

OAR CHAPTER 333
Division 061-0072
Public Water Systems
Effective 2-15-2008

333-061-0072 Backflow Assembly Tester Certification

- (1) The Department shall certify individuals who successfully complete all the requirements of these rules for testing backflow prevention assemblies. Only persons certified by the Department to test backflow prevention assemblies shall perform the required field-testing on backflow prevention assemblies, except as otherwise provided that:
- (a) Journeyman plumbers defined as those who hold a certificate of competency issued under ORS 693 or apprentice plumbers, as defined under ORS 693.010; and
 - (b) Journeyman plumbers or apprentice plumbers who test backflow prevention assemblies shall satisfactorily complete a Department-approved Backflow Assembly Tester training course, according to rules adopted by the Director of Consumer and Business Services.
- (2) Requirements for initial application for Backflow Assembly Tester certification shall include:
- (a) Satisfactory completion of a Department-approved Backflow Assembly Tester training course within 12 months prior to the Department receiving the applicant's completed application;
 - (b) Satisfactory completion of all written and physical-performance examinations, including questions specific to OAR 333-061-0070 through 333-061-0073, administered by a Department-approved certification agency;
 - (A) A minimum score of 75% is required to pass the Department-approved Backflow Assembly Tester written examination;
 - (B) A minimum score of 90% is required to pass the Department-approved Backflow Assembly Tester physical-performance examination; and
 - (C) The Department will make available a list of approved certification training and testing sources.
 - (c) Registration with the Construction Contractor's Board or licensure with the Landscape Contractor's Board, as required by ORS 448.279(2);
 - (d) Submission of proof of high school graduation or equivalent;

- (e) Submission of a completed initial application with all required documentation as specified on the initial application form and in these rules; and
 - (f) Submission of an initial application fee as defined in OAR 333-061-0072(5).
- (3) Requirements for Backflow Assembly Tester certification renewal shall include:
- (a) All Backflow Assembly Tester certificates will expire on June 30 of every odd-numbered year, beginning June 30, 2005. Backflow Assembly Testers can only perform tests if they possess a current, valid certificate;
 - (b) Satisfactory completion of 0.5 CEU in backflow prevention-related fields taken at a Department-approved certification training agency within the 2-year period immediately prior to the date of the certification renewal application;
 - (c) Satisfactory completion of all written and physical-performance examinations, including questions specific to OAR 333-061-0070 through 333-061-0073, administered by a Department-approved certification agency;
 - (A) A minimum score of 75% is required to pass the Department-approved Backflow Assembly Tester written examination;
 - (B) A minimum score of 90% is required to pass the Department-approved Backflow Assembly Tester physical-performance examination; and
 - (C) The Department will make available a list of approved certification training and testing sources.
 - (d) Registration with the Construction Contractor's Board or licensure with the Landscape Contractor's Board, as required by ORS 448.279(2);
 - (e) Submission of yearly test gauge calibration reports performed in the same month every year, as determined by the Backflow Assembly Tester;
 - (f) Submission of a completed renewal application with all required documentation as specified on the renewal application form and in these rules;
 - (g) Submission of a renewal application fee, as defined in OAR 333-061-0072(5);
 - (h) The Department may grant certification renewal without a reinstatement fee for up to 30 days after the expiration date of a

- certificate. A reinstatement fee of \$50 will be added to the renewal fee for all renewal application fees received after the 30-day period; and
- (i) A Backflow Assembly Tester who does not renew within 12 months of the expiration date of his or her certificate will be required to meet all requirements of an initial applicant in section (2) of these rules.
- (4) The Department may issue Backflow Assembly Tester certification based on reciprocity if the Department determines the issuing state or entity has certification training and testing standards and qualifications substantially equivalent to the Department's certification training and testing standards and qualifications, and the applicant/Backflow Assembly Tester meets all requirements set forth in these rules, including:
- (a) Submission of current certification from a state or entity having substantially equivalent certification training and testing standards, as determined by the Department;
 - (b) Submission of attendance and successful completion of an Oregon Department-approved Backflow Assembly Tester certification renewal class, including questions specific to OAR 333-061-0070 through 333-061-0073, within the 12 months prior to submitting the completed reciprocity application;
 - (A) A minimum score of 75% is required to pass the Department-approved Backflow Assembly Tester written examination;
 - (B) A minimum score of 90% is required to pass the Department-approved Backflow Assembly Tester physical-performance examination; and
 - (C) The Department will make available a list of approved certification training and testing sources.
 - (c) Registration with the Construction Contractor's Board or licensure with the Landscape Contractor's Board, as required by ORS 448.279(2);
 - (d) Submission of proof of high school graduation or equivalent;
 - (e) Submission of yearly test gauge calibration reports performed in the same month every year, as determined by the Backflow Assembly Tester;
 - (f) Submission of a completed reciprocity application form with all required documentation as specified on the reciprocity application form and in these rules; and
 - (g) Submission of a reciprocity application fee, as defined in OAR 333-061-0072(5).
- (5) Application fees for Backflow Assembly Tester certification.

- (a) Applicants for certification shall pay an application fee, made payable to the Department of Human Services, Health Services;
 - (b) The Department will not refund any fees once it has initiated processing an application;
 - (c) The application fees are:
 - (A) Initial Certification (2-years) \$70;
 - (B) Certificate Renewal (2-years) \$70;
 - (C) Reciprocity Review \$35 + Initial Certification fee;
 - (D) Reinstatement \$50 + Certificate Renewal fee; and
 - (E) Combination Certificate Renewal \$110.
 - (d) Initial certification fees shall be prorated to the nearest year for the remainder of the 2-year certification period; and
 - (e) The Department shall apply the Combination Certificate Renewal fee when an applicant simultaneously applies for renewal of his or her Backflow Assembly Tester and Cross Connection Specialist certifications.
- (6) Enforcement actions for applicant/Backflow Assembly Tester.
- (a) The Department may deny an initial application for certification, an application for renewal of certification, an application for certification based on reciprocity, or revoke a certification if the Department determines:
 - (A) The applicant/Backflow Assembly Tester provided false information to the Department;
 - (B) The applicant/Backflow Assembly Tester certification issued by another state or entity was revoked;
 - (C) The applicant/Backflow Assembly Tester has permitted another person to use his or her certificate number;
 - (D) The applicant/Backflow Assembly Tester has failed to properly perform backflow prevention assembly testing;
 - (E) The applicant/Backflow Assembly Tester has falsified a backflow assembly test report;
 - (F) The applicant/Backflow Assembly Tester has failed to obtain and maintain a Construction Contractor's Board registration or a Landscape Contractor's Board license, as required by ORS 448.279(2);
 - (G) The applicant/Backflow Assembly Tester has failed to comply with these rules or other applicable Federal, State or local laws or regulations; or

- (H) The applicant/Backflow Assembly Tester performs backflow assembly tests with a gauge that was not calibrated for accuracy within the 12-month period prior to testing the assembly.
- (b) A person whose initial or renewal application has been denied, whose application for reciprocity has been denied, or whose certification has been revoked, has the right to appeal under the provisions of Chapter 183, Oregon Revised Statutes;
- (c) Applicants or Backflow Assembly Testers who have been denied initial, renewal, or reciprocity certification or whose certifications have been revoked, may not reapply for certification for 1 year from the date of denial or revocation of certification; and
- (d) Applicants or Backflow Assembly Testers may petition the Department prior to a year from the date of denial or revocation and may be allowed to reapply at an earlier date, at the discretion of the Department.
- (e) Backflow Assembly Tester test reports shall be made available to the Department upon request.

333-061-0073 Cross Connection Specialist Certification

- (1) The Department shall certify individuals who successfully complete all the requirements of these rules as Cross Connection Specialists. Only persons certified by the Department shall administer cross connection control programs for community water systems. Community water systems with 300 or more service connections are required to have a Cross Connection Specialist administer the water system's cross connection control program, unless specifically exempted from this requirement by the Department.
- (2) Requirements for initial application for Cross Connection Specialist certification shall include:
 - (a) Satisfactory completion of a Department-approved Cross Connection Specialist training course within 12 months prior to the Department receiving the applicant's completed application;
 - (A) A minimum score of 85% is required to pass the Department-approved Cross Connection Specialist written examination; and
 - (B) The Department will make available a list of approved certification training and testing sources.
 - (b) Registration with the Construction Contractor's Board or licensure by the Landscape Contractor's Board, as required by ORS 448.279(2);
 - (c) Submission of proof of high school graduation or equivalent;

- (d) Submission of documentation of 1-year of experience in water systems or plumbing;
 - (e) Submission of a completed initial application with all required documentation, as specified on the initial application form and in these rules; and
 - (f) Submission of an initial application fee, as defined in OAR 333-061-0073(5).
- (3) Requirements for Cross Connection Specialist certification renewal shall include:
- (a) All Cross Connection Specialist certificates will expire on June 30 of every odd numbered year, beginning June 30, 2005;
 - (b) Satisfactory completion of a total of at least 0.6 CEU in cross connection-related fields taken within the 2-year period immediately prior to the date of the certification renewal application. Training courses must be taken at Department-approved training agencies or be Oregon Environmental Services Advisory Council-approved courses;
 - (A) A minimum score of 85% is required to pass the Department-approved Cross Connection Specialist written examination; and
 - (B) The Department will make available a list of approved certification training and testing sources.
 - (c) Registration with the Construction Contractor's Board or licensure by the Landscape Contractor's Board, as required by ORS 448.279(2);
 - (d) Submission of a completed renewal application with all required documentation, as specified on the renewal application form and in these rules;
 - (e) Submission of a renewal application fee as defined in OAR 333-061-0073(5);
 - (f) The Department may grant certification renewal without a reinstatement fee for up to 30 days after the expiration date of a certificate. A reinstatement fee of \$50 will be added to the renewal fee for all renewal application fees received after the 30-day period; and
 - (g) A Cross Connection Specialist who does not renew within 12 months of the expiration date of his or her certificate will be required to meet all requirements of an initial applicant in section (2) of this rule.
- (4) The Department may issue Cross Connection Specialist certification based on reciprocity if the Department determines the issuing state or entity has certification training and testing standards and qualifications substantially equivalent to the Department's certification training and testing standards and qualifications, and the applicant meets all requirements in these rules:

- (a) Submission of current certification from a state or entity having substantially equivalent certification training and testing standards, as determined by the Department;
 - (b) Submission of attendance and successful completion of an Oregon Department-approved Cross Connection Specialist certification renewal class within the 12 months prior to submitting the completed application;
 - (A) A minimum score of 85% is required to pass the Department-approved Cross Connection Specialist written examination; and
 - (B) The Department will make available a list of approved certification training and testing sources.
 - (c) Registration with the Construction Contractor's Board or licensure with the Landscape Contractor's Board, as required by ORS 448.279(2);
 - (d) Submission of proof of high school graduation or equivalent;
 - (e) Submission of a completed reciprocity application form with all required documentation as specified on the reciprocity application form and in these rules; and
 - (f) Submission of a reciprocity application fee as defined in OAR 333-061-0073(5).
- (5) Application fees for Cross Connection Specialist certification.
- (a) Applicants shall pay an application fee, made payable to the Department of Human Services, Health Services;
 - (b) The Department will not refund any fees once it has initiated processing an application;
 - (c) The fees are:
 - (A) Initial Certification (2-years)\$70;
 - (B) Certificate Renewal (2-years) \$70;
 - (C) Reciprocity Review \$35 + Initial Certification fee;
 - (D) Reinstatement \$50 + Certificate Renewal fee; and
 - (E) Combination Certificate Renewal \$110.
 - (d) Initial certification fees shall be prorated to the nearest year for the remainder of the 2-year certification period; and
 - (e) The Department shall apply the Combination Certification Renewal fee when an applicant simultaneously applies for renewal of his or her Backflow Assembly Tester and Cross Connection Specialist certifications.
- (6) Enforcement actions for applicant/Cross Connection Specialist.

- (a) The Department may deny an initial application for certification, an application for renewal of certification, an application for certification based on reciprocity, or revoke a certification if the Department determines:
 - (A) The applicant/Cross Connection Specialist provided false information to the Department;
 - (B) The applicant/Cross Connection Specialist certification issued by another state or entity was revoked;
 - (C) The applicant/Cross Connection Specialist has permitted another person to use his or her certificate number;
 - (D) The applicant/Cross Connection Specialist has falsified a survey/inspection/Annual Summary Report;
 - (E) The applicant/Cross Connection Specialist has failed to obtain and maintain a Construction Contractor's Board registration or a Landscape Contractor's Board license, as required by ORS 448.279(2); or
 - (F) The applicant/Cross Connection Specialist has failed to comply with these rules or other applicable Federal, State or local laws or regulations.
- (b) A person whose initial or renewal application has been denied, whose application for reciprocity has been denied, or whose certification has been revoked, has the right to appeal under the provisions of Chapter 183, Oregon Revised Statutes;
- (c) Applicants or Cross Connection Specialists who have been denied initial, renewal, or reciprocity certification or who have had their certification revoked may not reapply for certification for 1 year from the date of denial or revocation of certification; and
- (d) Applicants or Cross Connection Specialists may petition the Department prior to a year from the date of denial or revocation and may be allowed to reapply at an earlier date, at the discretion of the Department.