

**Comments from City of Tulsa-OAC 252:710: Waterworks and Wastewater Works
Operator Certification**

(See attached letter)

GENERAL COMMENTS-ENTIRETY OF 710

General Comment: The City of Tulsa (“Tulsa”) suggested altering the numbering system used in Chapter 710.

Response:

The Administrative Rules of Rulemaking, OAC 655:10, governs how administrative rules are numbered. DEQ has no discretion to alter the numbering system for any proposed rules, and the proposed rules follow this mandated numbering system.

Under the Administrative Rules on Rulemaking, numbering does not use consecutive numbers but instead starts with odd numbers, allowing for “gapping.” This “gapping” of numbers between Subchapters is intended to allow for subsequent expansion. *See*, OAC 655:10-3-27. Additionally, the Administrative Rules of Rulemaking mandate that a Definition Section list the defined words and phrases in alphabetical order rather than using a numbering system. *See*, OAC 655:10-25(a)(4). Furthermore, the Administrative Rules on Rulemaking provide, “Any undesignated text which immediately follows a Section tagline and precedes an enumeration shall be considered an “implied (a).” *See*, OAC 655:10-3-26(b). Where there is an “implied (a),” the text has only numbers. Thus, 252:710-3-37 is considered to have an “implied (a)” and only uses numbers.

SUBCHAPTER 1

252:710-1-4: Definition

Comment (1)(a): Tulsa suggested changing “in-class participation” to “classroom training” for the sake of clarity.

Response:

“Operating examination” “Open examination” means an operator certification examination which may be taken by an individual whose experience, training, and education exempts the individual from being required to take a class-associated examination for the level of certification being tested. Applications shall be submitted to and approved by DEQ prior to examination.

DEQ changed in-class participation to class-associated examination instead of the suggested classroom training because classroom training is defined as DEQ-approved professional development training taking place in a classroom or practical learning environment and attended in person by class participants, and also referred to as “in-person training.” This definition is intended to clarify the four hours of classroom training required for the renewal of licenses. It would also exclude operators who took their standard course by online methods since online classes are not considered in-person training.

Comment (1)(b): Tulsa suggested changing “operating experience” to “licensed experience” for the sake of clarity.

Response:

“Operating experience” DEQ eliminated the use of “operating experience” and implemented use of “licensed experience” for the sake of clarity. The definition for “operating experience” has been stricken, and a definition for “licensed experience” has been added. “Licensed experience” has been added where appropriate throughout the Chapter to ensure internal consistency, including in Appendices.

252:710-1-5 Application requirements

Comment (2)(a): Tulsa suggested changing “non-class associated examination” to “open examination” for the sake of clarity.

Response:

710-1-5(a): Application and fee: DEQ agrees with Tulsa’s suggested change. DEQ has eliminated the use of “non-class associated examination” and implemented the use of “open examination.” This improves the clarity of the provision.

Comment (2)(b): Tulsa suggested changing “valid license” to “valid operator license” for the sake of clarity.

Response:

710-1-5(b)(2): DEQ agrees with the suggested change. “Valid license” has been changed to “valid operator license.” This improves the clarity of the provision.

Comment (2)(c): Tulsa suggested changing “experience” to “licensed experience” for the sake of clarity.

Response:

710-1-5(b)(3): DEQ agrees with the suggested change. “Experience” has been changed to “licensed experience.” This improves the clarity of the provision.

Comment (2)(d): Tulsa suggested changing “initial validated examination” to “initial approved application” for the sake of clarity.

Response:

710-1-5(d) DEQ agrees with the suggested change. “Initial validated examination” has been changed to “initial approved application.” This improves the clarity of the provision.

252:710-1-7: Renewals

Comment (3)(a)(i): Tulsa suggested using either “renewal date” or “renewal deadline” rather than both.

Response:

710-1-7(a) Renewal procedures: DEQ agrees with the suggested changes. “Renewal date” has been changed to “renewal deadline.” These changes make this provision clearer and more internally consistent.

Comment (3)(a)(ii): Tulsa suggested using either “renewal invoice” or “renewal notification” rather than both.

Response: DEQ agrees with the comment. “Renewal notification” has been changed to “renewal invoice.”

252:710-1-8 Operator disciplinary actions

Comment (4)(a): Tulsa suggested changing “supervision” to “direct supervision” for the sake of clarity.

Response:

710-1-8(b)(3) DEQ agrees with the suggested change. “Supervision” has been changed to “direct supervision.” This improves the clarity of the provision.

SUBCHAPTER 3

252:710-3-35: Requirements for Certification

Comment (1)(a): Tulsa suggested using either “licensed experience” or “operating experience” rather than both, because using both was confusing.

Response:

710-3-35(a) Education DEQ agrees with the comment. For the sake of clarity, the term “licensed experience is used, and a definition for “licensed experience” has been added in OAC 252:710-1-4.

Comment (1)(b): See Comment (1)(a) to Subchapter 3.

Response: See Response to Comment (1)(a) to Subchapter 3.

252:710-3-36 Approved equivalents for waterworks/wastewater works operator

Comment (2)(a): Tulsa suggested changing “in the classroom” to “classroom training” for the sake of clarity.

Response:

710-3-36(b)(1) Academic credit—DEQ agrees with the comment. “In the classroom” has been changed to “classroom training.” This improves the clarity of the provision.

252:710-3-37 Approved Instructor

Comment (3)(a): Tulsa suggested re-numbering this section.

Response: Please see the response to comments above at General Comments-Entirety of 710.

Comment (3)(b): Tulsa suggested changing “examination” to “standard examination” for the sake of clarity.

Response:

710-3-37(1)(A) Standard course: DEQ agrees with this suggested change. “Examination” has been changed to “standard examination.” This improves the clarity of the provision.

COMMENTS ON APPENDIX B:

Comment 1: Tulsa suggested keeping each table on one page.

Response:

The official version of Appendix B found on the website for the Secretary of State shows the documents on one page. Formatting issues with unofficial versions of Appendix B and corresponding footnotes split a document between two pages. Therefore, the readability of the official version is better, and the official version follows the suggestion made to keep documents and corresponding footnotes on the same page.

Appendix B Table 1

Comment 2 (a): Tulsa suggested adding “Operators” to the title of Appendix B Table 1.

Response:

DEQ agrees with the comment that “Operators” should be inserted in the title between “Works” and “Classification.” That change has been made.

Comment 2(b): See Comment (1)(a) to Subchapter 3.

Response: See Response to Comment (1)(a) to Subchapter 3.

Comment (2)(c): Tulsa suggested formatting the tables so that the footnotes were with the corresponding tables.

Response:

The official version of Appendix B Table 1 found on the website for the Secretary of State shows the documents on one page. Formatting issues with unofficial versions of Appendix B and corresponding footnotes split a document between two pages. Therefore, the readability of the

official version is better, and the official version follows the suggestion made to keep documents and corresponding footnotes on the same page.

Appendix B Table 2

Comment (3)(a): Tulsa suggested formatting the tables so that the footnotes were with the corresponding tables.

Response:

The official version of Appendix B Table 2 found on the website for the Secretary of State shows the documents on one page. Formatting issues with unofficial versions of Appendix B and corresponding footnotes split a document between two pages. Therefore, the readability of the official version is better, and the official version follows the suggestion made to keep documents and corresponding footnotes on the same page.