

CHAPTER 9400
DEPARTMENT OF HEALTH AND
MINNESOTA POLLUTION CONTROL AGENCY
WATER TREATMENT CERTIFICATION

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9400.0100 DEFINITIONS.

Subpart 1. **Scope.** Terms used in this chapter that are defined in Minnesota Statutes, chapters 115 and 116, have the meanings given in statute. For purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 2a. **Contact hour.** "Contact hour" means 50 to 60 minutes of lecture, demonstration, workshop, or continuing education or training, excluding coffee breaks, registration, meals, and social activities.

Subp. 3. **Department.** "Department" means the Minnesota Department of Health.

Subp. 3a. **Direct responsibility.** "Direct responsibility" means the water or wastewater operator having full and active responsibility for the operation of a portion of, or all of, a system, facility, or wastewater collection system.

Subp. 4. **Facility.** "Facility" means wastewater treatment facility as defined in Minnesota Statutes, section 115.71.

Subp. 4a. **Management.** "Management" means persons who direct or supervise the operation of a system or facility. Management also refers to shift operators who make operational decisions or operate systems or facilities without supervision from a supervisor.

Subp. 4b. **Operation.** "Operation" means the routine performance of duties at a system or facility to achieve results that meet existing state laws and rules pertaining to water and wastewater.

Subp. 5. [Repealed, 21 SR 1165]

Subp. 5a. **Point-of-entry treatment device.** "Point-of-entry treatment device" means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

Subp. 5b. **Point-of-use treatment device.** "Point-of-use treatment device" means a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

Subp. 6. [Repealed, 21 SR 1165]

Subp. 7. **System.** "System" means a water supply system as defined in Minnesota Statutes, section 115.71.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165; 25 SR 1633*

9400.0200 SCOPE.

This chapter establishes the requirements for:

- A. individuals to be certified as water or wastewater treatment operators; and
- B. the classification of systems and facilities.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165*

9400.0300 [Repealed, 21 SR 1165]

9400.0350 CERTIFICATION.

A. A water operator certificate to operate a community or nontransient noncommunity water system must be issued by the commissioner of health.

B. A wastewater operator certificate to operate a wastewater treatment facility must be issued by the commissioner of the Pollution Control Agency.

C. A city manager, superintendent of public works, or other administrative official is not eligible to be certified as an operator unless that person's duties include the operation of the system or facility.

Statutory Authority: *MS s 115.72*

History: *21 SR 1165; 25 SR 1633*

9400.0400 CLASSIFICATION OF SYSTEMS.

Subpart 1. **Basis.** The classification of all systems must be based on the degree of hazard to the public health, together with the type and capacity of the system and the population affected.

Subp. 1a. **Operator availability.** All systems must have a certified water supply system operator as specified in Minnesota Statutes, sections 115.71, subdivision 10, and 115.73. This person, or an operator certified at the same level or above, must be available on site or able to be contacted as needed to initiate an appropriate action in a timely manner.

Subp. 2. **Rating values.** The classification of a system must be based on the following rating values:

- A. water supply source:
 - (1) groundwater, five points;
 - (2) surface water, 15 points;
- B. treatment processes:
 - (1) groundwater source:
 - (a) aeration, two points;
 - (b) chemical precipitation (softening including filtration), 16 points;
 - (c) filtration other than after softening process, ten points;
 - (d) ion exchange, five points;
 - (e) chlorination, five points;
 - (f) chemical oxidation, two points;
 - (g) stabilization, two points;
 - (h) air stripping, five points;
 - (i) carbon contactors, five points;
 - (j) fluoridation, five points;
 - (k) ammonia addition, five points;
 - (l) taste and odor control, two points;
 - (m) ozonation, eight points;

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- (n) membrane filtration, ten points;
- (o) chlorine dioxide, eight points;
- (p) unlisted new technologies, three to ten points (based on relative complexity);
- (2) surface water source:
 - (a) ozonation, eight points;
 - (b) coagulation, ten points;
 - (c) sedimentation, five points;
 - (d) filtration, ten points;
 - (e) chlorination, five points;
 - (f) ion exchange, five points;
 - (g) chemical oxidation, two points;
 - (h) carbon contactors, five points;
 - (i) stabilization, two points;
 - (j) membrane filtration, ten points;
 - (k) fluoridation, five points;
 - (l) ammonia addition, five points;
 - (m) taste and odor control, two points;
 - (n) chlorine dioxide, eight points;
 - (o) unlisted new technologies, three to ten points (based on relative complexity);
- C. distribution storage capacity:
 - (1) 0 to 5,000 gallons, one point;
 - (2) 5,001 to 50,000 gallons, two points;
 - (3) 50,001 to 500,000 gallons, three points;
 - (4) 500,001 to 5,000,000 gallons, four points;
 - (5) over 5,000,000 gallons, five points;
- D. number of wells:
 - (1) one to three, two points;
 - (2) four to seven, four points;
 - (3) eight to 15, six points;
 - (4) over 15, eight points;
- E. population affected:
 - (1) 0 to 1,000 persons, two points;
 - (2) 1,001 to 5,000 persons, five points;
 - (3) 5,001 to 10,000 persons, 11 points;
 - (4) 10,001 to 20,000 persons, 20 points;
 - (5) 20,001 to 50,000 persons, 32 points;
 - (6) 50,001 to 100,000 persons, 47 points;
 - (7) 100,001 persons and over, 70 points.

Subp. 3. **Accumulated value.** The accumulated point values for systems are as follows:

- A. Class A, 76 or more points;
- B. Class B, 56 to 75 points;

- C. Class C, 31 to 55 points;
- D. Class D, 30 or less points; and

E. Class E, regardless of point values, any system comprised of a groundwater source with no treatment other than point-of-entry or point-of-use treatment devices not used for compliance with the federal Safe Drinking Water Act, United States Code, title 42, sections 300f to 300j-26 (1996 and as subsequently amended), serving a maximum of 500 persons.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165; 25 SR 1633*

9400.0500 CLASSIFICATION OF FACILITIES.

Subpart 1. **Basis.** The classification of all wastewater treatment facilities actually used or intended for use by the public and required to have permits under part 7080.0030, subpart 1a, for individual sewage treatment systems or chapter 7001, must be based on the degree of hazard to the public health, together with the type and loading of the facilities and the population served or the average population equivalent of the wastewater handled.

Subp. 2. **Rating values.** Facility classification must be based on the following rating values:

- A. size:
 - (1) maximum population equivalent (P.E.) served, one point per 10,000 P.E. or part thereof;
 - (2) average wet weather design flow, one point per million gallons per day or part of a million gallons per day;
- B. permit final effluent limitations:
 - (1) surface water discharge:
 - (a) carbonaceous biochemical oxygen demand (CBOD) limit. The loading must be based on the most restrictive of the effluent concentration loading or mass loading. The mass loading equivalent concentration must be calculated using the facility average wet weather design flow. CBOD loading of:
 - i. 14 milligrams per liter or less, five points;
 - ii. more than 14 milligrams per liter to 24 milligrams per liter, four points;
 - iii. more than 24 milligrams per liter to 39 milligrams per liter, three points;
 - iv. more than 39 milligrams per liter, two points;
 - (b) nutrient limits:
 - i. nitrogen limit, six points;
 - ii. phosphorus limit, eight points;
 - (2) land discharge, two points;
 - (3) subsurface discharge, four points;
- C. variation in raw wastes based upon maximum month design values:
 - (1) one percent to five percent industrial flow or carbonaceous biochemical oxygen demand (CBOD) loading, whichever is greater, contributed to facility, one point;
 - (2) more than five percent to ten percent industrial flow or CBOD loading, whichever is greater, contributed to facility, two points;
 - (3) more than ten percent to 25 percent industrial flow or CBOD loading, whichever is greater, contributed to facility, three points;
 - (4) more than 25 percent to 50 percent industrial flow or CBOD loading, whichever is greater, contributed to facility, four points;

(5) more than 50 percent industrial flow or CBOD loading, whichever is greater, contributed to facility, five points;

D. liquids handling:

- (1) screening, comminution, three points;
- (2) grit removal, three points;
- (3) pumping of raw wastewater flow, three points;
- (4) preaeration, postaeration, or both, with less than two hours' detention time, three points;
- (5) influent static or rotating screen, three points;
- (6) flow equalization basin, primary clarifier, or both, five points;
- (7) septic tank, three points;
- (8) combined sedimentation and digestion, five points;
- (9) trickling filter, seven points;
- (10) activated sludge, including pure oxygen activated sludge and sequencing batch reactor, 13 points;
- (11) trickling filter solids contact (TFSC) and activated biofilter, ten points;
- (12) stabilization pond, designed for more than 180 days' detention time, five points;
- (13) aerated pond designed for more than two hours' detention time, five points;
- (14) anaerobic contactor process, ten points;
- (15) anaerobic pond, four points;
- (16) rotating biological surface including submerged biological surface, seven points;
- (17) secondary clarifier, five points;
- (18) on-site generation of oxygen, five points;
- (19) aerated polishing pond designed for less than 180 days' detention time, five points;
- (20) polishing pond without aeration, two points;
- (21) chemical addition for solids removal or pH adjustment, two points;
- (22) subsurface soil treatment system constructed in accordance with chapter 7080, three points;
- (23) rapid infiltration basin, three points;
- (24) biological sand filter without backwash, three points;
- (25) effluent irrigation, five points;
- (26) effluent polishing filter with backwash, eight points;
- (27) ion exchange, ten points;
- (28) reverse osmosis, electrodialysis, 15 points;
- (29) chemical recovery, carbon regeneration, four points;
- (30) effluent microscreening, three points;
- (31) disinfection:
 - (a) chlorination with or without dechlorination, five points;
 - (b) ultraviolet light, five points;
 - (c) ozonation, five points;

(32) unlisted new technologies, three to ten points (based on relative complexity);

E. solids handling:

- (1) gravity thickening with or without chemical treatment, five points;
- (2) anaerobic digestion, ten points;
- (3) aerobic digestion, six points;
- (4) sludge drying bed, two points;
- (5) mechanical thickening or dewatering, eight points;
- (6) solids reduction, such as incineration, wet oxidation, 12 points;
- (7) on-land disposal, five points;
- (8) lime stabilization of sludge, five points;
- (9) sludge or septage storage, if the facility has neither anaerobic nor aerobic digestion, three points;
- (10) composting, five points;
- (11) unlisted new technologies, three to ten points (based on relative complexity);

F. laboratory monitoring:

- (1) minimum required tests (pH, Cl_2 residual, dissolved oxygen, settleable solids, carbonaceous biochemical oxygen demand, and total suspended solids), two points;
- (2) bacteriology (fecal coliform, total coliform, fecal streptococcal, etc.), three points;
- (3) nutrients, one point;
- (4) groundwater monitoring, one point.

Subp. 3. **Accumulated values.**

A. The accumulated point values for wastewater treatment facilities are as follows:

- (1) Class A, 76 or more points;
- (2) Class B, 56 to 75 points;
- (3) Class C, 31 to 55 points;
- (4) Class D, 30 and less points.

B. Notwithstanding item A, a facility that is given points for processes in subpart 2, item D, subitem (9), (10), (11), or (16), must be classified as a Class C facility or higher.

Subp. 4. **Type S facility.** A type S treatment facility means a system of collection, pumping, and conveyance facilities distinctly separate in operation from a facility which treats, stabilizes, or disposes of the wastewater collected, pumped, or conveyed.

A. Where a type S facility is not distinctly separate, it is considered to be part of the treatment facility for which the designated operator is responsible.

B. A type S treatment facility must be subclassified as follows:

- (1) Class S-A, serving a population of 50,000 or more;
- (2) Class S-B, serving a population of 15,000 or more but less than 50,000;
- (3) Class S-C, serving a population of 1,500 or more but less than 15,000;
- (4) Class S-D, serving a population of less than 1,500.

C. A type S treatment facility must be subclassified as follows:

- (1) Class S-A, serving a population of 50,000 or more;
- (2) Class S-B, serving a population of 15,000 or more but less than 50,000;
- (3) Class S-C, serving a population of 1,500 or more but less than 15,000;

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(4) Class S-D, serving a population of less than 1,500.

Statutory Authority: *MS s 115.03; 115.55; 115.56; 115.72; 115.79*

History: *21 SR 1165; 24 SR 426; 25 SR 1633*

9400.0600 RECLASSIFYING SYSTEMS OR FACILITIES.

Subpart 1. **Reclassification.** When the accumulated point value necessitates a change in the classification of a system or facility, the commissioner of health shall modify the classification of a system or the commissioner of the pollution control agency shall modify the classification of a facility according to parts 9400.0400 and 9400.0500.

Subp. 2. **Implementation.** Reclassification must be made:

- A. after completion of a system sanitary survey by the commissioner of health; or
- B. at the time of issuance or reissuance of a facility permit by the commissioner of the pollution control agency.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165; 25 SR 1633*

9400.0700 CERTIFICATION OF SYSTEM AND FACILITY OPERATORS.

Subpart 1. [Repealed, 21 SR 1165]

Subp. 2. **Certification in particular class.** An applicant who seeks certification must:

- A. meet the qualifications for one of the classes specified in this part and take and pass an exam; or
- B. meet the requirements for reciprocity under part 9400.1350.

Subp. 3. **Class A certificate.** An applicant for a Class A certificate must:

- A. have been certified as a Class B operator for at least two years; and
- B. have:
 - (1) a high school diploma or equivalent with at least eight years experience in the operation, including at least two years as a part of the management, of a Class A or B system or facility, or a similar industrial facility; or
 - (2) a bachelor's degree from an accredited institution in chemical, civil, environmental, mechanical, or sanitary engineering or in a physical or biological science, and submit satisfactory evidence of at least four years experience in the operation, including at least two years as a part of the management, of a Class A or B system or facility or a similar industrial facility.

Subp. 4. **Class B certificate.** An applicant for a Class B certificate must:

- A. have been certified as a Class C operator for at least one year; and
- B. have:
 - (1) a high school diploma or equivalent with at least six years experience in the operation of a Class A, B, or C system or facility, or a similar industrial facility; or
 - (2) a bachelor's degree from an accredited institution in chemical, civil, environmental, mechanical, or sanitary engineering or in a physical or biological science, and submit satisfactory evidence of at least two years experience in the operation of a Class A, B, or C system or facility, or similar industrial facility.

Subp. 5. **Class C certificate.** An applicant for a Class C certificate must have:

- A. a high school diploma or equivalent, with at least three years experience in the operation of a Class A, B, C, or D system or facility, or similar industrial facility; or
- B. a bachelor's degree from an accredited institution in chemical, civil, environmental, mechanical, or sanitary engineering or in a physical or biological science, and submit satisfactory evidence of at least one year experience in the operation of a Class A, B, C, or D system or facility, or similar industrial facility.

Subp. 6. **Class D certificate.** An applicant for a Class D certificate must:

- A. have a high school diploma or equivalent; and
- B. have:
 - (1) at least one year experience in the operation of a Class A, B, C, or D system or facility, or in a related field; or
 - (2) satisfactorily completed a postsecondary program of courses in water or wastewater technology approved by the respective agency or department at an accredited institution.

Subp. 6a. **Class E certificate.** An applicant for a Class E certificate must:

- A. have a high school diploma or equivalent; and
- B. have:
 - (1) at least three months experience in the operation of a Class A, B, C, D, or E system or facility, or in a related field; or
 - (2) satisfactorily completed a postsecondary program of courses in water or wastewater technology approved by the respective agency or department at an accredited institution.

Subp. 7. **Type S certificate.** An applicant for a type S wastewater treatment certificate must possess the same education and experience required for a regular wastewater certificate in the same class, except experience must have been gained in a facility or type S facility and:

- A. an applicant for an S-A type certificate must have been certified as an S-B or B facility operator for at least two years; or
- B. an applicant for a type S-B certificate must have been certified as an S-C or C facility operator for at least one year.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165; 25 SR 1633*

9400.0800 SUBSTITUTIONS FOR QUALIFICATIONS.

Subpart 1. **Experience in a system or type S facility substituted for experience in a facility.** When a person applies for a certificate to operate a facility, at least 50 percent of the experience required in part 9400.0700 for the class of certificate requested must have been obtained in a facility. The other 50 percent may be obtained in a type S facility or a system. The classification of the type S facility or system the applicant operated must not be more than one class below the class of certificate requested.

Subp. 1a. **Experience in a facility substituted for experience in a system.** When a person applies for a certificate to operate a system, at least 50 percent of the experience required in part 9400.0700 for the class of certificate requested must have been obtained in a system. The other 50 percent may be obtained in a facility, but not in a type S facility. The classification of the facility the applicant operated must not be more than one class below the class of certificate requested.

Subp. 2. **Education substituted for experience.** A person who applies for a Class A, S-A, B, S-B, C, or S-C certificate may substitute education for experience according to the formula in this subpart.

- A. Except as noted in item B, the experience required in part 9400.0700, subparts 2 to 7, will be reduced by one month for the successful completion of 40 contact hours of correspondence courses or other courses relating to water supply or wastewater treatment from an accredited institution in chemical, civil, environmental, mechanical, or sanitary engineering or in the physical or biological sciences.

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B. In no event shall such education be substituted for experience so as to reduce the experience requirement to:

- (1) less than one year for Class A, S-A, B, S-B, C, S-C, D, S-D; or
- (2) less than three months for Class E.

Subp. 3. **Experience substituted for education.** One year of experience in the operation of a system or facility may be considered as equivalent to one year of high school. Experience which is substituted for education cannot also be used to satisfy the experience requirements.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165; 25 SR 1633*

9400.0900 APPLICATION FOR EXAMINATION.

Subpart 1. **Form and time.** Application for examination must be made in writing to the commissioner of health for certification to operate a system or to the commissioner of the Pollution Control Agency for certification to operate a facility on a prescribed form issued by the department or agency administering the examination. The application for examination must be submitted at least 15 days before the date on which the examination will be given.

Subp. 2. **Proof of attendance.** The applicant may be required to submit a copy of the school or college diploma, equivalency certificate, or other proof of school or college attendance or graduation if the applicant is substituting educational experience for operating experience.

Subp. 3. **Examination fee.** A nonrefundable examination fee must accompany the application.

Subp. 4. **Application for examination.** An applicant who applies for examination but fails to satisfy all the conditions prescribed in parts 9400.0100 to 9400.1500 may reapply for examination as described in subparts 1 to 3 when all conditions are satisfied.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165*

9400.1000 EXAMINATIONS.

Subpart 1. **Preparation.** The respective commissioner shall prepare the examinations to be used in determining the knowledge, ability, and skills of operators.

Subp. 2. **Examination.** Separate examinations must be prepared for each designated system and facility class to cover basic differences in the duties and responsibilities of operators, types of water and wastewater treatment, variations in water and wastewater characteristics, water distribution systems, and wastewater collection systems. The examination must test the applicant's knowledge in any one or more of the following areas, as they relate to either water or wastewater treatment: basic science, mathematics, operating procedures, treatment processes, equipment, equipment maintenance, management, and state law and rules relating to water and wastewater. The applicant is prohibited from using any resource materials during an examination.

Subp. 3. [Repealed, 21 SR 1165]

Subp. 4. [Repealed, 21 SR 1165]

Subp. 5. **Passing.** A grade of 70 percent is considered a passing grade.

Subp. 6. **Results; review.** The respective commissioner shall notify the applicant of the exam results. Examinations will not be returned to the applicant, but upon request within 60 days' notification of the results, the applicant may be allowed to review the examination.

Subp. 7. **Reexamination.** An applicant who fails to pass the examination may not retake the same examination for a period of three months.

Subp. 8. **Certificate fee.** The applicant must submit the certification fee within 90 days after written notification of positive results of the examination. If an applicant fails to submit the certification fee within 90 days, the applicant must apply for reexamination as in part 9400.0900.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165; 25 SR 1633*

9400.1100 ISSUANCE OF CERTIFICATES.

Certificates shall be issued by the commissioner of health for water operator certificates, or the commissioner of the Pollution Control Agency for wastewater operator certificates, when all the conditions prescribed in parts 9400.0100 to 9400.1500 have been satisfied.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165*

9400.1200 RENEWAL OF CERTIFICATES.

Subpart 1. **Minimum requirements.** A certificate in any given classification must be renewed within 30 days after its expiration date. A renewal certificate will be issued upon receipt of the application, renewal fee, and evidence of the fact that the operator has, during the preceding three years, obtained credit as described in subpart 4 or 5, for the number of hours specified in the following schedule:

- A. Class A and S-A, 32 contact hours;
- B. Class B and S-B, 24 contact hours;
- C. Class C and S-C, 16 contact hours;
- D. Class D and S-D, 8 contact hours; and
- E. Class E, 4 contact hours.

Subp. 2. [Repealed, 21 SR 1165]

Subp. 3. **Accredited courses and activities.** The respective commissioner shall prepare and make available a list of accredited training courses and approved educational activities for which credit may be obtained.

Subp. 4. **Water operator certificate renewal.** When a person applies to renew a water operator certificate, at least 50 percent of the contact hours required for renewal in subpart 1 must be from water-related courses approved by the commissioner of the department. The other 50 percent may be from wastewater or other related courses approved by the commissioner of the department, provided that the course or portion of the course has been approved by the commissioner of health.

Subp. 5. **Wastewater operator certificate renewal.** When a person applies to renew a wastewater operator certificate, at least 50 percent of the contact hours required for renewal in subpart 1 must be from wastewater-related courses approved by the commissioner of the agency. The other 50 percent may be from water or other related courses approved by the commissioner of the agency, provided that the course or portion of the course has been approved by the commissioner of the Pollution Control Agency.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165; 25 SR 1633*

9400.1300 REINSTATEMENT AND RECERTIFICATION.

Subpart 1. **Application.** A person whose certificate has expired may apply to the commissioner of health, for reinstatement of a water operator certificate, or to the commissioner of the Pollution Control Agency for reinstatement of a wastewater operator certificate. An applicant's certificate may only be reinstated to the class of the certificate which had expired. Before a certificate will be issued, such person must submit the following: the application for reinstatement; the nonrefundable fee for a reinstatement certificate; and evidence of the

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fact that the person has complied with the continuing education requirements imposed in part 9400.1200, subpart 1, during the entire time since the expired certificate was last issued or renewed.

Subp. 2. **Denial.** A person who is denied reinstatement who wants to be recertified must follow the procedures for a new applicant specified in parts 9400.0900 and 9400.1000. The nonrefundable reinstatement fee shall be considered the fee for application of examination.

Subp. 3. **Time.** A person may apply for reinstatement up to one year after expiration of the previous certificate. If more than one year has elapsed from the expiration of the certificate, a person must apply for the certificate as specified in parts 9400.0900 and 9400.1000.

Subp. 4. **Reinstatement after suspension.** The commissioner of health or the commissioner of the Pollution Control Agency respectively will reinstate a suspended certificate if the individual whose certificate has been suspended fulfills the terms of the suspension order and meets all applicable requirements of the rules for obtaining a certificate.

Subp. 5. **Revocation.** An individual whose certificate has been revoked according to Minnesota Statutes, section 144.99, subdivisions 8 to 10, may not apply for certification before the expiration date of the revocation order or for at least one year following the written notice of revocation.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165; 25 SR 1633*

9400.1350 RECIPROCIITY.

According to Minnesota Statutes, section 115.76, when a person who has a certificate in another state applies for certification as a water or wastewater operator, a determination will be made by the respective commissioner as to whether the applicant is eligible for certification and for what class of facility or system. The certification requirements of the other state must not be in conflict with Minnesota Statutes, sections 115.71 to 115.77, and must be of a standard not lower than those in this chapter.

A. If the certification requirements of the other state are not in conflict with Minnesota Statutes, sections 115.71 to 115.77, and are of a standard not lower than those in this chapter, the applicant must be granted a certificate.

B. If the certification requirements of the other state are in conflict with Minnesota Statutes, sections 115.71 to 115.77, and are of a standard lower than those in this chapter, the applicant must be notified in writing by the respective commissioner of those areas which were not equivalent and what, additionally, the applicant must do to meet the standards in this chapter.

C. The nonrefundable reciprocity fee shall be considered the fee for application of examination if the applicant is denied a certificate through reciprocity.

Statutory Authority: *MS s 115.72*

History: *21 SR 1165*

9400.1400 [Repealed, 21 SR 1165]**9400.1500 CONDITIONAL CERTIFICATE.**

Subpart 1. **Purpose and eligibility.** The purpose of the conditional certificate is to allow the current operator with direct responsibility of a system or facility time to gain necessary years of experience after passing all required examinations for the operator to achieve certification at the facility's higher class level. The operator of a system or facility that is reclassified to a higher class pursuant to part 9400.0600 shall be issued a conditional certificate in the higher class that is effective for three years from the date of issue when the following conditions are met:

A. the operator is a current operator with direct responsibility;

B. the operator has worked as the operator with direct responsibility at the same system or facility a minimum of 12 consecutive months prior to application for the conditional certificate; and

C. the applicant passes all exams required for the higher class in sequence (D, C, B, and A) and prior to startup of any system or facility upgrades that are related to the change in class.

Subp. 2. [Repealed, 37 SR 327]

Subp. 3. [Repealed, 25 SR 1633]

Subp. 4. [Repealed, 37 SR 327]

Subp. 5. **Issuance and renewal.** At the time of issuance, a conditional certificate must specify that the current operator with direct responsibility named therein is certified to operate only the system or facility for which the conditional certificate is issued. Before renewal of the conditional certificate is granted, an operator with a conditional certificate must provide proof of attendance at training applicable to the specified system or facility, in accordance with the training requirements in part 9400.1200.

Subp. 6. **Conditional certificate with no alterations.** If there were no alterations to the system or facility upon reclassification, a conditional certificate shall be granted to the current operator for the specific system or facility upon application without examination. If an operator with direct responsibility ends employment serving the system or facility, the conditional certificate is no longer valid and the operator's certification reverts to the operator's original certificate level.

Subp. 7. **Suspension or revocation of conditional certificate.** The agency or department may suspend, place conditions on, or revoke a conditional certificate according to Minnesota Statutes, section 144.99.

Subp. 8. **Denial of or refusal to reissue conditional certificate.** The agency's or department's denial of or refusal to reissue a conditional certificate must comply with Minnesota Statutes, section 144.99.

Statutory Authority: *MS s 115.72; 115.79*

History: *21 SR 1165; 25 SR 1633; 37 SR 327*