

1974 WL 27840 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 28, 1974

***1 RE: Plant Operators**

Mr. Henry E. Gibson
Secretary-Treasurer, Board of Certification of Environmental Systems Operators
415 J. Marion Sims Building
2600 Bull Street
Cola., S. C. 29201

Dear Mr. Gibson:

By your letter dated May 30, 1974, the Board has inquired whether it may legally authorize an individual who has passed an operators examination, but who does not meet the experience requirements, to act as the operator-in-charge of a plant.

I advise that Section 56-1544.8, S. C. Code of Laws, as amended, gives the Board very broad discretionary authority to establish by regulation the requirements which a person must meet in order to become a certified operator. Additionally, Section 56-1544.13(D), S. C. Code of Laws, as amended, directs that the Board establish by regulation a permit system whereby persons may obtain on-the-job training. These sections operate to give the Board the legal authority to establish by regulation reasonable provisions for assigning operators-in-charge to treatment plants even though experience levels may differ. The experience requirements presently required for operators were established by the Board and can be changed by the Board. It is necessary to recall, however, that despite the Board's administrative flexibility all operators in like circumstances must be treated uniformly and, therefore, the categories of operators who may become entitled to some waiver of experience requirements must be well defined by Board regulation.

Very truly yours,

John B. Grimball
Assistant Attorney General

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