

## CHAPTER 33.1-20-16 CERTIFICATION OF OPERATORS

### Section

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### **33.1-20-16-01. Responsibility.**

1. Permittees of all municipal waste landfills, municipal waste incinerators, municipal solid waste ash landfills, and special waste landfills which accept primarily oilfield special waste or TENORM waste in North Dakota must have at least one certified operator onsite at all times during operation of the facility.
2. Permittees of all industrial waste landfills and special waste landfills which do not accept oilfield special waste or TENORM waste in North Dakota must have at least one certified operator whose primary work location is at the facility.

**History:** Effective January 1, 2019; amended effective July 1, 2020; October 1, 2024.

**General Authority:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 1

**Law Implemented:** NDCC 23.1-08-03, 23.1-08-15; S.L. 2017, ch. 199, § 23

### **33.1-20-16-02. Certification and application.**

1. In order to be certified landfill operator, an applicant shall take and pass a written examination given by the department or its authorized representative.
2. The department shall charge certification fees of fifty dollars for initial certification and twenty-five dollars for annual renewal.
3. An individual desiring to attend the training session and take the certification examination shall file and submit the fee and application form at least thirty days before the scheduled training and certification session.

**History:** Effective January 1, 2019; amended effective July 1, 2020; October 1, 2024.

**General Authority:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 1

**Law Implemented:** NDCC 23.1-08-03, 23.1-08-15; S.L. 2017, ch. 199, § 23

### **33.1-20-16-03. Training course and certification requirements.**

1. To be eligible for certification, a landfill or incinerator operator shall have a minimum of one year experience in operating the type of landfill or incinerator that the operator wants to be certified for and attend a training session approved by the department for solid waste facilities.
2. Training sessions will be held at least annually by the department to provide information on landfill and incinerator operation and maintenance.
3. An applicant may submit documentation to demonstrate the equivalency of other training courses and certification successfully completed. The applicant may be eligible for certification without taking the training course or written examination if the department finds that the training and certification are substantially equivalent.
4. Applicants who fail an examination may reapply to the department.

5. Upon passage of the examination with a score of seventy percent or better, the department will issue a certificate to the applicant.
6. The certificates of personnel who terminate their employment at a landfill or incinerator facility will remain valid until expiration.

**History:** Effective January 1, 2019; amended effective July 1, 2020; October 1, 2024.

**General Authority:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 1

**Law Implemented:** NDCC 23.1-08-03, 23.1-08-15; S.L. 2017, ch. 199, § 23

#### **33.1-20-16-04. Certificate revocation.**

The department may suspend or revoke the certificate of an operator if it is found that the operator has practiced fraud or deception in obtaining the certificate or in the performance of operator duties. No certificate may be revoked or suspended except after a hearing conducted in accordance with North Dakota Century Code chapter 28-32. Upon certificate suspension or revocation, a new application for certification may be considered by the department if the conditions upon which the suspension or revocation was based have been corrected and evidence of this fact has been satisfactorily submitted to the department.

**History:** Effective January 1, 2019.

**General Authority:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 1

**Law Implemented:** NDCC 23.1-08-03, 23.1-08-15; S.L. 2017, ch. 199, § 23

#### **33.1-20-16-05. Term and renewal of certificates.**

Certificates expire each year on June thirtieth. The holder shall reapply for renewal of an expired certificate and pay the renewal fee by July first. To be eligible for renewal, each certified operator shall attend at least one departmentally approved training course every three years.

**History:** Effective January 1, 2019; amended effective October 1, 2024.

**General Authority:** NDCC 23.1-08-03; S.L. 2017, ch. 199, § 1

**Law Implemented:** NDCC 23.1-08-03, 23.1-08-15; S.L. 2017, ch. 199, § 23