



ADMINISTRATIVE RULES OF MONTANA



17.40.203 CERTIFICATION OF OPERATORS

- (1) Certification must be granted to an applicant under the grandfather clause (37-42-303(2), MCA) if the applicant submits a statement from the governing board or owner of a water supply system or wastewater system stating the applicant was in responsible charge of the system on July 1, 1967.
- (2) If an addition is installed after July 1, 1967 to a system that existed on July 1, 1967, the person who was in responsible charge of the system on July 1, 1967 and has a grandfather clause certificate may be granted a grandfather clause certificate at a classification for a more complex system, if:
 - (a) the person participated in the installation; and
 - (b) evidence is presented to the department that the operator has been trained and is qualified to operate the more complex system.
- (3) A fully certified operator who terminates employment as an operator may renew the operator's certificate annually for a period of two years beyond the expiration date of the operator's current certificate, if the operator meets the renewal requirements in 37-42-308, MCA, and ARM 17.40.213 each of these years. At the end of the two-year period, a certificate is invalid. After two years, to receive a new certificate, the operator must prove to the department that the operator:
 - (a) has sufficient continuing education credits for the current biennium;
 - (b) has paid a fee equal to the renewal fee required under ARM 17.40.212; and either:
 - (c) is employed in a position that provides continuing familiarity with hands-on operation of the system classification for which the operator is seeking certification; or
 - (d) is otherwise competent to operate the system classification for which the operator is seeking certification.
- (4) The department may, upon receipt and approval of a fully completed application and payment of an appropriate fee as determined under ARM 17.40.212, issue a temporary certificate. A temporary certificate is effective for six months from the date of issuance, or until the operator becomes fully certified, whichever occurs first. The department may renew a temporary certificate for reasonable cause. A temporary certificate is valid only for the person to whom it is issued, for the system identified on the certificate, and for the period of time identified on the certificate. Temporary certificates may not be transferred to another person or system.
- (5) The department shall issue a certificate to the applicant if the applicant meets all requirements of this chapter for certification. The certificate is only valid to the person to whom it is issued and may not be transferred to another person.

- (6) If a census or a revision of the rules in this chapter shows a system qualifies for a more complex classification or the system is modified in a way that triggers a more complex classification, each fully certified operator of the system may obtain the more complex classification if:
 - (a) the operator makes a written request to the department for a more complex classification; and
 - (b) the department determines that the applicant has the education and experience that are necessary to operate the system, as defined in ARM 17.40.207.
- (7) An operator whose system has been changed to a less complex classification because of a revision of the rules in this chapter or a change in status of the system will be given certification at that less complex classification upon renewal of the operator's annual certificate, unless the operator makes a written request to the department and the department determines that the operator meets all requirements for operating a more complex classified system. In that case, the operator will remain certified at the operator's present classification, and the renewal requirements are the requirements for that more complex certification classification.
- (8) An operator who is fully certified in another state may obtain a reciprocal certification in Montana if the department determines that the operator's application and supporting material verify that the operator:
 - (a) has experience that meets Montana's minimum requirements;
 - (b) is in responsible charge of a system located in Montana that requires a certified operator; and
 - (c) has passed a water supply system operator examination in that state that has a U.S. environmental protection agency-approved water supply system operator certification program; or
 - (d) has passed a wastewater operator examination in that state at least equivalent to that required by Montana.
- (9) The examination referred to in (8)(c) and (d) must be for a certification classification at least as complex as the classification for which the operator seeks reciprocal certification in Montana.
- (10) Operators certified under (8) must pay a one-time fee of \$70 in addition to the fees applicable for the Montana certification sought.
- (11) Certificates are effective for a base year from July 1 of one year through June 30 of the subsequent year. Certificates may be renewed annually.

Authorizing statute(s): 37-42-202, MCA

Implementing statute(s): 37-42-304, 37-42-305, 37-42-306, 37-42-307, 37-42-308, MCA

History: NEW, Eff. 12/5/75; AMD, 1981 MAR p. 1787, Eff. 12/18/81; AMD, 1983 MAR p. 1720, Eff. 11/26/83; AMD, 1991 MAR p. 1276, Eff. 7/26/91; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1997 MAR p. 545, Eff.

3/25/97; AMD, 1999 MAR p. 1804, Eff. 8/27/1999; AMD, 2000 MAR p. 72, Eff. 1/14/00; AMD, 2002 MAR p. 3148, Eff. 11/15/02; AMD, 2012 MAR p. 886, Eff. 4/27/12.