

SUBCHAPTER 18D - WATER TREATMENT FACILITY OPERATORS

SECTION .0100 - GENERAL POLICIES

Rules .0101 - .0105 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0101 - .0105); has been transferred and recodified from Rules .0101 - .0105 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0101 - .0105), effective April 4, 1990.

15A NCAC 18D .0101 PURPOSE

History Note: Authority G.S. 90A-20; 90-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 1990.

15A NCAC 18D .0102 ORGANIZATION

History Note: Authority G.S. 90A-21;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 2004.

15A NCAC 18D .0103 MEETINGS OF THE BOARD

- (a) The Board shall meet at least twice each year for the purpose of examining applications.
- (b) Additional meetings shall be held at such other times, and at such places as deemed necessary for the conduct of board business.

History Note: Authority G.S. 90A-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979.

15A NCAC 18D .0104 QUORUM

History Note: Authority G.S. 90A-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 1990.

15A NCAC 18D .0105 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) "Acceptable Experience"
 - (a) For surface grades means at least 50% of the duties shall consist of active on-site performance of operational duties, including on-site water facility laboratory duties, at a surface water treatment facility. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection-control and other skills necessary for maintaining and operating a surface water treatment facility. The remaining duties shall be in related fields such as wastewater facility operation, water/wastewater laboratory, water pumping stations, water system design and engineering, wells, distribution systems, or cross-

- connection-control. The experience of Division of Environmental Health, Public Water Supply Section personnel shall be acceptable if at least 50% of their job duties include inspection or on-site technical assistance of public water systems.
- (b) For well grades means at least 50% of the duties shall consist of active on-site performance of operational duties for public water systems with chemical treatment having one or more wells. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection-control and other skills necessary for maintaining and operating a treated well water system. The remaining duties shall be in related fields such as wastewater facility operation, water/wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, distribution systems, or cross-connection-control. The experience of Division of Environmental Health, Public Water Supply Section personnel shall be acceptable if at least 50% of their job duties include inspection or on-site technical assistance of public water systems.
 - (c) For distribution grades means at least 50% of the duties shall consist of active on-site performance of operational duties for distribution systems within public water systems. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection-control and other skills necessary for maintaining and operating a water distribution system. The remaining duties shall be in related fields such as wastewater facility operation, water/wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, wells, or cross-connection-control. The experience of Division of Environmental Health, Public Water Supply Section personnel shall be acceptable if at least 50% of their job duties include inspection or on-site technical assistance of public water systems.
 - (d) For cross-connection-control grade means at least 50% of the duties shall consist of on-site performance of cross-connection-control duties for a public water system. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, back flow prevention and other skills necessary for maintaining and operating a cross-connection-control program for a public water system. The remaining duties shall be in related fields such as wastewater facility operation, water/wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, or wells. The experience of Division of Environmental Health, Public Water Supply Section personnel shall be acceptable if at least 50% of their job duties include inspection or on-site technical assistance of public water systems.
- (2) "Certified Operator" means any holder of a certificate issued by the Board in accordance with the provisions of G.S. 90A-20 to -29.
 - (3) "College Graduate" means a graduate of a regionally accredited four-year institution awarding degrees on the bachelor level.
 - (4) "Licensee" means any person who holds a current certificate issued by the water treatment facility operators board of certification.
 - (5) "Owner" shall mean person, political subdivision, firm, corporation, association, partnership or non-profit corporation formed to operate a public water supply facility.
 - (6) "Political Subdivision" means any city, town, county, sanitary district, or other governmental agency or privately owned public water supply operating a water treatment facility.
 - (7) "Secretary" shall mean the Secretary of the Department of Environment and Natural Resources.
 - (8) "Service Connection" means a water tap made to provide a water connection to the water distribution system.
 - (9) "Fire Protection System" means dry or wet sprinkler systems or fire hydrant connection to the water distribution system.

History Note: Authority G.S. 90A-21(c); Eff. February 1, 1976; Readopted Eff. March 1, 1979; Amended Eff. August 1, 2002; August 1, 1998; August 3, 1992; January 1, 1992; September 1, 1990; June 1, 1988.

SECTION .0200 – QUALIFICATION OF APPLICANTS AND CLASSIFICATION OF FACILITIES

Rules .0201 - .0205 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0201 - .0205); has been transferred and recodified from Rules .0201 - .0205 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0201 - .0205), effective April 4, 1990.

15A NCAC 18D .0201 GRADES OF CERTIFICATION

Applicants for the various grades of certification shall be at least 18 years old and meet the following educational and experience requirements:

- (1) GRADE A-SURFACE shall have one year acceptable experience at a surface water facility while holding a Grade B-Surface certificate and have satisfactorily completed an A-Surface school conducted by the Board.
- (2) GRADE B-SURFACE shall:
 - (a) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, have six months of acceptable experience at a surface water facility and have satisfactorily completed an B-Surface school conducted by the Board, or
 - (b) Have one year of acceptable experience at a surface water facility while holding a Grade C-Surface certificate and have satisfactorily completed a B-Surface school conducted by the Board.
- (3) GRADE C-SURFACE shall:
 - (a) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, have six months of acceptable experience at a surface water facility and have satisfactorily completed an C-Surface school conducted by the Board, or
 - (b) Be a high school graduate or equivalent, have six months acceptable experience at a surface water facility and have satisfactorily completed a C-Surface school conducted by the Board.
- (4) GRADE A-WELL shall have one year of acceptable experience at a well water facility while holding a Grade B-Well certificate and have satisfactorily completed an A-Well school conducted by the Board.
- (5) GRADE B-WELL shall:
 - (a) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, have six months of acceptable experience at a well water facility and have satisfactorily completed an B-Well school conducted by the Board, or
 - (b) Have one year of acceptable experience at a well water facility while holding a Grade C-Well certificate and have satisfactorily completed a B-Well school conducted by the Board.
- (6) GRADE C-WELL shall:
 - (a) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, have three months of acceptable experience at a well water facility and have satisfactorily completed an C-Well school conducted by the Board, or
 - (b) Be a high school graduate or equivalent, have six months of acceptable experience at a well water facility, and have satisfactorily completed a C-Well school conducted by the Board, or
 - (c) Hold a Grade A-Surface certification and have satisfactorily completed a C-Well school conducted by the Board.
- (7) GRADE D-WELL shall be a high school graduate or equivalent, have three months of acceptable experience at a well water facility, and have satisfactorily completed a C-Well or D-Well school conducted by the Board.
- (8) GRADE A-DISTRIBUTION shall have one year of acceptable experience at Class B or higher distribution system while holding a Grade B-Distribution certificate and have satisfactorily completed an A-Distribution school conducted by the Board.
- (9) GRADE B-DISTRIBUTION shall:
 - (a) Be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two year technical program with a diploma in water and wastewater technology, have six

- months of acceptable experience at a Class B or higher distribution system and have satisfactorily completed an B-Distribution school conducted by the Board and shall hold a certificate of completion of trench shoring training conducted by the Board; or
- (b) Have one year of acceptable experience at a Class C or higher distribution system while holding a Grade C-Distribution certificate and have satisfactorily completed a B-Distribution school conducted by the Board.
- (10) GRADE C-DISTRIBUTION shall hold a certificate of completion of trench shoring training conducted by the Board and shall:
- (a) Be a college graduate with a bachelor's degree in the physical or natural sciences, or be a graduate of a two year technical program with a diploma in water and wastewater technology, have three months of acceptable experience at a Class C or higher distribution system and have satisfactorily completed an C-Distribution school conducted by the Board, or
- (b) Be a high school graduate or equivalent, have six months of acceptable experience at a Class D or higher distribution system and have satisfactorily completed a C-Distribution school conducted by the Board.
- (11) GRADE D-DISTRIBUTION shall be a high school graduate or equivalent, have three months of acceptable experience at a distribution system, and have satisfactorily completed a D-Distribution school conducted by the Board.
- (12) GRADE CROSS-CONNECTION-CONTROL shall:
- (a) Be a college graduate with a bachelor's degree in the physical or natural sciences, or be a graduate of a two-year technical program with a degree in water and wastewater or civil engineering technology, and have satisfactorily completed a cross connection control school conducted by the Board, or
- (b) Be a high school graduate or equivalent, have six months of acceptable experience at Class D - Distribution or higher system or have one year experience in the operations of cross connection control devices and have satisfactorily completed a cross connection control school conducted by the Board, or
- (c) Be a plumbing contractor licensed by the State of North Carolina and have satisfactorily completed a cross connection control school conducted by the Board.

History Note: Authority G.S. 90A-21(c); 90A-22; 90A-23; 90A-24;
 Eff. February 1, 1976;
 Amended Eff. September 1, 1977;
 Readopted Eff. March 1, 1979;
 Amended Eff. September 1, 2004; August 1, 2000; August 1, 1998; May 3, 1993; August 3, 1992; July 1, 1991; December 31, 1980.

15A NCAC 18D .0202 EXAMINATIONS

In addition to the educational and experience requirements in .0201 of this Section, the applicant must successfully pass an examination designed for the class of certification for which the applicant is applying.

History Note: Authority G.S. 90A-21(c), -23;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979.

15A NCAC 18D .0203 DETERMINATION OF VARIOUS CLASSES OF CERTIFICATION

(a) Determination of various classes of certification shall be based on the classification of water treatment facilities to be operated.

(b) The designation of plant classification shall be based on the following point system:

	PARAMETER	RATING VALUE
(1)	Surface Water Source	
	(A) flowing stream	5

	(B)	flowing stream with impoundment	7
	(C)	raw water treatment	3
(2)		Ground Water Source	
	(A)	first five wells	5
	(B)	add 1 point per 5 wells or fraction thereof over 5	1
(3)		Coagulation	
	(A)	aluminum sulfate, ferric chloride	10
	(B)	polymer	5
(4)		Mixing	
	(A)	baffle	2
	(B)	mechanical	4
	(C)	air	3
(5)		Oxidation (pre-treatment)	
	(A)	Cl_2O_2	5
	(B)	ozone	5
	(C)	$KMnO_4$	3
	(D)	Cl_2	3
(6)		Carbon Treatment	2
(7)		Aeration	
	(A)	mechanical draft	3
	(B)	coke tray/splash tray	2
	(C)	diffused	3
	(D)	packed tower (VOC reduction)	10
(8)		pH Adjustment (primary)	
	(A)	caustic (NaOH)	10
	(B)	lime/soda ash	3
	(C)	acid	10
(9)		Sedimentation	
	(A)	standard rate	5
	(B)	tube settlers	3
	(C)	upflow	8
	(D)	pulsators and plates	5
(10)		Contact Tank	1
(11)		Filtration	
	(A)	pressure	
	(i)	sand/anthracite	8
	(ii)	synthetic media (birm)	8
	(iii)	granular activated carbon (GAC)	10
	(B)	gravity	
	(i)	sand	10
	(ii)	anthracite (mixed)/GAC	12
	(iii)	with surface wash or air scour	2
	(C)	membrane	10
(12)		Ion Exchange	
	(A)	softener, Na cycle	5
	(B)	softener, H cycle	7
	(C)	Fe and Mn (greensand)	10
	(D)	mixed bed or split stream	12
(13)		Lime Softening	
	(A)	spiractors	10
	(B)	clarifier with coagulation	12
	(C)	fuel burner (recarbonation)	5
(14)		Phosphate (sequestering agent)	5
(15)		Stabilization	

	(A)	acid feed	10	
	(B)	phosphate	2	
	(C)	caustic (NaOH)	10	
	(D)	lime/soda ash	3	
	(E)	contact units	5	
(16)		Reverse Osmosis, Electrodialysis	15	
(17)		Disinfection		
	(A)	gas Cl ₂	10	
	(B)	hypochlorite solution	7	
	(C)	Cl ₂ O ₂ (sodium chlorite and Cl ₂)	13	
	(D)	ozone	13	
	(E)	ammonia and Cl ₂	12	
	(F)	ultraviolet light (uv)	5	
(18)		Fluoridation		
	(A)	saturator		8
	(B)	dry feed	8	
	(C)	solution (acid)	10	
(19)		Pumping		
	(A)	raw	3	
	(B)	intermediate	1	
	(C)	finished	3	
	(D)	system booster	2	
(20)		Storage		
	(A)	raw	1	
	(B)	treated ground level tank	1	
	(C)	elevated in system (each extra tank 1 pt)	2	
	(D)	hydropneumatic	2	
(21)		Population Served 1 point per 1,000 persons served	50 max.	
(22)		Plant Capacity 1 point per 1 MGD capacity	25 max.	
(23)		On-Site Quality Control		
	(A)	bacteriological		
	(i)	MPN/MF	5	
	(ii)	HPC	2	
	(iii)	MMO-MUG (Colilert)	2	
	(B)	pH		
	(i)	meter	2	
	(ii)	test kit	1	
	(C)	fluoride		
	(i)	meter	3	
	(ii)	colorimetric	3	
	(D)	chlorine		
	(i)	titrator	3	
	(ii)	colorimeter/spec.	2	
	(iii)	test kit	1	
	(E)	iron	1	
	(F)	hardness		1
	(G)	alkalinity	1	
	(H)	turbidity	1	
	(I)	manganese	1	
	(J)	others (1 pt. each)	1	
	(K)	A.A. Spec, or G.C. Unit	5 each	

(c) The designation of distribution system classifications shall be based on system characteristics as outlined in Rule .0205 of this Section.

History Note: Authority G.S. 90A-21(c); 90A-22;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2000; August 3, 1992; January 1, 1992; September 1, 1990.

15A NCAC 18D .0204 PUMPAGE CHART

History Note: Authority G.S. 90A-21(c), -22;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. June 30, 1980;
Repealed Eff. September 1, 1990.

15A NCAC 18D .0205 CLASSIFICATION OF WATER TREATMENT FACILITIES

(a) With the exception of Class D-Well, the public water system treatment classification shall be based on the source of water and the number of points assigned to each facility as taken from the table in Rule .0203(b) of this Section. Classifications are as follows:

Class C	0-50 points
Class B	51-110 points
Class A	over 110 points

Class D-Well shall be any non-community public water system with hypochlorite solution as the only treatment applied to the water.

(b) The classification of distribution systems shall apply to all community and non-transient non-community public water systems. The distribution system class level shall be the greater of the treatment plant class level from Paragraph (a) of this Rule or the following class level based on the number of service connections and fire protection:

- (1) Class D-DISTRIBUTION shall be any system with 100 or fewer service connections with no fire protection system;
- (2) Class C-DISTRIBUTION shall be any system with more than 100 service connections but not exceeding 1,000 service connections, with no fire protection system;
- (3) Class B-DISTRIBUTION shall be any system with more than 1,000 service connections but not exceeding 3,300 service connections or any system not exceeding 1,000 service connections, with a fire protection system; and
- (4) Class A-DISTRIBUTION shall be any system with more than 3,300 service connections.

(c) Class CROSS-CONNECTION-CONTROL shall be any distribution system with requirement for five or more testable backflow prevention assemblies to be installed within the water distribution system.

History Note: Authority G.S. 90A-21(c); 90A-22;
Eff. February 1, 1976;
Amended Eff. September 1, 1977;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2002; August 1, 2000; August 3, 1992; September 1, 1990; December 31, 1980;
January 1, 1980.

15A NCAC 18D .0206 CERTIFIED OPERATOR REQUIRED

(a) All public water systems shall have a certified operator in responsible charge for each water treatment facility that alters the physical, chemical, or microbiological characteristics of the water; has approved plans for such alterations; or has equipment installed for such alterations. Upon vacancy of a position resulting in noncompliance with this requirement each facility shall notify the Board Office and Division of Environmental Health Public Water Supply Section Regional Office, in writing, within 10 days.

(b) There shall be an operator holding at least a Grade C-Surface certification or above assigned to be on duty on the premises when a surface water treatment facility is treating water. Implementation of this requirement is subject to the following provisions:

- (1) Upon vacancy of a position resulting in noncompliance with this requirement each facility shall notify the Board Office within 24 hours or at the start of the next regular business day of such vacancy;
 - (2) Upon such vacancy the facility shall have 90 days to fill the position with a certified grade C-Surface operator or an operator with a temporary C-Surface certification.
- (c) There shall be an operator in responsible charge for the distribution portion of the community and non-transient non-community public water systems. This operator shall possess a valid certificate issued by the Board equivalent to or exceeding the distribution classification of the facility for which he or she is designated. A system serving 100 or fewer service connections is exempt from this requirement if it has an operator in responsible charge as required in Paragraph (a) of this Rule.
- (d) Effective July 1, 2003 there shall be an operator in responsible charge for the cross-connection-control facilities of the distribution system for all public water systems required by 15A NCAC 18C to have five or more testable backflow prevention assemblies. This operator shall possess a valid Grade Cross-Connection-Control certificate issued by the Board.
- (e) All operators of community and non-transient non-community public water systems shall follow the standard operating procedures established by the operator in responsible charge. Any decisions about water quality or quantity that affect public health which have not been defined in the standard operating procedures shall be referred to the operator in responsible charge or to the certified operator on duty.

History Note: Authority G.S. 90A-20; 90A-28; 90A-29; 90A-32;
Eff. July 1, 1991;
Amended Eff. August 1, 2004; August 1, 2002; August 1, 2000; May 1, 1994; May 3, 1993.

SECTION .0300 - APPLICATIONS AND FEES

Rules .0301 - .0304 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0301 - .0304); has been transferred and recodified from Rules .0301 - .0304 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0301 - .0304). Rules .0305 - .0306 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0305 - .0306); has been transferred and recodified from Rules .0306 - .0307 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0306 - .0307), effective April 4, 1990.

15A NCAC 18D .0301 APPLICATION FOR EXAM

- (a) All applicants for regular exams shall file an application on a form available from: Chairman, North Carolina Water Treatment Facility Operators Certification Board, 1635 Mail Service Center, Raleigh, North Carolina 27699-1635.
- (b) Applications for certification must be submitted to the Board at least 30 days prior to the date of the examination.
- (c) The applicant shall certify that the information given is correct to the best of his/her knowledge. In addition, the applicant's supervisor shall certify that he/she has reviewed the application and recommends that the applicant be considered for certification by the Board.
- (d) Applicants shall take the examination at the place and date specified on the application.

History Note: Authority G.S. 90A-21(c); 90A-24;
Eff. February 1, 1976;
Amended Eff. September 1, 1977;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2004; February 1, 2002; August 3, 1992; September 1, 1990.

15A NCAC 18D .0302 APPLICATION FOR RECIPROCITY

All applicants for reciprocity shall file an application on a form available from: Chairman, North Carolina Water Treatment Facility Operators Certification Board, 1635 Mail Service Center, Raleigh, North Carolina 27699-1635.

History Note: Authority G.S. 90A-21(c); 90A-24;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;

Amended Eff. August 1, 2004; February 1, 2002; September 1, 1990.

15A NCAC 18D .0303 APPLICATION FOR TEMPORARY CERTIFICATE

All applicants for a temporary certificate shall file an application on a form available from: Chairman, North Carolina Water Treatment Facility Operators Certification Board, 1635 Mail Service Center, Raleigh, North Carolina 27699-1635.

*History Note: Authority G.S. 90A-21(c); 90A-24;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2004; February 1, 2002; September 1, 1990.*

15A NCAC 18D .0304 FEE SCHEDULE

- (a) The cost of examination and certification shall be fifty dollars (\$50.00).
- (b) The cost of a temporary certificate shall be fifty dollars (\$50.00).
- (c) The examination and certification fee must be paid to the Board when the application is submitted.
- (d) The cost of the annual certification renewal shall be thirty dollars (\$30.00). Renewal fees shall be due December 31 of each calendar year and shall be delinquent on the first day of February. Delinquent certifications shall be charged an additional fee of thirty dollars (\$30.00).
- (e) The operator shall notify the Board, in writing, within 30 days of any change in his/her address.

*History Note: Authority G.S. 90A-27;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. March 1, 1979;
Amended Eff. September 22, 2004; August 1, 2000; August 3, 1992; December 1, 1990; December 1, 1989;
June 30, 1981.*

15A NCAC 18D .0305 WAITING PERIOD

*History Note: Authority G.S. 90A-24;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. March 1, 1979;
Repealed Eff. August 1, 2000.*

15A NCAC 18D .0306 REVOCATION OF CERTIFICATE

*History Note: Authority G.S. 90A-26;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 1990.*

15A NCAC 18D .0307 EXPIRATION AND REVOCATION OF CERTIFICATE

- (a) If the operator fails to pay the renewal fee or meet the continuing education requirements of Rule .0308(a) of this Section, the certificate shall expire.
- (b) If an operator in responsible charge fails to meet the requirements of 15A NCAC 18D .0701, his/her certificate may be revoked.
- (c) An individual who has had certification revoked by the Board shall petition the Board for any new certification sought and may not petition the Board for such new certification sooner than two years after the effective date of the revocation.

History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 3, 1992;
Amended Eff. August 1, 2004; August 1, 2002; August 1, 2000; August 1, 1998.

15A NCAC 18D .0308 PROFESSIONAL GROWTH HOURS

(a) All certified operators who have held a certificate for the calendar year shall complete six contact hours of instruction during the year immediately preceding annual certification renewal for each certification renewed. The same contact hours may be credited to all certifications for which the training is relevant. The instruction shall be related to system operation or professional development. Proof of continuing education shall be submitted to the Board with the annual certification renewal form.

(b) The organization providing the instruction shall give each participant a certificate or other proof of successful completion which includes the name of the provider, the provider's address, and contact person with telephone number. The proof of completion shall identify the name of the participant, the number of contact hours completed, the course name, the instructor's name, and the date of the instruction received. For in-house training, an instructor from outside of the organization shall provide the instruction. If an operator fails to provide proof of the required six contact hours of instruction at the time of annual certification renewal, the certification shall be expired.

History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 1, 1998;
Amended Eff. August 1, 2004; August 1, 2000.

15A NCAC 18D .0309 CERTIFICATION REINSTATEMENT

(a) An operator whose certification has expired may seek reinstatement within two years of expiration by paying any renewal fees in arrears, including late fees and passing another examination of that grade.

(b) Any person having a certification expired for more than two years or revoked shall apply to the Board for approval to be eligible for any further certification or reinstatement of certificate.

History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 1, 1998;
Amended Eff. August 1, 2004; August 1, 2000.

SECTION .0400 - ISSUANCE OF CERTIFICATE

Rules .0401 - .0405 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0401 - .0405); has been transferred and recodified from Rules .0401 - .0405 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0401 - .0405), effective April 4, 1990.

15A NCAC 18D .0401 NOTIFICATION OF CLASSIFICATION

Each town, city or private water utility having a water treatment facility shall be notified of the classification of the treatment facility as determined by the Board in cooperation with the Secretary. This classification shall determine the grade of certificate required by the operator in responsible charge of the water treatment facility.

History Note: Authority G.S. 90A-21(c); 90A-22; 90A-25;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979.

15A NCAC 18D .0402 INFORMATION NEEDED BY BOARD

History Note: Authority G.S. 90A-21(c); 90A-22;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 1990.

15A NCAC 18D .0403 ISSUANCE OF GRADE CERTIFICATE

- (a) When the names of the operators and the grade of their current voluntary certificate are known, the Board shall notify the operator involved and upon payment of the license fee issue a grade certificate corresponding to the grade of certification now held by the operator.
- (b) To obtain a certificate the applicant shall satisfactorily complete an examination except in the case of a temporary certificate or when the certificate is being issued to the holder of a current voluntary certificate pursuant to Paragraph (a) of this Rule.
- (c) All distribution and cross connection voluntary certification conversions shall be obtained by December 31, 2005.

History Note: Authority G.S. 90A-21(c); 90A-23; 90A-25;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2004; August 1, 2000; August 3, 1992; January 1, 1992; March 1, 1991;
September 1, 1990.

15A NCAC 18D .0404 TEMPORARY CERTIFICATE

- (a) A temporary certificate may be issued by the Board when it is found that the supply of certified operators, or persons with training necessary to obtain certification, is inadequate. It shall be demonstrated to the Board that the person applying for the temporary certificate is competent and able to fulfill the appropriate duties according to the requirements of 15A NCAC 18C.
- (b) Application for such temporary certificate shall be made on a form approved by the Board and must supply the information needed by the Board in order to protect the public health while such temporary certificates are in force.
- (c) A temporary certificate is applicable only for the system for which the operator is employed at time of issuance.

History Note: Authority G.S. 90A-21(c); 90A-23; 90A-25;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. January 1, 1992.

15A NCAC 18D .0405 RECIPROCAL CERTIFICATES

Applications for certification of an operator certified in a state other than North Carolina shall be submitted on the Board's form. The application shall supply information which will assist the Board in determining whether or not the requirements under which the out-of-state certification was obtained are equal to those required by the rules of the Water Treatment Facility Operators Board of Certification.

History Note: Authority G.S. 90A-21(c); 90A-25(b);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 1998; September 1, 1990.

SECTION .0500 - RULEMAKING PROCEDURES

Rules .0501 - .0508 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0501 - .0508); has been transferred and recodified from Rules .0501 - .0508 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0501 - .0508), effective April 4, 1990.

15A NCAC 18D .0501 PETITIONS

(a) Any person wishing to request the adoption, amendment, or repeal of a rule of the Water Treatment Facility Operators Board of Certification (hereinafter referred to as the Board) shall make his request in a petition addressed to: Chairman, North Carolina Water Treatment Facility Operators Certification Board, 1635 Mail Service Center, Raleigh, North Carolina 27699-1635.

(b) The petition shall contain the following information:

- (1) either a draft of the proposed rule or a summary of its contents;
- (2) the statutory authority for the agency to promulgate the rule;
- (3) the reasons for the proposal;
- (4) the effect of proposed rules on existing rules or orders;
- (5) any data supporting the proposal;
- (6) the effect of the proposed rule on existing practices in the area involved, including cost factors;
- (7) the names and addresses, if known, of those most likely to be affected by the proposed rule; and
- (8) the name and address of the petitioner.

(c) The Board shall determine, based on a study of the facts stated in the petition, whether the public interest will be served by granting the petition. The Board shall consider all the contents of the submitted petition, plus any additional information it deems relevant.

*History Note: Authority G.S. 150B-20; 90A-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. February 1, 2002; September 1, 1990.*

15A NCAC 18D .0502 NOTICE

15A NCAC 18D .0503 HEARING OFFICER

15A NCAC 18D .0504 HEARINGS

15A NCAC 18D .0505 STATEMENT OF REASONS FOR AND AGAINST RULE MAKING DECISION

15A NCAC 18D .0506 RECORD OF RULE MAKING PROCEEDINGS

15A NCAC 18D .0507 FEES

*History Note: Authority G.S. 90A-21(c); 150A-11; 150A-12;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Repealed Eff. September 1, 1990.*

15A NCAC 18D .0508 DECLARATORY RULINGS

(a) The Board shall have the power to make declaratory rulings. All requests for declaratory rulings shall be by written petition and shall be submitted to: Chairman, North Carolina Water Treatment Facility Operators Certification Board, 1635 Mail Service Center, Raleigh, North Carolina 27699-1635.

(b) Every request for a declaratory ruling must include the following information:

- (1) the name and address of the petitioner;
- (2) the statute or rule to which the petition relates;
- (3) a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or its potential application to him; and
- (4) the consequences of a failure to issue a declaratory ruling.

(c) The Board shall notify in writing the petitioner of the Chairman's decision to refuse issue a declaratory ruling and state the reasons. The Chairman may refuse to consider a request for a declaratory ruling:

- (1) unless the petitioner shows that the circumstances are so changed since adoption of the rule that such a ruling would be warranted;
 - (2) unless the rule making record evidences a failure by the agency to consider specified relevant factors;
 - (3) if there has been a similar controlling factual determination in a contested case, or if the factual context being raised for a declaratory ruling was specifically considered upon adoption of the rule being questioned as evidenced by the rule making record; or
 - (4) if circumstances stated in the request or otherwise known to the agency show that a contested case hearing would presently be appropriate.
- (d) Where a declaratory ruling is deemed appropriate, the Board shall issue the ruling within 60 days of the receipt of the petition.
- (e) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedures as may be deemed appropriate, in the discretion of the chairman, in the particular case.
- (f) The chairman may issue notice to persons who might be affected by the ruling that written comments may be submitted or oral presentations received at a scheduled hearing.

History Note: Authority G.S. 150B-4;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Amended Eff. February 1, 2002; September 1, 1990; January 1, 1980.

SECTION .0600 - CONTESTED CASES

Rules .0601 - .0624 of Title 15A Subchapter 18D of the North Carolina Administrative Code (T15A.18D .0601 - .0624); has been transferred and recodified from Rules .0601 - .0624 Title 10 Subchapter 10E of the North Carolina Administrative Code (T10.10E .0601 - .0624), effective April 4, 1990.

15A NCAC 18D .0601 OPPORTUNITY FOR LICENSEE OR APPLICANT TO HAVE HEARING

All contested cases shall be conducted in accordance with Article 3A of Chapter 150B of the General Statutes.

History Note: Authority G.S. 90A-26; 150B-38;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Amended Eff. September 1, 1990.

15A NCAC 18D .0602	NOTICE TO APPLICANT OF BOARD ACTION
15A NCAC 18D .0603	NOTICE TO LICENSEE OF BOARD ACTION
15A NCAC 18D .0604	REQUEST FOR HEARING
15A NCAC 18D .0605	FAILURE TO MAKE REQUEST
15A NCAC 18D .0606	NOTICE OF HEARING
15A NCAC 18D .0607	WAIVER OF HEARING
15A NCAC 18D .0608	INTERVENTION
15A NCAC 18D .0609	HEARING OFFICER
15A NCAC 18D .0610	WRITTEN ANSWER
15A NCAC 18D .0611	VENUE
15A NCAC 18D .0612	AVAILABILITY OF BOARD RECORDS
15A NCAC 18D .0613	DEPOSITIONS AND DISCOVERY
15A NCAC 18D .0614	PRE-HEARING CONFERENCE
15A NCAC 18D .0615	SUBPOENAS
15A NCAC 18D .0616	CONSOLIDATION
15A NCAC 18D .0617	STIPULATIONS
15A NCAC 18D .0618	DISQUALIFICATION OF HEARING OFFICER

15A NCAC 18D .0619	FAILURE OF PARTY TO ATTEND HEARING
15A NCAC 18D .0620	OATH
15A NCAC 18D .0621	CONDUCT OF HEARING
15A NCAC 18D .0622	PROPOSAL FOR DECISION
15A NCAC 18D .0623	RECORD
15A NCAC 18D .0624	TRANSCRIPT

History Note: Authority G.S. 90A-26; 150A-3; 150A-23 through 150A-37;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Repealed Eff. September 1, 1990.

SECTION .0700 - OPERATIONS AND MANAGEMENT

15A NCAC 18D .0701 OPERATOR IN RESPONSIBLE CHARGE

(a) The operator in responsible charge must possess a valid certificate issued by the Board equivalent to or exceeding the classification of the facility for which he or she is designated.

(b) The operator in responsible charge is actually in charge of the daily operation and maintenance of the facility and shall reside within 50 miles of the facility and shall be readily available for consultation on the premises of the facility in case of an emergency, malfunction or breakdown of equipment or other needs. The operator in responsible charge of a non-community public water system shall not reside more than 50 miles from the facility without written permission from the Board. No person shall be in responsible charge of more than any one of the following without written permission from the Board:

- (1) One surface water treatment facility;
- (2) Five community public water systems with well water facilities;
- (3) 10 non-community public water systems with well water facilities;
- (4) One distribution system serving over 3,300 service connections;
- (5) Five distribution systems serving over 500 service connections and less than 3,300 service connections;
- (6) 10 total distribution systems; or
- (7) 10 total cross-connection control systems.

No person shall be in responsible charge of any combination of a surface water treatment facility, a community public water system with well water facilities, a non-community public water system with well water facilities, a distribution system, and a cross-connection control facility without written permission from the Board.

(c) When permission from the Board is required, the request shall include sufficient documentation to satisfy the Board that the facilities in question can be managed in compliance with the requirements of 15A NCAC 18C.

(d) The operator in responsible charge shall report with annual certification renewal the name(s) and public water system identification number(s) for all systems for which the operator is the operator in responsible charge.

(e) If an operator in responsible charge takes responsibility for an additional system or relinquishes responsibility for any system, the operator shall notify the Board in writing within 30 days of this change.

(f) The operator in responsible charge shall establish standard operating procedures for each facility for which he/she is responsible. These procedures shall provide sufficient instruction to ensure that his/her decisions about water quality or quantity that affect public health are carried out properly. The procedures shall instruct persons lacking proper certification to refer all such decisions affecting public health to the certified operator on duty or to the operator in responsible charge.

History Note: Authority G.S. 90A-21(c); 90A-31;
 Eff. August 1, 1998;
 Amended Eff. August 1, 2002; August 1, 2000.