

Fact Sheet on Drinking Water Operators for North Carolina Water Governing Boards

Introduction

In North Carolina, the “Water 2030” initiative was launched in March 2004 by the NC Rural Economic Development Center. The aim of this initiative was to determine the state’s water resource needs for the next 20 years. One of the recommendations that arose from the Water 2030 effort was to form a task force to address the many operations and maintenance concerns that were discovered during the study. This task group found that “*System owners (governing boards) must recognize the importance of fulfilling operation and maintenance needs ...*”

This document outlines some of the responsibilities and resources that Governing Boards should be aware of, in terms of state certified drinking water operators.

Authorization

Water Operator issues are covered in the following two legislative documents:

- Article 2 of the General Statutes (90-A-20 through 90-A-33)
- North Carolina Administrative Code Title 15A, Subchapter 18D, Sections .0101- .0700.

Key Definitions

Operator –any individual who operates, maintains, or inspects water treatment facilities.

Certification Board – refers to the “NC Water Treatment Facility Operators Certification Board,” under the Department of Environment, Health, and Natural Resources (NC DENR). The Certification Board consists of eight members appointed by the governor.

Certified Operator – any holder of a certificate issued by the Certification Board.

Operator in Responsible Charge (ORC) – operator who is accountable for and performs active daily, on-site operation of a plant/system.

Public Water System – refers to a system for the provision of piped water for human consumption, (through pipes or other constructed conveyances if the system serves 15 or more service connections or which regularly serves 25 or more individuals.)

Service Connection – a water tap made to provide a water connection to the water distribution system.

Governing Board Responsibilities

- **Governing Boards must assure that the facilities they own are operated by properly certified operators.**

This relates mainly to the “Operator in Responsible Charge” at the facility. Proper certification depends on the classification of the system. There are 3 types of classifications, which are defined by the source of the water and the type of facility:

Operator Certifications								
Surface Water			Well Water			Distribution System		
Grade A	Grade B	Grade C	Grade A	Grade B	Grade C	Grade A	Grade B	Grade C

- **Surface and well water systems are classified based on a point system.** The point system is based on the water source, population served, and the complexity of the treatment.
- **Distribution systems are classified based on the number of service connections** (commonly number of accounts), and fire protection, or the classification of the treatment plant, whichever is greater, as follows:

Class D < 100 service connections
Class C 101 < 1001 service connections
Class B 1001 < 3300 service connections
Class A > 3300 service connections

- **The Certification Board will notify the utility on the classification of the facility**
The grade of certificate required by the ORC of the water treatment facility is based on the classification information that the Certification Board provides to the utility.

An operator in responsible charge (ORC) must possess a valid certificate issued by the Certification Board equal to, or greater than, the classification of the facility for which the operator is designated.

Operator Certification Checklist:

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To obtain certification as a water operator,	
⑦	The applicant must live or work in North Carolina
⑦	S/he must attend the appropriate Certification Board approved school, demonstrate experience and pass a North Carolina exam at the respective operator classification level
⑦	Once certified, an operator must complete 6 contact hours of instruction per year and pay an annual renewal fee

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operator fails to pay the annual renewal fee and/or obtain six professional growth hours during the year, the certificate will expire. Then, the operator must reapply and pass the exam again.

If a certificate is revoked for any reason, it is unlikely that operator would be eligible to reapply.

All certificates expire on the first day of the new calendar year. If renewal fees have not been paid by the first day of February, certification becomes delinquent. After February 1, a late fee must be paid for each certification that is delinquent.

Fees	
Exam and certificate	\$50
Temporary certificate	\$50
Renewal charges	\$30
Late fees	\$30

There are specific guidelines related to the number of facilities that an operator can be in responsible charge of without seeking written permission from the Certification Board. (See http://www.deh.enr.state.nc.us/oet/forms/rule_gov_wtfo_2004.pdf for more information)

Enforcement of Certified Operator Requirement

- If a Governing Board is found to be in violation of the certified operator requirement, then the Certification Board can recommend that an administrative civil penalty be imposed on the Governing Board. Each day of violation will be regarded as a separate offense. The penalty will be \$100/day.
- Violations may be discovered by sanitary surveys, public complaints, and through a cross-comparison of water supply system records and the records on operators.
- The Certification Board has jurisdiction in enforcement actions against operators. NC DENR has jurisdiction in enforcement actions against system owners or Governing Boards.

Contested Cases

To contest a penalty, the Governing Board can request an administrative hearing and judicial review according to the procedures outlined in Articles 3 and 4 of Chapter 150B of the General Statutes.

If a system is charged and they do not request this administrative hearing and do not pay the penalty in 60 days, the DENR Secretary can bring a civil action in the county court where the violation is thought to have occurred. If the hearing was requested, and the court decided that the penalty is legitimate, again the system has 60 days to pay or a civil action can result.

A water treatment facility can contract with a commercial water treatment facility operation firm for operational and other services. The Governing Board can then designate an employee of that contracting firm as the ORC. This operator must obtain the relevant certification and comply with all the water operator requirements.

Temporary Certificate

A temporary certificate may be issued by the Certification Board when the supply of certified operators is inadequate. The person applying for the temporary certificate must be competent and able to fulfill the appropriate duties operator requirements.

A temporary certificate is applicable only for the system for which the operator is employed at time of issuance.

Further Resources

http://www.deh.enr.state.nc.us/oet/operator_cert/grant_prgm.htm - In North Carolina, the Expenditure Reimbursement Grant (ERG) Program serves to refund expenses to operators working for small water systems serving 3,300 persons or less. Funding is available to help operators become certified without placing a hardship on the small system owner. Anyone operating a small water system serving 3,300 persons or less is eligible for reimbursement. This includes volunteers receiving no pay who operate small water systems.

<http://www.efc.unc.edu/projects/wateroperators.htm> - this webpage will be updated with information on water operator retention and reward

<http://www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl?Chapter=0090A> - North Carolina General Statutes: Chapter 90A: Sanitarians and Water and Wastewater Treatment Facility Operators

http://www.deh.enr.state.nc.us/oet/operator_cert/op_cert_main2.htm - North Carolina Water Treatment Facility Operators Certification Board website

<http://ncwoa.com/> - North Carolina Water Operators Association

<http://www.epa.gov/safewater/opcert/opcert.htm> - EPA - "Operator Certification"