1) water sample technician 1 (WST1); and
 - (2) water sample technician 2 (WST2).
- D.** The levels of certification for operators of distribution systems at public water supply systems from lowest to highest shall be:
- (1) distribution systems 1 (DS1);
 - (2) distribution systems 2 (DS2); and
 - (3) distribution systems 3 (DS3).
- E.** The levels of general certification for operators of public wastewater facilities from lowest to highest shall be:
- (1) level 1 wastewater (WW1);
 - (2) level 2 wastewater (WW2);
 - (3) level 3 wastewater (WW3); and
 - (4) level 4 wastewater (WW4).
- F.** The levels of special certification for operators of public wastewater facilities from lowest to highest shall be:
- (1) small wastewater (SWW); and
 - (2) small wastewater advanced (SWWA).
- G.** The levels of certification for wastewater laboratory technicians at public wastewater facilities from lowest to highest shall be:
- (1) wastewater laboratory technician 1 (WWLT1);
 - (2) wastewater laboratory technician 2 (WWLT2); and
 - (3) wastewater laboratory technician 3 (WWLT3).
- H.** The levels of certification for operators of collection systems at public wastewater facilities from lowest to highest shall be:
- (1) collection systems 1 (CS1); and
 - (2) collection systems 2 (CS2).
- I.** The levels of certification for operators in training at public water systems and at public wastewater facilities shall be:
- (1) level 1 water supply-operator in training (WS1-OIT)
 - (2) level 1 wastewater-operator in training (WW1-OIT)
 - (3) level 1 wastewater laboratory technician-operator in training (WWLT1-OIT)

[20.7.4.10 NMAC - Rp, 20 NMAC 7.4.109 - 110, 1-26-01; A, 11-15-06]

20.7.4.11 CLASSIFICATION OF PUBLIC WATER SUPPLY SYSTEMS AND PUBLIC WASTEWATER FACILITIES:

A. Public water supply systems and public wastewater facilities are classified based on: (1) the size and type of the system or facility; (2) the capacity of the system or facility in terms of size service area and number of users served; (3) the type and character of the water or wastewater to be treated; and (4) the physical conditions affecting the treatment plants, collection systems and distribution systems.

B. Public water supply systems and public wastewater facilities are classified in accordance with the requirements of 20.7.4.12 NMAC and 20.7.4.13 NMAC.

[20.7.4.11 NMAC - Rp, 20 NMAC 7.4.111, 1-26-01; A, 11-15-06]

20.7.4.12 PUBLIC WATER SUPPLY SYSTEMS:

A. In order to operate the various types of treatment processes at public water supply systems, the indicated level of certification shall be required:

Type of Treatment Process	Population Served				
	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Filtration (sand, gravity)	SWA	WS3	WS3	WS3	WS4
Coagulation, sedimentation, filtration	SWA	WS3	WS3	WS4	WS4
Chemical precipitation (Mn, Fe, softening)	SWA	WS3	WS3	WS4	WS4

Aeration	SW	WS2	WS3	WS3	WS4
Odor and taste control (activated carbon)	SW	WS2	WS3	WS3	WS4
Chemical addition (stabilization)	SW	WS2	WS2	WS3	WS4
Pressure filtration	SWA	WS3	WS3	WS3	WS4
Ion exchange (softening, defluoridation)	SWA	WS3	WS3	WS3	WS4
Chlorination	SW	WS2	WS2	WS3	WS4
Fluoridation	SWA	WS3	WS3	WS3	WS4
Arsenic removal	SWA	WS3	WS3	WS3	WS4
Radionuclide removal	SWA	WS3	WS3	WS3	WS4
Special, such as desalinization, <u>UV disinfection and Ozone</u>	SWA	WS4	WS4	WS4	WS4
Production, ground water only	SW	WS1	WS2	WS3	WS4

B. In order to operate various types of distribution systems at public water supply systems, the indicated level of certification shall be required:

Type of Distribution Systems	Population Served				
	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Distribution of treated surface water	SW	DS2	DS2	DS2	DS3
Distribution of chlorinated groundwater	SW	DS2	DS2	DS2	DS3
Distribution of unchlorinated groundwater	SW	DS1	DS2	DS2	DS3

C. In order to perform the various types of water sampling at public water supply systems after January 1, 2020, the indicated level of certification shall be required:

Type of Water Sampling	Population Served				
	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Microbiology, Disinfection By-Product Rule, <u>and</u> Lead & Copper Rule compliance, <u>Free Chlorine residual by DPD method and pH by probe</u>	SW or WST1	WST1	WST1	WST1	WST1
Chemical and Radiological	WST2	WST2	WST2	WST2	WST2

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[20.7.4.12 NMAC - Rp, 20 NMAC 7.4.112, 1-26-01; A, 11-15-06]

20.7.4.13 PUBLIC WASTEWATER FACILITIES:

A. In order to operate the various types of treatment processes at public wastewater facilities, the indicated level of certification shall be required:

Type of Treatment Process	Population Served				
	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Raw wastewater lagoons	SWW	WW1	WW1	WW1	WW1
Aerated lagoons	SWW	WW2	WW2	WW2	WW2
Primary treatment	SWW	WW2	WW2	WW2	WW2
Primary treatment and oxidation ponds	SWW	WW2	WW2	WW2	WW2
Secondary treatment, trickling filter	SWW	WW2	WW3	WW3	WW4
Secondary treatment, aeration	SWWA	WW3	WW3	WW4	WW4
Physical-chemical treatment processes	SWWA	WW3	WW3	WW3	WW4
Advanced waste treatment process <u>such as UV disinfection and Ozone</u>	SWWA	WW3	WW4	WW4	WW4
Phosphorous and nitrogen removal	SWWA	WW3	WW3	WW4	WW4

B. In order to operate collection systems at the various sizes of public wastewater facilities, the indicated level of certification shall be required:

Population Served	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Level of Certification	SWW	CS1	CS1	CS2	CS2

C. In order to perform wastewater analysis for regulatory compliance at public wastewater facilities after January 1, 2011, the indicated level of certification shall be required:

Level of Certification Needed	Type of Methodology Performed
WWLT1	Analyses involving colorimetry and commercially prepared reagents, including but not limited to Dissolved Oxygen (DO) and pH by probe, and commercially available test kits.
WWLT2	WWLT1 plus analyses involving other specific ion electrodes, titration, gravimetry, microbiology, media and standards preparation, including but not limited to Biochemical Oxygen Demand (BOD), fecal coliform, E.coli, residuals (Total Suspended Solids (TSS), Total Volatile Solids (TVS), Volatile Suspended Solids (VSS), etc.), Total Residual Chlorine (TRC) by titration, and Dissolved Oxygen by the Winkler method.
WWLT3	WWLT1 and WWLT2 plus analyses involving digestion, distillation, spectrophotometry, chromatography, reagents and standards preparation, live organisms, including but not limited to nitrogen (Nitrate (NO ₃), Ammonium (NH ₄), Total Kjeldahl Nitrogen (TKN)), trace metals, anions, and whole effluent toxicity.
SWW, SWWA, WW1, WW2, WW3, WW4, WWLT1, WWLT2 or WWLT3	TRC by the N-diethyl-p-phenylene-diamine (DPD) method, pH, Temperature and DO by probe.

[20.7.4.13 NMAC - Rp, 20 NMAC 7.4.113, 1-26-01; A, 11-15-06; A, 1-15-11]

20.7.4.14 LESSER INCLUDED CERTIFICATIONS:

- A.** An operator holding a SWA certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SW and WST1 certification.
- B.** An operator holding a SWWA certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SWW certification.
- C.** An operator holding a WS1 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SW, WST1 and DS1 certification.
- D.** An operator holding a WS2 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SW, WS1, WST1, WST2, DS1 and DS2 certification.
- E.** An operator holding a WS3 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SW, SWA, WS1, WS2, WST1, WST2, DS1, DS2 and DS3 certification.
- F.** An operator holding a WS4 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SW, SWA, WS1, WS2, WS3, WST1, WST2, DS1, DS2 and DS3 certification.

G. An operator holding a WW1 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SWW and CS1 certification.

H. An operator holding a WW2 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SWW, WW1, WWLT1, CS1 and CS2 certification.

I. An operator holding a WW3 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SWW, SWWA, WW1, WW2, WWLT1, WWLT2, CS1 and CS2 certification.

J. An operator holding a WW4 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SWW, SWWA, WW1, WW2, WW3, WWLT1, WWLT2, WWLT3, CS1 and CS2 certification.

[20.7.4.14 NMAC - N, 11-15-06; A, 1-15-11]

20.7.4.15 MINIMUM NUMBER OF CERTIFIED OPERATORS:

A. A public wastewater facility or public water supply system shall provide the minimum number of certified operators needed to operate the system or facility to protect human health, public welfare or the environment.

B. If the department determines a public wastewater facility or public water supply system is in violation of Subsection A of this section, the department may determine the minimum number of certified operators needed for the public wastewater facility or public water supply system. The determination shall be made in writing and delivered by certified mail. Violation of the department determination shall be considered a violation of the rule.

C. In determining the minimum number of certified operators needed to operate a public wastewater facility or public water supply system in compliance with Subsection A of this section, the department shall consider the following criteria:

- (1) current compliance with applicable state and federal regulations;
- (2) historical compliance with applicable state and federal regulations;
- (3) actual discharge/production compared to design capacity;
- (4) availability of redundant facilities;
- (5) geographic area served by the public wastewater facility or public water supply system;
- (6) level of automation;
- (7) staffing plan;
- (8) capacity assessment findings;
- (9) sanitary survey deficiencies;
- (10) mechanical reliability; and
- (11) currency of federally required vulnerability assessments and risk management plans.

[20.7.4.15 NMAC - N, 2/2/09]

20.7.4.16 CODE OF PROFESSIONAL CONDUCT:

A. This code expresses in general terms the level of professional conduct expected of certified operators in the state of New Mexico. This code of professional conduct is intended to guide the actions of certified operators and depends upon the integrity of each certified operator to conduct themselves in a responsible and straightforward manner in operating public water supply systems and public wastewater facilities.

B. All certified operators are charged with understanding this code of professional conduct and are expected to be familiar with the provisions of these rules and the utility operator certification regulations. Failure to follow the code of professional conduct shall be considered gross incompetence by the department. The department shall, following notification of the certified operator, first seek the advisement of the utility operator certification advisory board prior to any application of enforcement made pursuant to this code of professional conduct.

C. The certified operator shall:

(1) protect the safety, health, and welfare of the public in the performance of the operator's duties;

(2) report to the proper authority or the department as necessary any conduct that would endanger the safety, health, and welfare of the public in regards to the operation of a public water supply system or public wastewater facility;

(3) submit objective and truthful information in all reports, statements, and testimony as required by state and federal law;

(4) conscientiously and proficiently operate and maintain public water supply systems and public wastewater facilities;

- (5) act honestly, responsibly, ethically, and lawfully in a manner that enhances the reputation of the profession;
 - (6) avoid any conflict of interest that could influence the operator’s professional judgment and promptly report any such conflict of interest to the operator’s employer as necessary; and
 - (7) not falsify any academic or professional qualifications and not misrepresent such qualifications to the operator’s employer, the department, or any member of the public.
- [20.7.4.16 NMAC - N, 1-17-17]

20.7.4.17 - 20.7.4.19 [RESERVED]

20.7.4.20 CERTIFICATION GENERAL PROVISIONS:

A. It is unlawful to operate or allow the operation of a public water supply system or public wastewater facility unless the system or facility is operated by or under the supervision of a certified operator who meets or exceeds the appropriate level of certification required to operate the system or facility and is located within the general service area.

B. Certified operator supervision and direction must be provided within the general service area for any process control changes; process monitoring may be done outside the general service area.

C. Separate certification is required for the operation of public water supply systems and public wastewater facilities.

D. The name(s) of the certified operator(s) employed by a public water supply system or public wastewater facility must be on file at all times with the department. A certified operator may be replaced with another certified operator of the required level at any time.

E. The department may issue certifications restricted to distribution systems, collection systems, water sampler technician, or wastewater laboratory technician.

F. Operators shall update the program’s online database or notify the department in writing of any change in personal data including mailing address, email address, phone number and employer within thirty days of the change. Operators shall verify by December 31 of each year that personal and employer information is correct in the program’s online database. All operators who fail to verify this information shall incur a late fee of \$10 per month ~~until verification is complete with a maximum penalty of 3 years or \$360.00.~~

[20.7.4.20 NMAC - Rp, 20 NMAC 7.4.200, 1-26-01; A, 11-15-06]

[The department provides a “verify” button for personal and employer information in the Secure Extranet Portal (SEP) UOCP Operator Lookup application. The department also provides an optional form that may be used to verify personal and employer information. The form is available on the utility operator certification program’s webpages on the department website or by contacting the Utility Operator Certification Program at ~~505-827-2802 or~~ 1190 S. St. Francis Dr., Harold Runnels Building, Suite S-2050, Santa Fe, New Mexico 87505. Applicants should submit verification forms to the Utility Operator Certification Program, attention: Information Verification, PO Box 5469, Santa Fe, New Mexico 87502.]

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20.7.4.21 REQUIREMENTS FOR APPLICATION FOR CERTIFICATION:

- A.** Each applicant for certification as a certified operator shall:
- (1) complete an application on forms furnished by the department; applications shall be submitted to the department not later than thirty days prior to the date of the examination;
 - (2) submit evidence that the applicant has reached the age of majority;
 - (3) pay a nonrefundable, nontransferable examination application fee, in advance, to the department.

Exam Application Fees beginning January 1:	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
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Commented [AM1]: Updated chart – 25 Aug

WS-OIT, WW1-OIT, WWLT1-OIT SW, SWA, SWW, SWWA, WST1, WST2 and WWLT1	\$30.00	\$31.50	\$33.00	\$34.50	\$36.00	\$37.75	\$39.50	\$41.25	\$43.25	\$45.25	\$47.50
WS1, WS2, WS3, WS4, WW1, WW2, WW3, WW4, WWLT2, WWLT3, CS1, CS2, DS1, DS2 and DS3	\$31.50	\$33.00	\$34.50	\$36.00	\$37.75	\$39.50	\$41.25	\$43.25	\$45.25	\$47.50	\$49.75

(4) successfully meet the educational, experience and training requirements stipulated in 20.7.4.22 NMAC; all training programs must be approved by the department, and the department shall assign the number of training credits for each approved training program; and

(5) after successful completion of one year of water or wastewater experience the WS1-OIT, ~~and WW1-OIT and WWLT1-OIT~~ operator shall pay a renewal fee for the upgraded WS1, ~~or WW1, or WWLT1~~ certificate:

Commented [AM2]: Updated language to clarify that it is a renewal fee

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OIT Certificate Renewal Fees:	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
WS1, WW1, WWLT1 certificate	\$30.00	\$31.50	\$33.00	\$34.50	\$36.00	\$37.75	\$39.50	\$40.00	\$40.00	\$40.00	\$40.00

Commented [AM3]: I'm confused about this now: is this the fee they pay to get the OIT certification, or transition from OIT to WW1/WS1?

Commented [AM4R3]: I edited to clarify.

B. Written examinations for certification shall be scheduled at such times and locations as the department deems appropriate. Written examinations shall be used in determining skill, knowledge, ability and judgment of the applicant. All written examinations will be graded and the applicants notified of the results. Examination papers will not be returned to the applicant but may be reviewed by the applicant at the department. [20.7.4.21 NMAC - Rp, 20 NMAC 7.4.201, 1-26-01; A, 11-15-06]

20.7.4.22 MINIMUM REQUIREMENTS FOR CERTIFICATION:

A. ~~All~~ Each level of certification requires high school graduation, achieving a passing score on a general education development (GED) exam, or achieving a passing score on a High School Equivalency Test (HiSET); ~~All levels of certification require~~ relevant experience in public drinking water, distribution, wastewater, collections, or laboratory technician field as appropriate ~~with the exclusion of the OIT certifications and~~ as defined in 20.7.4.7.K NMAC; and successful completion of the required number of approved training credits:

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Certification Level	Relevant Experience Required (Years)	Total Approved Training Credits Required in the Category of Certification Being Requested
WST1	0	5
WST2	0	10
WS1-OIT, WW1-OIT, WWLT1-OIT	0	10

SW, SWA, SWW, SWWA,	1	10
WS1, WW1, DS1 CS1, WWLT1		
WS2, WW2, DS2, CS2, WWLT2	2	30
WS3, WW3, DS3, WWLT3	4	50
WS4, WW4	1 year as WS3 or WW3 certificate holder, as appropriate	80

B. Successfully pass the written examination for the level of certification applied for.

C. Substitutions.

(1) In no case shall the actual relevant experience be less than one year for any level with the exclusion of the OIT and except as in Subsection (C) of Paragraph (4) of Subparagraph (c) of this section.

(2) “Successfully completed higher education” means earning a 70% or equivalent grade in a college level class.

(3) “Approved water or wastewater technical school” means an institution accredited by one of the accrediting agencies recognized by the U.S. Department of Education.

(4) Education may be substituted for the basic requirements or used for training credits as follows. In no case may the same education serve both as a substitution for relevant experience and as training credits, except as provided in this section.

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	Successfully Completed Higher Education	and Relevant Experience	Substitutes for
(a)	One year (30 credit hours) of successfully completed college education in any topic	Twelve months	Six months of additional relevant experience for all certification Levels
(b)	One year (30 credit hours) of an approved water or wastewater technical school	Twelve months	One year of additional relevant experience for all Level 2 certifications, as appropriate
(c)	Associates Degree (60 or more credit hours) in an approved water or wastewater technical school	Six months	All requirements for Level 2 certifications
(d)	Six months (15 credit hours) of an approved water or wastewater technical school	Thirty-six months	All requirements for Level 3 certifications
(e)	Associates Degree (60 or more credit hours) in an approved water or wastewater technical school	Twelve months	All requirements for Level 3 certifications
(f)	Bachelor of Science degree in a major related to public water or public wastewater field	Twenty-four months	All requirements for Level 3 certifications

(5) Full time water and wastewater laboratory technician experience may be substituted for relevant experience in a respective field at a rate of 25 percent of the actual laboratory technician experience held.

[20.7.4.22 NMAC - Rp, 20 NMAC 7.4.202, 1-26-01; A, 11-15-06]

20.7.4.23 [Reserved]

20.7.4.24 CERTIFICATION EQUIVALENCY:

The department may issue certificates, at an equivalent level of certification, without examination to applicants who hold valid certificates or licenses issued by any state, territory, federally recognized Indian Tribes or foreign jurisdiction, provided that the requirements for issuance of such certificates or licenses are, in the opinion of the department, equal to or higher than those set forth in this part. Application for certification under this provision must be accompanied by a fee per certificate requested, payable to the department:

Equivalency Application Fees beginning January 1:	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
	\$31.50	\$33.00	\$34.50	\$36.00	\$37.75	\$39.50	\$41.25	\$43.25	\$45.25	\$47.50	\$49.75

[20.7.4.24 NMAC - Rp, 20 NMAC 7.4.204, 1-26-01; A, 11-15-06]

20.7.4.25 RENEWAL OF CERTIFICATES:

A. All initial certifications shall expire on the last day of the certificate holder's birth month following the third anniversary of certification. All renewals shall be for three years. The WS1-OIT, ~~and WW1-OIT and WWLT1-OIT~~ certifications cannot be renewed as WS1-OIT, ~~and WW1-OIT and WWLT1-OIT~~ certificates. A renewal fee will be payable to the department for each renewal. Renewal fees shall be paid for each individual certification and shall be in accordance with the following fee schedule.

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Certificate Renewal Fees beginning January 1:	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
SW, SWA, SWW, SWWA,	\$30.00	\$31.50	\$33.00	\$34.50	\$36.00	\$37.75	\$39.50	\$40.00	\$40.00	\$40.00	\$40.00
WS1, WW1, DS1 CS1, WWLT1											
WS2, WW2, DS2, CS2, WWLT2	\$30.00	\$31.50	\$33.00	\$34.50	\$36.00	\$37.75	\$39.50	\$40.00	\$40.00	\$40.00	\$40.00
WST1, WST2, WWLT3											
WS3, WS4, DS3, WW3, WW4	\$31.50	\$33.00	\$34.50	\$36.00	\$37.75	\$39.50	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00

B. The department shall send to each holder of a certificate a renewal notice at least thirty days prior to the expiration date, via each certificate holder's electronic mail address of record. Failure to receive such notice shall not relieve the holder of his responsibility to apply for renewal prior to the expiration date.

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C. Each certificate issued under 20.7.4.24 NMAC must be renewed at three-year intervals. The WS1-OIT, ~~and WW1-OIT, and WWLT1-OIT~~ certifications cannot be renewed. Upon expiration, re-examination will be required for the reinstatement of a WS1-OIT, ~~or WW1-OIT, or WWLT1-OIT~~ certificate.

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D. Renewal will require that each certificate holder be credited with having obtained approved training credits in the three-year period preceding the date on which renewal application is due and is outlined in the following table. The approved training credits must include at least ten training credits for approved training in the

operation and maintenance of the same type of public water supply system or public wastewater facility as each certificate being renewed.

Certification Level	Approved Training Credits Required for Renewal
WST1	5
WST2	10
SW, SWA, SWW, SWWA	30
WS1, WS2, WS3, WS4	
WW1, WW2, WW3, WW4	
DS1, DS2, DS3	
CS1, CS2	
WWLT1, WWLT2, WWLT3	
WS1-OIT, WW1-OIT, WWLT1-OIT	

[20.7.4.25 NMAC - Rp, 20 NMAC 7.4.205, 1-26-01; A, 10-17-01; A, 11-15-06]

20.7.4.26 LAPSED CERTIFICATES:

A. Certificates that have not been renewed in accordance with 20.7.4.25 NMAC will be considered lapsed and invalid. WS1-OIT, ~~and~~ WW1-OIT ~~and~~ WWLT1-OIT certificates will become inactive after the expiration date on the certificate and re-examination will be required for reinstatement.

B. Lapsed certificates may be reinstated without penalty upon application within thirty days of the date of expiration. A lapsed certificate which has not been reinstated within the thirty-day period may be reinstated within one year of expiration date upon reapplication and payment of a \$25.00- per month penalty for each month or portion thereof beyond the expiration date. Reinstatement of lapsed certificate will also require satisfaction of all the renewal requirements of 20.7.4.25 NMAC.

C. If a lapsed certificate has not been reinstated within one year of its expiration date, it will become inactive. An inactive certificate requires payment of 12 months of accrued late fees and proof of additional training credits as defined in 20.7.4.25.D NMAC before application for re-examination.

D. Re-examination will be required for reinstatement of all inactive certificates. All applicants for re-examination must meet the requirements of 20.7.4.21 and 20.7.4.22 NMAC of this part.

[20.7.4.26 NMAC - Rp, 20 NMAC 7.4.206, 1-26-01; A, 11-15-06]

20.7.4.27 SUSPENSION AND REVOCATION:

A. The department may suspend or revoke any or all certificate(s) held by a certified operator as provided for in Section 61-33-7 of the act.

B. In the event of a contemplated suspension or revocation of a certificate, the department shall notify the certificate holder by registered mail of the reason for such action. Within 20 days after receipt of the notice, the certificate holder may request in writing that a hearing be held by the department.

C. When the department contemplates the suspension or revocation of a certificate, the department shall serve upon the certificate holder a written notice containing a statement:

- (1) that the department has sufficient evidence which, if not rebutted or explained, will justify the department in suspending or revoking the certificate;
- (2) indicating the general nature of the evidence;
- (3) that unless the certificate holder within twenty days after service of the notice deposits in the mail a certified return receipt requested letter addressed to the department and containing a request for a hearing, the department will take the contemplated action; and
- (4) calling the certificate holder's attention to their rights under the Uniform Licensing Act, NMSA 1978, Section 61-1-8.

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D. If the certificate holder does not mail a request for a hearing within the time and in the manner required by this section, the department may take the action contemplated in the notice and such action shall be final and not subject to judicial review.

E. If the certificate holder does mail a request for a hearing as required by this section, the department shall, within twenty days of receipt of such request, notify the certificate holder of the time and place of hearing, the name or names of the person or persons who shall conduct the hearing for the department and the statutes and regulations authorizing the department to take the contemplated action, which hearing shall be held not more than sixty nor less than fifteen days from the date of service of such notice.

F. Re-issuance of a revoked certificate shall be accomplished by reapplication as provided for in an original certificate. Any person whose certificate is revoked shall be ineligible for admission to any examination for certification for the entire period of revocation as set by the department.

G. A certificate may be suspended for a specified period of time to be determined by the department. [20.7.4.27 NMAC - Rp, 20 NMAC 7.4.207, 1-26-01; A, 11-15-06]

20.7.4.28 ELIGIBILITY FOR OPERATOR TRAINING GRANT FUNDS: Each applicant for operator training grant funds administered by the department shall.

A. Submit evidence satisfactory to the department that the recipient of the training:

(1) is a person who is a candidate for employment as a "certified operator" as defined under 20.7.4.7 NMAC of this part; or

(2) is a person in a supervisory role responsible for the management of a public water supply system or public wastewater facility; or

(3) is a person who is or will be involved in the instruction of operators.

B. Submit evidence satisfactory to the department that not less than ten percent of the training cost is provided by the employer of the utility operator; the cost of per diem and mileage may not be paid from grant funds but may be accounted in determining the training cost provided by the employer; and

C. Supply any other pertinent information deemed necessary by the department.

[20.7.4.28 NMAC - Rp, 20 NMAC 7.4.208, 1-26-01; A, 11-15-06]

20.7.4.29 UTILITY OPERATORS CERTIFICATION ADVISORY BOARD:

A. Pursuant to Section 61-33-4(G) of the act, a board shall be appointed by the commission to function with the commission to establish qualifications of operators, classify systems and facilities, adopt rules and advise the department on the administration of the act.

B. The commission shall properly notify the board of all matters brought before the commission to which the act is applicable.

C. The board shall consist of seven certified operators. The commission shall also appoint two certified operators to serve as alternates to board members in their absence. All alternates appointed prior to the effective date of this part will be allowed to serve out the remainder of their three-year terms.

D. Appointments to the board shall be for three-year terms. The commission shall appoint new board members at its first meeting of each fiscal year. The terms shall overlap so that no more than three terms shall expire in any one year.

E. At the first meeting of each fiscal year, the board shall elect from its membership a chairman, a vice chairman, and two members to sit as commission members on all matters to which the act is applicable.

F. A quorum shall consist of a least four members.

G. The duties of the board shall include:

(1) reviewing proposed rules, regulations and guidelines regarding the administration of the act for action by the commission including:

(a) the basis for classifying public water supply systems and public wastewater facilities;

(b) qualifications for the various classifications of operators;

(c) proposing criteria for the evaluation of the minimum number of certified operators needed to operate a public water supply system or public wastewater facility; and

(d) developing criteria for the classification of wastewater laboratory technicians based on the complexity of analytical work performed;

(2) reviewing proposed examinations for each level and type of certification;

(3) proposing criteria for the evaluation of applicant qualifications;

(4) reviewing applications for issuance of certificates by equivalency or endorsement;

- (5) proposing criteria for the evaluation of proposed training programs;
- (6) making recommendations to the commission for replacement when a board vacancy occurs; and
- (7) performing any other function in regard to the act as directed by the commission.

H. Any board member failing to attend three consecutive regular meetings is automatically removed as a member of the board. The commission may remove any member of the board for neglect of any duty required by law, for incompetence or for unprofessional conduct and shall remove any board member who violates any provision of the act. The commission shall fill any vacancies on the board.
[20.7.4.29 NMAC - Rp, 20 NMAC 7.4.209, 1-26-01; A, 11-15-06]

HISTORY of 20.7.4 NMAC:

Pre-NMAC History:

- WQC 67-2, Regulations Governing Water Pollution Control in New Mexico, filed 12-5-67
- WQC 72-1, Water Quality Control Commission Regulations, filed 8-4-72
- WQC 72-1, Amendment No. 5, Regulations for the Classification of Utility Systems and Certification of Utility Operators, filed 3-18-74
- WQCC 77-1, Amended Water Quality Control Commission Regulations, filed 1-18-77
- WQCC 77-1, Amendment No. 1, filed 9-21-79
- WQCC 81-2, Water Quality Control Commission Regulations, filed 6-2-81
- WQCC 82-1, Water Quality Control Commission Regulations, filed 8-19-82
- WQCC 82-1, Amendment No. 2, filed 10-18-84
- WQCC 82-1, Amendment No. 3, filed 7-23-85
- WQCC 82-1, Amendment No. 5, filed 5-19-86
- WQCC 82-1, Amendment No. 10, filed 7-20-93
- WQCC 82-1, Amendment No. 12, filed 9-28-94

History of the Repealed Material:

20 NMAC 7.4, Wastewater and Water Supply Facilities - Utility Operator Certification, Repealed effective 1-26-01

Other History:

WQCC 82-1, Water Quality Control Commission Regulations, Replaced in part by 20 NMAC 7.4, filed 10-25-95