

CHAPTER 8 - WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION

This Chapter 8 of Title 15A of the North Carolina Administrative Code (T15A.08); WTP OPERATORS CERTIFICATION COMMISSION; has been transferred and recodified from Chapter 8 of Title 15 of the North Carolina Administrative Code (T15.08), effective November 1, 1989. The recodification was pursuant to G.S. 143B-279.1.

SUBCHAPTER 8A - AUTHORITY: ORGANIZATION: STRUCTURE: DEFINITIONS AND HEARING PROCEDURES

SECTION .0100 - DEFINITIONS AND ORGANIZATION

15A NCAC 08A .0101 DEFINITIONS

History Note: Authority G.S. 90A-37; 90A-38; 90A-40; 90A-44; 90A-45; 143B-300; 150B-2(4);
Eff. February 1, 1976;
Amended Eff. July 1, 1993; May 1, 1991; August 1, 1988; February 20, 1980;
Repealed Eff. April 1, 1999.

15A NCAC 08A .0102 CREATION

History Note: Authority G.S. 143B-300;
Eff. February 1, 1976;
Amended Eff. May 1, 1991; August 1, 1988; August 1, 1978;
Repealed Eff. July 1, 1993.

15A NCAC 08A .0103 MEMBERSHIP AND QUALIFICATIONS

15A NCAC 08A .0104 APPOINTMENT OF MEMBERS

15A NCAC 08A .0105 DISMISSAL OF MEMBERS

15A NCAC 08A .0106 COMPENSATION FOR MEMBERS

15A NCAC 08A .0107 A QUORUM

15A NCAC 08A .0108 CLERICAL STAFF

History Note: Authority G.S. 90A-36; 143B-301; 143B-13; 93B-5;
Eff. February 1, 1976;
Amended Eff. August 1, 1978;
Repealed Eff. July 1, 1983.

15A NCAC 08A .0109 COMMISSION MEETINGS

History Note: Authority G.S. 143B-301;
Eff. February 1, 1976;
Repealed Eff. May 1, 1985.

15A NCAC 08A .0110 DELEGATIONS

History Note: Authority G.S. 90A-37; 90A-39; 90A-40;
Eff. February 20, 1980;
Repealed Eff. August 1, 1988.

SECTION .0200 - GENERAL PURPOSE: DUTIES AND REQUIREMENTS: AND PROGRAMS

15A NCAC 08A .0201 PURPOSE

History Note: Authority G.S. 90A-35; 90A-43;
Eff. February 1, 1976;

Repealed Eff. July 1, 1983.

15A NCAC 08A .0202 DUTIES AND REQUIREMENTS

*History Note: Authority G.S. 143B-300; 90A-37 through 90A-43;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; May 1, 1991; August 1, 1988; July 1, 1983;
Repealed Eff. April 1, 1999.*

15A NCAC 08A .0203 PROGRAMS

*History Note: Authority G.S. 143B-300; 90A-35;
Eff. February 1, 1976;
Amended Eff. January 1, 1977;
Repealed Eff. May 1, 1985.*

SECTION .0300 - HEARING PROCEDURES

15A NCAC 08A .0301 RULE MAKING PROCEDURES

15A NCAC 08A .0302 CONTESTED CASE PROCEDURES

*History Note: Authority G.S. 143B-300; 150B-2(4);
Eff. January 1, 1977;
Amended Eff. July 1, 1993; August 1, 1988; February 15, 1978;
Repealed Eff. April 1, 1999.*

15A NCAC 08A .0303 PETITIONS FOR REGULATORY ACTIVITY

*History Note: Authority G.S. 113-134; 143B-289A; 150B-20;
Eff. July 1, 1993;
Repealed Eff. April 1, 1999.*

SUBCHAPTER 8B - CERTIFICATION OF OPERATORS

**SECTION .0100 - APPLICATION FOR EXAMINATION AND CERTIFICATION:
AND NOTIFICATION OF CHANGE IN ADDRESS**

15A NCAC 08B .0101 APPLICATION FORM

15A NCAC 08B .0102 APPLYING FOR EXAMINATION

15A NCAC 08B .0103 APPLYING FOR TEMPORARY CERTIFICATION

15A NCAC 08B .0104 APPLYING FOR TEMPORARY CERTIFICATION RENEWAL

15A NCAC 08B .0105 APPLYING FOR CERTIFICATION BY RECIPROCITY

15A NCAC 08B .0106 APPLYING FOR CONDITIONAL CERTIFICATION

*History Note: Authority G.S. 90A-39; 90A-40(b); 90A-42; 90A-42(4); 143B-300; 150B-23;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; August 1, 1988; February 20, 1980;
Repealed Eff. April 1, 1999.*

15A NCAC 08B .0107 APPLYING FOR VOLUNTARY CONVERSION CERTIFICATION

*History Note: Authority G.S. 90A-39; 90A-42;
Eff. February 1, 1976;
Repealed Eff. August 1, 1988.*

15A NCAC 08B .0108 ADDRESS FOR REQUESTING AND RETURNING APPLICATIONS

History Note: Authority G.S. 90A-39; 90A-42; 143B-300;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; May 1, 1991; August 1, 1978;
Repealed Eff. April 1, 1999.

15A NCAC 08B .0109 REQUIREMENT FOR NOTIFICATION OF CHANGE IN ADDRESS

History Note: Authority G.S. 90A-35; 90A-43; 143B-300;
Eff. January 1, 1977;
Amended Eff. July 1, 1993; May 1, 1991; August 1, 1978;
Repealed Eff. April 1, 1999.

SECTION .0200 - EDUCATION AND EXPERIENCE FOR CERTIFIED WATER POLLUTION CONTROL SYSTEM OPERATORS

- 15A NCAC 08B .0201 GRADE I WASTEWATER TREATMENT PLANT OPERATOR**
- 15A NCAC 08B .0202 GRADE II WASTEWATER TREATMENT PLANT OPERATOR**
- 15A NCAC 08B .0203 GRADE III WASTEWATER TREATMENT PLANT OPERATOR**
- 15A NCAC 08B .0204 GRADE IV WASTEWATER TREATMENT PLANT OPERATOR**

History Note: Authority G.S. 90A-39; 143B-300;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; May 1, 1991; July 1, 1983; February 20, 1980;
Repealed Eff. April 1, 1999.

Editor's Note: Original Rule 15A NCAC 8B .0205 was recodified to 15A NCAC 8B .0214 Eff. July 1, 1993.

15A NCAC 08B .0205 GRADE I COLLECTION SYSTEM OPERATOR

History Note: Authority G.S. 90A-39; 143B-300;
Eff. July 1, 1993;
Repealed Eff. April 1, 1999.

15A NCAC 08B .0206 WAIVER OF EXAMINATION ELIGIBILITY REQUIREMENTS

History Note: Authority G.S. 90A-39; 143B-300;
Eff. February 15, 1978;
Repealed Eff. July 1, 1993.

- 15A NCAC 08B .0207 GRADE II COLLECTION SYSTEM OPERATOR**
- 15A NCAC 08B .0208 GRADE III COLLECTION SYSTEM OPERATOR**
- 15A NCAC 08B .0209 GRADE IV COLLECTION SYSTEM OPERATOR**
- 15A NCAC 08B .0210 SUBSURFACE SYSTEM OPERATOR**
- 15A NCAC 08B .0211 LAND APPLICATION/RESIDUALS OPERATOR**
- 15A NCAC 08B .0212 SPRAY IRRIGATION OPERATOR**
- 15A NCAC 08B .0213 OPERATOR-IN-TRAINING**

History Note: Authority G.S. 90A-39; 143B-300;
Eff. July 1, 1993;
Repealed Eff. April 1, 1999.

15A NCAC 08B .0214 DEFINITIONS

History Note: Authority G.S. 90A-39; 143B-300;
Eff. February 1, 1976;
Amended Eff. May 1, 1991; February 20, 1980;
Recodified from 15A NCAC 8B .0205 Eff. July 1, 1993;
Amended Eff. July 1, 1993;
Repealed Eff. April 1, 1999.

SECTION .0300 - CERTIFICATION BY EXAMINATION

15A NCAC 08B .0301 TIME AND PLACE OF EXAMINATION
15A NCAC 08B .0302 CONDUCTING AND GRADING EXAMINATIONS
15A NCAC 08B .0303 EXAMINATION RESULTS AND ISSUANCE OF CERTIFICATES
15A NCAC 08B .0304 CONDITIONAL CERTIFICATION

History Note: Authority G.S. 90A-37; 90A-39; 90A-40; 90A-40(a); 90A-42; 90A-42(4); 93B-3; 93B-8; 143B-300;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; May 1, 1991; August 1, 1988; April 1, 1987; February 20, 1980;
January 1, 1977;
Repealed Eff. April 1, 1999.

SECTION .0400 - CERTIFICATION WITHOUT EXAMINATION

15A NCAC 08B .0401 VOLUNTARY CONVERSION TO MANDATORY CERTIFICATION

History Note: Authority G.S. 90A-40(c); 143B-300;
Eff. February 1, 1976;
Amended Eff. February 20, 1980; January 1, 1977;
Repealed Eff. August 1, 1988.

15A NCAC 08B .0402 RECIPROCITY CERTIFICATION

History Note: Authority G.S. 90A-37; 90A-40(d); 90A-42; 143B-300;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; August 1, 1988; February 20, 1980; January 1, 1977;
Repealed Eff. April 1, 1999.

15A NCAC 08B .0403 CONDITIONAL CERTIFICATION

History Note: Authority G.S. 90A-37; 90A-40(d);
Eff. February 1, 1976;
Amended Eff. February 20, 1980; February 15, 1978; January 1, 1977;
Repealed Eff. July 1, 1983.

15A NCAC 08B .0404 TEMPORARY CERTIFICATION
15A NCAC 08B .0405 TEMPORARY CERTIFICATION RENEWAL

History Note: Authority G.S. 90A-40(e); 90A-42; 143B-300;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; May 1, 1991; April 8, 1980; February 20, 1980; February 15, 1978;
Repealed Eff. April 1, 1999.

15A NCAC 08B .0406 VOLUNTARY CONVERSION TO MANDATORY CERTIFICATION

History Note: Authority G.S. 90A-40(f);

Eff. July 1, 1993;
Repealed Eff. April 1, 1999.

SECTION .0500 - FEES: REINSTATEMENT: AND ANNUAL REPORT

15A NCAC 08B .0501 SCHEDULE OF FEES

History Note: Authority G.S. 90A-42;
Eff. February 1, 1976;
Amended Eff. February 20, 1980; January 1, 1977;
Repealed Eff. August 1, 1988.

15A NCAC 08B .0502 REFUNDING OF FEES

History Note: Authority G.S. 90A-42; 143B-300;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; August 1, 1988; July 1, 1983;
Repealed Eff. April 1, 1999.

15A NCAC 08B .0503 REINSTATEMENT OF OPERATOR CERTIFICATION **15A NCAC 08B .0504 ANNUAL REPORT**

History Note: Authority G.S. 93B-2; 90A-40; 90A-43; 143B-300;
Eff. February 1, 1976;
Amended Eff. February 20, 1980;
Repealed Eff. August 1, 1988.

15A NCAC 08B .0505 FEES FOR MAILING LISTS

History Note: Authority G.S. 90A-42; 90A-43; 143B-300;
Eff. January 1, 1977;
Amended Eff. February 20, 1980;
Repealed Eff. August 1, 1988.

15A NCAC 08B .0506 CONTRACT OPERATORS ANNUAL REPORT

History Note: Authority G.S. 90A-45(c);
Eff. July 1, 1993;
Repealed Eff. April 1, 1999.

SUBCHAPTER 8C - CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS

SECTION .0100 - CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS

15A NCAC 08C .0101 RATING WASTEWATER TREATMENT FACILITIES

History Note: Authority G.S. 90A-37; 130-160; 143-215.1(c); 143-215.1(d);
Eff. February 1, 1976;
Repealed Eff. August 1, 1988.

15A NCAC 08C .0102 RATING SCALE FOR CLASSIFICATION OF WASTEWATER TREATMENT FACILITIES

History Note: Authority G.S. 90A-37;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; May 1, 1991; August 1, 1988; April 1, 1987;
Repealed Eff. April 1, 1999.

15A NCAC 08C .0103 CLASSIFICATION CATEGORIES

History Note: Authority G.S. 90A-37;
Eff. February 1, 1976;
Repealed Eff. July 1, 1983.

15A NCAC 08C .0104 DEFINITIONS

History Note: Authority G.S. 90A-37;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; May 1, 1991; July 1, 1983; March 18, 1980;
Repealed Eff. April 1, 1999.

15A NCAC 08C .0105 CLASSIFICATION OF SUBSURFACE TREATMENT AND DISPOSAL SYSTEMS
15A NCAC 08C .0106 CLASSIFICATION OF LAND APPLICATION SYSTEMS
15A NCAC 08C .0107 CLASSIFICATION OF COLLECTION SYSTEMS
15A NCAC 08C .0108 CLASSIFICATION OF SPRAY IRRIGATION SYSTEMS

History Note: Authority G.S. 90A-37;
Eff. July 1, 1993;
Repealed Eff. April 1, 1999.

SUBCHAPTER 8D - POWERS AND ENFORCEMENT

SECTION .0100 - POWERS AND ENFORCEMENT

15A NCAC 08D .0101 POWERS

History Note: Authority G.S. 143B-300;
Eff. February 1, 1976;
Repealed Eff. July 1, 1983.

15A NCAC 08D .0102 CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS

History Note: Authority G.S. 90A-35; 90A-37; 90A-43; 90A-44; 150B-23;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; August 1, 1988; January 1, 1977;
Repealed Eff. April 1, 1999.

15A NCAC 08D .0103 CERTIFIED OPERATORS REQUIRED

History Note: Authority G.S. 90A-35; 90A-43; 90A-44; 150B-3; 150B-23;
Eff. February 1, 1976;
Repealed Eff. July 1, 1983.

15A NCAC 08D .0104 REVOCATION, RELINQUISHMENT OR INVALIDATION OF CERTIFICATION

15A NCAC 08D .0105 NOTIFICATION TO ENVIRONMENTAL MANAGEMENT COMMISSION

History Note: Authority G.S. 90A-35; 90A-41; 90A-43; 143B-300; 150B-3; 150B-23; 150B-38; 150B-52;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; May 1, 1991; April 1, 1987; January 1, 1977;
Repealed Eff. April 1, 1999.

15A NCAC 08D .0106 RECERTIFICATION FOLLOWING REVOCATION OR RELINQUISHMENT

History Note: Authority G.S. 90A-39; 150B-3; 150B-38;
Eff. April 1, 1987;
Amended Eff. July 1, 1993; May 1, 1991;
Repealed Eff. April 1, 1999.

SUBCHAPTER 8E - TRAINING WASTEWATER TREATMENT PLANT OPERATORS

SECTION .0100 - SCHOOLS: SPECIAL COURSES: LABORATORIES: FILM LIBRARY: AND OTHER OPPORTUNITIES

- 15A NCAC 08E .0101 ANNUAL WASTEWATER TREATMENT PLANT OPERATORS' SCHOOL**
- 15A NCAC 08E .0102 REGIONAL WASTEWATER TREATMENT PLANT OPERATORS SCHOOLS**
- 15A NCAC 08E .0103 SPECIAL COURSES**
- 15A NCAC 08E .0104 LABORATORY TRAINING CENTERS**
- 15A NCAC 08E .0105 FILM LIBRARY**
- 15A NCAC 08E .0106 OTHER TRAINING OPPORTUNITIES**
- 15A NCAC 08E .0107 COOPERATION IN PROMOTION OF TRAINING FOR PERSONNEL**

History Note: Authority G.S. 90A-43;
Eff. February 1, 1976;
Repealed Eff. July 1, 1983.

SECTION .0200 - STUDY MATERIALS ADOPTED

- 15A NCAC 08E .0201 OFFICIAL TEXT BOOKS**
- 15A NCAC 08E .0202 ADDITIONAL STUDY MATERIALS**

History Note: Authority G.S. 90A-43;
Eff. February 1, 1976;
Repealed Eff. February 15, 1978.

- 15A NCAC 08E .0203 STUDY MATERIALS**
- 15A NCAC 08E .0204 AVAILABILITY OF STUDY MATERIAL LIST**

History Note: Authority G.S. 90A-43;
Eff. February 15, 1978;
Repealed Eff. July 1, 1983.

SUBCHAPTER 08F - CERTIFICATION OF OPERATORS OF ANIMAL WASTEMANAGEMENT SYSTEMS

SECTION .0100 - GENERAL PURPOSE/DEFINITIONS

15A NCAC 08F .0101 PURPOSE

(a) The purpose of these Rules is to reduce nonpoint source pollution in order to protect the public health and to conserve and protect the quality of the State's water resources, to encourage the development and improvement of the State's agricultural land for the production of food and other agricultural products, and to require the examination of animal waste management system operators and certification of their competency to operate or supervise the operation of those systems.

(b) These Rules apply to all operators of animal waste management systems that are required to designate an operator in charge as specified by G.S. 90A-47.2(a). These animal waste management systems include those systems that are designed to serve an animal operation as defined by G.S. 143B-215.10B(1).

(c) The Certification Commission shall classify animal waste management systems based on the types of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste.

(d) The Certification Commission shall establish certifications for each type of animal waste management system so that persons holding these certificates shall be affirmed competent to operate a specific type of animal waste management system.

*History Note: Authority G.S. 90A-37; 90A-38; 90A-47; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

15A NCAC 08F .0102 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) "Active certification" means that all training and certification requirements pursuant to G.S. 90A-47.3(b) and G.S. 90A-47.4 have been completed.
- (2) "Animal waste management plan" means a plan to collect, store, treat, or apply animal waste to the land in an environmentally safe manner developed in accordance with G.S. 143-215.10C.
- (3) "Animal waste management system operator" means a person that has been certified by the Commission as a Type A Animal Waste Management System Operator or as a Type B Animal Waste Management System Operator.
- (4) "Approved training" means any training required in order to be eligible for an examination or to meet continuing education requirements as established in accordance with 15A NCAC 08F .0400.
- (5) "Back-up Operator in Charge" or "Back-up OIC" means a person that holds an active certification to operate an animal waste management system and who has responsibility for the operation of the system as described in G.S. 90A-47.1(a)(4) when the OIC is absent from his or her duties.
- (6) "Certified operator" means a person who holds an active certification as an animal waste management system operator.
- (7) "Commission" means the Water Pollution Control System Operators Certification Commission created by G.S. 143B-300. The Commission address is 1618 Mail Service Center, Raleigh, NC 27699-1618 and the website may be found at: <https://deq.nc.gov/about/divisions/water-resources/operator-certification>.
- (8) "Contract animal waste management system operator" means any certified animal waste operator who contracts with the owner or person in control of an animal operation pursuant to G.S. 90A-47.2(b).
- (9) "Operator in Charge" or "OIC" means a person who holds an active certification to operate an animal waste management system and who has responsibility for the operation of the system as defined in G.S. 90A-47.1(a)(4).
- (10) "Person under the supervision of an Operator in Charge" means a person who takes directions from the OIC and who shall only land apply animal waste when the OIC is available for consultation and advice at any time during the application of animal waste.

*History Note: Authority G.S. 90A-47.6; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.*

SECTION .0200 - DUTIES AND REQUIREMENTS

15A NCAC 08F .0201 DUTIES AND REQUIREMENTS OF OWNERS

(a) The owner of each animal operation having an animal waste management system shall submit an Animal Waste Management System Operator Designation Form to the Commission that designates an OIC. This form shall be signed by the owner and the certified operator and shall be submitted to the Commission via mail or email to certadmin@ncdenr.gov. The OIC shall be designated:

- (1) before a new animal operation having an animal waste management system is placed in operation; or
- (2) within 30 days following a vacancy in the position of OIC.

(b) An owner may voluntarily designate a Back-up OIC to operate the animal waste management system during the absence of the primary OIC.

(c) The Animal Waste Management System Operator Designation Form may be found on the Commission website and shall include:

- (1) the owner's name, contact information, and signature;
- (2) the system name, location, permit number, type, and classification;
- (3) the OIC name, contact information, certification type, and signature; and
- (4) if designated, the Back-up OIC's name, contact information, certificate type, and signature.

*History Note: Authority G.S. 90A-47.2; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.*

15A NCAC 08F .0202 DUTIES AND REQUIREMENTS OF CERTIFIED OPERATORS

Certified operators shall:

- (1) comply with all terms and conditions of their certification as set forth in these Rules;
- (2) notify the Commission in writing, within 30 days of any change in mailing address; and
- (3) pay an annual renewal fee of ten dollars (\$10.00) as specified at G.S. 90A-47.4(b) and complete all additional training requirements as specified at G.S. 90A-47.3(b).

*History Note: Authority G.S. 90A-47.4; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.*

15A NCAC 08F .0203 DUTIES AND REQUIREMENTS OF AN OPERATOR IN CHARGE

(a) An OIC of any animal waste management system shall:

- (1) possess an active certification as an Animal Waste Management System Operator of the same type as the classification of the system;
- (2) visit and inspect each animal waste management system at a frequency to ensure compliance with the permit;
- (3) be responsible for the application of the animal waste;
- (4) manage, supervise, and document operation, maintenance, and visitation of the system; and
- (5) certify by signature the monitoring and reporting information as prescribed in the permit.

(b) The OIC or a designated Back-up OIC of a Type A Animal Waste Management System shall:

- (1) ensure that animal waste is applied in accordance with the animal waste management plan and the permit issued for the animal operation;
- (2) inspect or direct a person under the supervision of an OIC or designated Back-up OIC to inspect the land application site at a frequency not to exceed every 120 minutes during the application of animal waste; and
- (3) if the OIC or designated Back-up OIC was not present during the application of animal waste, inspect the land application site within 24 hours of the application of animal waste.

(c) The OIC or a designated Back-up OIC of a Type B Animal Waste Management System shall:

- (1) ensure that animal waste is applied in accordance with the animal waste management plan and the permit issued for the animal operation;

- (2) inspect or direct a person under the supervision of an OIC or designated Back-up OIC to inspect the land application site at a frequency not to exceed every 120 minutes during the application of animal waste; and
- (3) if the OIC or designated Back-up OIC was not present during the application of animal waste, inspect the land application site within 48 hours of the application of animal waste.

*History Note: Authority G.S. 90A-47.6; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.*

SECTION .0300 - CLASSIFICATION

15A NCAC 08F .0301 CLASSIFICATION OF ANIMAL WASTE MANAGEMENT SYSTEMS

(a) The Commission shall classify animal waste management systems based on the types of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste as follows:

- (1) Type A: These animal waste management systems are used to treat waste generated by monogastric animals that produce a low fiber waste. They include any or all of the following structures and nonstructural components that provide for the collection, treatment, storage, and land application of animal waste and rely on soil and plant systems for the treatment of animal waste:
 - (A) anaerobic lagoon;
 - (B) pumps, pipes, and associated appurtenances that convey the waste from point of generation to final treatment and disposal site;
 - (C) flushing systems;
 - (D) solids separation equipment;
 - (E) irrigation equipment;
 - (F) land application site and crops; and
 - (G) anaerobic digester.
- (2) Type B: These animal waste management systems are used to treat waste generated by ruminants and other animals that produce a high fiber waste. They include any or all of the following structures and nonstructural components that provide for the collection, treatment, storage, and land application of animal waste and rely on soil and plant systems for the treatment of animal waste:
 - (A) dry stacks;
 - (B) solids and slurry collection equipment;
 - (C) storage ponds for the collection of solids and runoff;
 - (D) pumps, pipes, and associated appurtenances that convey the waste from point of generation to final treatment and disposal site;
 - (E) application equipment;
 - (F) land application site and crops; and
 - (G) anaerobic digester.

(b) Animal waste management systems that include components that are different than the systems described in this Rule shall be evaluated by the Commission to determine if the systems are subject to classification in accordance with 15A NCAC 08G .0302 through .0308.

*History Note: Authority G.S. 90A-37; 90A-47.2; 90A-47.6; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.*

SECTION .0400 - CERTIFICATION OF OPERATORS

15A NCAC 08F .0401 QUALIFICATIONS FOR EXAMINATION

(a) An applicant for certification as a Type A or Type B Animal Waste Management System Operator shall be expected to meet the following criteria and possess the knowledge and abilities listed as they relate to the specific type of system for which certification is being sought and shall:

- (1) be at least 18 years of age;

- (2) have completed an approved training program of the same type as the examination for which they are applying;
 - (3) possess knowledge of:
 - (A) animal operations, animal waste management systems, and animal waste management plans;
 - (B) the laws and rules that govern animal waste management operators and the operation of animal waste management systems; and
 - (C) the equipment employed by these systems and the maintenance requirements of such equipment; and
 - (4) have the ability to:
 - (A) perform calibrations and calculations relating to the land application of the waste; and
 - (B) read and complete the monitoring and reporting forms necessary to document the land application of animal waste as prescribed in the animal waste management plan and the permit.
- (b) An applicant who fails to achieve a passing score on a specific type of examination after three consecutive attempts shall:
- (1) complete an approved training for the same type as the certification being sought before being eligible to retake the examination; and
 - (2) provide verification of the required training with any subsequent application made to the Commission to sit for the examination.

History Note: Authority G.S. 90A-43; 90A-47.3; 90A-47.6; 143B-300; Temporary Adoption Eff. January 7, 1997; Eff. August 1, 1998; Readopted Eff. September 1, 2018.

15A NCAC 08F .0402 APPLYING FOR EXAMINATION

- (a) An Animal Waste Management System Operator Certification Examination Application shall be submitted with the twenty-five dollar (\$25.00) examination fee required by G.S. 90A-47.4 to the Commission.
- (b) The application may be found on the Commission website and shall include:
 - (1) the applicant's name, contact information, and date of birth;
 - (2) Social Security Number (if first-time applicant);
 - (3) the type of certification sought;
 - (4) the date and location of examination requested;
 - (5) the documentation of required training; and
 - (6) the applicant's signature.
- (c) Applications for examination shall be postmarked by the United States Postal Service at least 30 days prior to the date upon which the examination is scheduled to be administered.
- (d) Incomplete applications and applications not accompanied by the fee and attachments shall not be processed and will be returned to the applicant.

History Note: Authority G.S. 90A-47.3; 143B-300; Temporary Adoption Eff. January 7, 1997; Eff. August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015; Amended Eff. September 1, 2018.

15A NCAC 08F .0403 APPLICATION PROCEDURES

- (a) Upon receipt of the application by the Commission, it will be reviewed for eligibility to take the examination.
- (b) Eligible applicants shall be notified by letter and told the date, time, and place of the examination he or she is registered to take. The notice shall serve as a receipt for the examination fee.
- (c) When the applicant is determined to be ineligible for examination, the applicant shall be notified by letter and advised of the reason for ineligibility. The examination fee shall be refunded in the event that the applicant is determined to be ineligible for the examination. Upon notification of ineligibility, the applicant may request a hearing with the Commission on the ineligibility determination at the next regularly scheduled meeting. The written request shall be postmarked at least 30 days prior to the next regularly scheduled meeting.
- (d) Any applicant who supplies false information on the application for certification for the purpose of gaining eligibility shall be ineligible for the examination and shall forfeit the examination fee. Applicants who have supplied false information and

who have been determined to be ineligible who wish to reapply for certification shall follow the procedure set forth in Rule .0407(d) of this Section.

History Note: Authority G.S. 90A-47.3; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08F .0404 EXAMINATION PROCEDURES

The Commission shall conduct examinations for certification in accordance with the following:

- (1) The dates, times, and places of examination shall be set by the Commission and shall be published on the Commission's webpage.
- (2) When each applicant receives his or her examination paper, he or she shall identify themselves by way of a current driver's license or other form of photo identification.
- (3) A passing score shall be answering 70 percent of the examination questions correctly.
- (4) The Commission shall send written notification to the applicant of his or her score, using the address submitted upon application. If a passing score is made, the notification shall constitute certification by the Commission that the applicant is a qualified operator of the appropriate type of animal waste management systems. After each examination, a Certified Operator Listing shall be prepared and published on the Commission webpage.
- (5) Any applicant who fails to make a passing score on an examination shall be allowed to review their exam at a date, time, and location specified by the Commission. Notification of the reviews shall be sent using the address submitted upon application and this shall be the only opportunity the applicant shall be allowed for reviewing the examination. An applicant shall not be allowed to review the examination within 30 days of an upcoming examination date.
- (6) All examinees shall receive a report that summarizes their performance on the exam, including the score, subject matter areas from which the questions were drawn, as well as correct and incorrect responses to each question. Specific questions from the exam shall not be included in this report.

History Note: Authority G.S. 90A-47.3; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08F .0405 RENEWAL OF CERTIFICATION

- (a) A currently valid certification as an animal waste management system operator shall be maintained by:
 - (1) the payment of the annual renewal fee of ten dollars (\$10.00) set forth in G.S. 90A-47.4(b), prior to December 31 of the year of renewal;
 - (2) completion of six hours of additional training approved by the Commission during each three-year period following initial certification.
- (b) A certified animal waste management system operator that fails to pay the annual renewal fee within 30 days of the due date, or fails to complete the approved training within 30 days of the end of the three-year period, shall take and pass an examination approved by the Commission to renew the certificate.
- (c) 60 days prior to the renewal due date, the Commission shall mail renewal notices to each certified operator at the last address on file with the Commission. Failure to receive a renewal notice does not relieve a certified operator of the responsibility to renew the certificate by the renewal due date.

History Note: Authority G.S. 90A-47.3; 90A-47.4; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0406 DISCIPLINARY ACTIONS

- (a) The Commission, in accordance with the provisions of G.S. 90A-47.5, may suspend or revoke the certificate of a certified operator in charge.
- (b) The Chairman of the Commission may issue notification of summary suspension in accordance with the provisions of G.S. 150B-3.
- (c) The Chairman shall convene a disciplinary committee to review the circumstances of the proposed disciplinary action(s).
 - (1) The disciplinary committee shall include:
 - (A) the Chairman of the Commission;
 - (B) the Vice Chairman of the Commission;
 - (C) both members of the Commission appointed by the Commissioner of Agriculture; and
 - (D) a certified operator who is not a member of the Commission and has been appointed from the public by the Chairman.
 - (2) The members of the disciplinary committee shall offer guidance to the Commission Chairman regarding the actions that should be taken against an operator.
- (d) Notification of the disciplinary committee meeting shall be sent by certified mail to the last known address of the operator at least 15 days prior to the date of the meeting of the disciplinary committee. This notification shall contain the alleged facts or conduct upon which the proposed revocation or suspension of the certification is based.
- (e) The operator shall have an opportunity to submit a written response to the Chairman prior to the date of the disciplinary committee meeting. The operator shall also be given the opportunity to make an oral statement before the disciplinary committee.
- (f) Within 10 business days of the conclusion of the disciplinary committee meeting, the Chairman shall issue the decision of the disciplinary committee. If this decision is to issue a revocation or suspension, the Chairman shall advise the operator of the effective date of the action and the facts or conduct upon which the action is based. The revocation or suspension of a certification shall be delivered to the operator and the owner of the system(s) at which the operator works by certified mail, at the last known address for the operator and owner on file with the Commission, at least 20 days prior to the effective date of the revocation or suspension.
- (g) If the certified operator initiates administrative proceedings, the Commission shall defer final action on the matter until receipt of a decision as provided for in G.S. 150B-34.
- (h) If an applicant is caught cheating on an examination by a proctor, the applicant shall be removed from the examination, the examination shall not be graded, the fee for the examination shall be forfeited by the applicant, and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-47.5 and in this Rule.
- (i) If the Commission determines, after the examination has been graded, that an applicant cheated on an examination and certification has been conveyed to the applicant, the certification obtained through the examination shall be revoked and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-47.5 and in this Rule.

*History Note: Authority G.S. 90A-47.5;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. December 1, 2018.*

15A NCAC 08F .0407 RECERTIFICATION FOLLOWING REVOCATION OR RELINQUISHMENT

- (a) After revocation or relinquishment has been effective for a period of not less than 270 days, a person may apply in writing for recertification. The application shall include any facts concerning changes to conditions under which revocation or relinquishment occurred. Such facts shall show that the applicant will comply with the laws and regulations concerning the operation of animal waste management systems.
- (b) Within 120 days following receipt of an application for recertification, the Commission shall notify the applicant by letter of its decision to deny or grant examination eligibility in accordance with procedures set out in Rule .0403 of this Section. The Commission shall grant eligibility only if there is evidence that the conditions leading to the revocation or relinquishment have been corrected.
- (c) Recertification of a person as an operator of animal waste management systems shall only occur by means of application and examination. The applicant shall meet the eligibility requirements as outlined in Rule .0401 of this Section.
- (d) Upon notification of the Commission's decision to deny eligibility, the applicant may appeal the decision pursuant to the procedures contained in G.S. 150B, Article 3A.
- (e) Prior to recertification, the applicant shall pay in full all civil penalties, if assessed against him or her by the Commission.

History Note: Authority G.S. 90A-47; 143B-300; 150B-38;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

SECTION .0500 - CIVIL PENALTIES

15A NCAC 08F .0501 WHO MAY ASSESS

History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Repealed Eff. September 1, 2018.

15A NCAC 08F .0502 WHEN ASSESSABLE

The Commission may assess civil penalties whenever it determines that an owner of an animal operation with an animal waste management system or an OIC of an animal waste management system willfully violates the requirements of G.S. 90A-47, Part 2. In addition to violations in G.S. 90A-47.5(a), a failure to designate a properly certified OIC of the animal waste management system as required by G.S. 90A-47.2(a) may result in the assessment of civil penalties.

History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0503 STANDARDS

In determining the amount of the assessment, the Commission shall consider the following standards:

- (1) the duration of the violation;
- (2) the preventive or responsive measures taken by the violator; and
- (3) the cost to the violator or others of rectifying damages caused by the violation.

History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0504 ASSESSMENT

(a) Whenever a penalty is assessed, the Commission shall send a notice to the respondent by certified mail. The notice will describe the violation, state that the penalty is due, and advise the respondent of the rights of appeals as specified in Rule .0505 of this Section.

(b) The Commission may grant full or partial remission of a penalty, upon receipt of a request for remission or reduction of the penalty as allowed in Rule .0505(a) of this Section, if it finds that additional or different facts should be or should have been considered in determining the amount of assessment.

History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0505 PAYMENT AND HEARING

(a) Within 30 days after receipt of notification of an assessment, the assessed person must tender payment, submit in writing a request for remission or reduction of the penalty, or file a petition with the Office of Administrative Hearings in accordance with the procedures found in G.S. 150B, Article 3A.

(b) The Commission shall accept and acknowledge in writing all tenders of payment.

History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0506 REFERRALS

If any civil penalty as finally assessed is not paid, the Commission shall request the Attorney General to commence action to recover the amount of the assessment.

History Note: Authority G.S. 90A-47.5;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

SUBCHAPTER 08G - AUTHORITY: ORGANIZATION: STRUCTURE: DEFINITIONS

SECTION .0100 - GENERAL PURPOSE AND DEFINITIONS

15A NCAC 08G .0101 PURPOSE

The purpose of these Rules is to:

- (1) protect the public health of the citizens of the State; and
- (2) conserve, protect, and maintain the quality of the water resources of the State as assigned by the North Carolina Environmental Management Commission; and
- (3) protect the public investment in water pollution control systems; and
- (4) provide for the classification of water pollution control systems; and
- (5) establish the procedures for the examination and certification of operators of water pollution control systems.

History Note: Authority G.S. 90A-35;
Eff. April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0102 DEFINITIONS

In addition to the definitions in G.S. 90A-46, the following definitions shall apply throughout this Subchapter:

- (1) "Activated sludge" means a biological wastewater treatment process in which biodegradable pollutants in wastewater are absorbed, or adsorbed, by living aerobic organisms and bacteria in an aerated suspension that is separated from the treated wastewater.
- (2) "Actual experience" means the time working as a water pollution control system operator or operator in responsible charge. An operator is an individual whose job responsibility is the physical operation of process equipment and systems at a water pollution control system. Job responsibilities such as laboratory testing, facility and equipment maintenance, administrative support, or direct or indirect supervision do not qualify as actual experience.
- (3) "ATU" means aerobic treatment unit and refers to a treatment component that utilizes oxygen to degrade or decompose wastewater with or without mechanical means. The term is used to describe proprietary devices that use direct introduction of air into wastewater by mechanical means to maintain aerobic conditions.
- (4) "Approved training" means any training required for examination eligibility or to meet continuing education requirements as established in accordance with 15A NCAC 08G .0400 and 15A NCAC 08G .0701.
- (5) "Back-up ORC" means Back-up Operator in Responsible Charge and refers to the operator who is designated to act as surrogate for the Operator in Responsible Charge (ORC) when the ORC is absent from his or her professional duties as set forth in G.S. 90A-44.

- (6) "Basic sciences" means courses in agronomy, biology, botany, chemistry, engineering, environmental health and sciences, geology, math, physics, soil science, and zoology offered by a college or university accredited by an agency recognized by the United States Department of Education.
- (7) "Chemical process" means a water pollution control system process consisting of the addition of chemicals to treat wastewaters.
- (8) "Collection system" means a connection of pipelines, conduits, pumping stations, and other related constructions or devices used to conduct wastewater to a water pollution control system.
- (9) "Commission" means the Water Pollution Control System Operators Certification Commission created by G.S. 143B-300.
- (10) "Contact Hour" means one hour of Commission-approved operator instruction in accordance with 15A NCAC 08G .0701.
- (11) "Contract operations firm" means any commercial water pollution control system operations firm that contracts with the owner of a water pollution control system to provide operational services for the system pursuant to G.S. 90A-45(a).
- (12) "Contract operator" means any certified water pollution control system operator who contracts with the owner of a water pollution control system to provide operational and other services for the system pursuant to G.S. 90A-45(a).
- (13) "Electrodialysis system" means a system utilizing a selective separation of dissolved solids process that is based on electrical charge and diffusion through a semipermeable membrane.
- (14) "GED" means general educational development in reference to a high school diploma equivalency.
- (15) "Media filter" means a device that uses materials designed to treat effluent by reducing biochemical oxygen demand and removing suspended solids in an unsaturated environment. Biological treatment is facilitated via microbial growth on the surface of the media.
- (16) "Operator in Training (OIT)" means the certificate issued with Commission approval to an individual prior to the completion of the experience requirements for that level of certification.
- (17) "Operator in Responsible Charge (ORC)" means the individual designated by a person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as the operator of record of the water pollution control system and who has primary responsibility for the operation of such system as defined in G.S. 90A-46
- (18) "Owner" means the person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as defined in G.S. 90A-44.
- (19) "Passing score" means earning 70 percent of the available points on an examination administered by the Commission.
- (20) "Physical/Chemical system" means any water pollution control system that utilizes a physical or a chemical process or both.
- (21) "Physical process" means any water pollution control system process consisting of electrodialysis, adsorption, absorption, air stripping, gravimetric sedimentation, flotation, or filtration as the means of treatment.
- (22) "Reciprocity certificate" means a certificate issued of the appropriate type and grade to an applicant certified in another state and who meets all other requirements set forth in Rule .0410 of this Section.
- (23) "Regional office" means one of the seven local offices of the Department of Environmental Quality located across the State.
- (24) "Residuals" means any solid, semisolid, or liquid waste, other than effluent or residues from agricultural products and processing, generated from a water pollution control facility, water supply treatment facility, or air pollution control facility permitted under the authority of the Environmental Management Commission or the Commission for Public Health.
- (25) "Reverse osmosis system" means a system that utilizes solutions and semipermeable membranes to separate and treat wastewaters.
- (26) "Submerged fixed growth" means a biological wastewater treatment system in which the wastewater is treated by contact with a biological growth that is fixed to submerged support media and includes systems such as rotating biological contactors and sequencing batch reactors.
- (27) "Successful completion" means the attendance of 80 percent of the approved training for examination eligibility and 100 percent of training for continuing education.
- (28) "Temporary certificate" means a certificate issued of an appropriate type and grade, without examination, to any person employed as a water pollution control system operator when the Commission finds that the

supply of certified operators, or persons with the training and experience necessary for certification, is inadequate and the situation meets the requirements set forth in G.S. 90A-40(e).

- (29) "Ultrafiltration system" means a system that utilizes a membrane filter process to remove pollutants from wastewater.
- (30) "Valid certificate" means the certificate of an operator that has all required renewal fees paid, all required continuing education training completed, and has not been revoked, relinquished, invalidated, or suspended.
- (31) "Water pollution control system" means any system for the collection, treatment, or disposal of wastewater and is classified under the provisions of G.S. 90A-37.

History Note: Authority G.S. 143B-300;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

SECTION .0200 - DUTIES AND RESPONSIBILITIES

15A NCAC 08G .0201 RESPONSIBILITY OF SYSTEM OWNERS TO DESIGNATE CERTIFIED OPERATORS

Owners of classified water pollution control systems shall designate operators certified by the Commission of the same type and grade as the classification for the system and for each classification shall:

- (1) designate one ORC who possesses a valid certificate of the type and grade at least equivalent to the type and grade of the system;
- (2) designate one or more Back-up ORC(s) who possesses a valid certificate of the type of the system and no more than one grade less than the grade of the system, with the exception of no Back-up ORC is required for systems whose minimum visitation requirements are twice per year; and
- (3) submit a signed completed Operator Designation Form to the Commission (or to the local health department for owners of subsurface systems) countersigned by the designated certified operators, designating the ORC and the Back-up ORC:
 - (a) 60 days prior to wastewater or residuals being introduced into a new system;
 - (b) within 120 days following:
 - (i) notification of a change in the classification of the system requiring the designation of a new ORC and Back-up ORC of the proper type and grade; or
 - (ii) a vacancy in the position of ORC or Back-up ORC; or
 - (c) within seven days of vacancies in both ORC and Back-up ORC positions replacing or designating one of the responsibilities.

the Operator Designation Form may be found on the Commission website at: <https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification-downloads> and shall include:

- (i) the owner's name, contact information, and signature;
- (ii) the system name, location, permit number, type, and classification;
- (iii) the ORC name, contact information, the type and grade of the certification, and signature; and
- (iv) the Back-up ORC name(s), contact information, the type(s) and grade(s) of the certification(s), and the signature(s).

History Note: Authority G.S. 90A-37; 90A-38; 90A-39; 90A-40; 90A-44; 90A-45;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0202 RESPONSIBILITIES OF SYSTEM OWNERS

History Note: Authority G.S. 90A-37 through 90A-45;
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.

15A NCAC 08G .0203 RESPONSIBILITIES OF ALL CERTIFIED OPERATORS

Certified operators must:

- (1) comply with all terms and conditions of their certification as set forth in these Rules;
- (2) notify the Commission, in writing, within 30 calendar days of any changes in their mailing address;
- (3) be responsible for the renewal of their certification(s) as specified in Section .0700 of this Subchapter; and
- (4) comply with all statutes and rules regarding the operation of water pollution control systems.

History Note: Authority G.S. 90A-40; 90A-41; 90A-42; 90A-44;

Eff. April 1, 1999;

Amended Eff. December 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0204 RESPONSIBILITIES OF AN OPERATOR IN RESPONSIBLE CHARGE (ORC)

An ORC of a water pollution control system shall:

- (1) possess a valid certificate of the appropriate type and grade for the system;
- (2) visit the system as often as is necessary to ensure the proper operation of the system but in no case less frequently than specified in the following schedule, unless otherwise specified in permit:
 - (a) biological Grade I systems with the exception of Sub-item (2)(e) of this Rule: weekly;
 - (b) biological Grade II, III, and IV systems, other than those systems specified in Sub-item (2)(f) of this Rule: five days per week, excluding State and federal holidays;
 - (c) surface irrigation systems with the exception of Sub-item (2)(e) of this Rule: weekly;
 - (d) collection systems: within 24 hours of knowledge of a bypass, spill, or overflow of wastewater from the system, unless visited by a collection system Back-up ORC;
 - (e) domestic wastewater systems with a treatment capacity of 1500 gallons per day or less: twice per year with a six-month interval between visits;
 - (f) domestic wastewater ATUs with a treatment capacity of 1500 gallons per day or less: weekly;
 - (g) systems permitted under rules adopted by the Commission for Public Health: as required by 15A NCAC 18A .1961, which is hereby incorporated by reference, including subsequent amendments and editions;
 - (h) physical/chemical systems:
 - (i) Grade I systems, including groundwater remediation systems: weekly;
 - (ii) Grade II systems: five days per week, excluding State and federal holidays;
 - (i) land application systems: during or within 48 hours after application of residuals;
 - (j) systems not otherwise classified: as specified by the Commission based on the complexity of the system;
- (3) operate and maintain the system and attempt to ensure the compliance of the system with any permits issued for the system as well as any other applicable local, State, and federal environmental permitting and regulatory requirements;
- (4) certify by signature the validity of all monitoring and reporting information performed on the system as prescribed in any permit issued for the system and provide the owner a copy of monitoring and reporting forms;
- (5) document the operation, maintenance, and all visitation of the system in a log that shall be maintained at the system;
- (6) notify the owner of the system within 24 hours and in writing within five days of first knowledge, of any:
 - (a) overflows from the system or any treatment process unit;
 - (b) bypasses of the system or any treatment process unit; or
 - (c) violations of any limits or conditions of the permit;
- (7) notify the owner in writing of the need for any system repairs and modifications that may be necessary to ensure the compliance of the system with all local, State, and federal environmental permitting and regulatory requirements;
- (8) be available on an on-call basis for in-person interactions:
 - (a) for consultations with the system owner and regulatory officials;
 - (b) to handle emergency situations; and
 - (c) to provide access to the facility to regulatory agencies; and

- (9) upon vacating an ORC position, send the Commission and the appropriate regional office, or the local health department for subsurface system owners, written notice within 14 days of the vacancy.

History Note: Authority G.S. 90A-37; 90A-38; 90A-44;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0205 RESPONSIBILITIES OF A BACK-UP OPERATOR IN RESPONSIBLE CHARGE (BACK-UP ORC)

The Back-up ORC:

- (1) may act as surrogate for the ORC, if he or she possesses a valid certificate of the appropriate type and grade for the system, for a period:
 - (a) not to exceed 40 percent of the system visitations required per calendar year under Rule .0204(2) of this Section; or
 - (b) not to exceed 120 consecutive days when the ORC is absent due to:
 - (i) the vacancy of the ORC position; or
 - (ii) personal or familial illness;
- (2) shall fulfill all of the requirements of Rule .0204 of this Section when acting as surrogate for the ORC; and
- (3) upon vacating a Back-up ORC position, send the Commission and the appropriate regional office, or the local health department for owners of subsurface systems, written notice within 14 days of the vacancy.

History Note: Authority G.S. 90A-37; 90A-38; 90A-44;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

SECTION .0300 - CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS

15A NCAC 08G .0301 APPLICABILITY

- (a) Notwithstanding the requirements in Rules .0302 through .0307 of this Section, the Commission shall modify the classification of a water pollution control system when:
 - (1) conditions created by system design features, or inherent operational requirements exist that make operation of the system more or less complex than when the system was first permitted;
 - (2) upgrades or other modifications to a system are completed; or
 - (3) changes in Commission classification rules are made.
- (b) In-plant processes and related water pollution control equipment that are integral parts of direct industrial production shall not be considered water pollution control systems for the purpose of this Section.
- (c) Water pollution control systems permitted under rules adopted by the Commission for Public Health shall be classified pursuant to Rule .0307 of this Section.
- (d) Water pollution control systems permitted under rules adopted by the Environmental Management Commission shall be classified pursuant to Rules .0302 through .0308 of this Section.
- (e) Reservoirs, settling ponds, and associated pumps and piping that are an integral part of closed-loop water recycle systems for the non-biological and non-toxic treatment of process water at sand, gravel, and crushed stone operations shall not be subject to the requirements of these Rules unless the Commission determines that the system is not being operated or maintained in accordance with permit conditions, as reported by regional office DEQ staff or from citizen complaints.
- (f) Any water pollution control system, regardless of type or ownership, may be classified and required to designate an ORC and a Back-up ORC, in the event that the Commission determines that the system is not being operated or maintained in accordance with permit conditions, as reported by regional office DEQ staff or from citizen complaints.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0302 CLASSIFICATION OF BIOLOGICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

(a) The following discharging systems shall be assigned a classification of Grade I Biological Water Pollution Control System unless the permitted design flow, or operational complexity of the system requires a higher classification:

- (1) septic tank/ media filter systems;
- (2) biological lagoon systems; and
- (3) constructed wetlands and associated appurtenances.

(b) Systems that utilize an activated sludge or submerged fixed growth process with a permitted flow less than or equal to 0.5 million gallons per day (mgd) shall be assigned the classification of Grade II Biological Water Pollution Control System.

(c) Systems utilizing an activated sludge or submerged fixed growth process with permitted flows of greater than 0.5 through 2.5 mgd shall be assigned the classification of Grade III Biological Water Pollution Control System.

(d) Systems utilizing an activated sludge or submerged fixed growth process with a permitted flow greater than 2.5 mgd shall be assigned a classification of Grade IV Biological Water Pollution Control System.

(e) Any system receiving a classification of Grade II Biological Water Pollution Control System that is required to comply with a permit limit for Total Nitrogen or Total Phosphorus shall be assigned the classification of Grade III Biological Water Pollution Control System.

(f) Any system receiving a classification of Grade III Biological Water Pollution Control System that is required to comply with a permit limit for Total Nitrogen or Total Phosphorus shall be assigned the classification of Grade IV Biological Water Pollution Control System.

*History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.*

15A NCAC 08G .0303 CLASSIFICATION OF WATER POLLUTION CONTROL COLLECTION SYSTEMS

(a) Water pollution control collection systems operated to convey wastewater to water pollution control systems which are permitted or tributary to municipalities, regional water pollution control systems, water and sewer authorities, public utilities, or are a Grade II, III or IV state or federally owned system, are subject to classification in accordance with Rule .0303(b) of this Section. Any collection system, regardless of ownership, is classified pursuant to this Rule and required to designate an Operator in Responsible Charge (ORC) and a Back-up Operator in Responsible Charge (Back-up ORC) if the Commission determines that the system is not being operated and maintained in a manner which prevents the escape of wastewater from the system into the environment.

(b) Collection systems are assigned the lower grade classification that is either:

- (1) the same as the grade of the biological water pollution control system to which the collection system is tributary; or
- (2) based on the population served by the collection system in accordance with the following chart:

(A)	1,500 or less	Grade I;
(B)	1,501 to 15,000	Grade II;
(C)	15,001 to 50,000	Grade III;
(D)	50,001 or more	Grade IV.

In the event that the population served cannot be determined, the equivalent population served shall be calculated by using the design flow of the system divided by a flow of 60 gallons per day per person.

*History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

15A NCAC 08G .0304 CLASSIFICATION OF SURFACE IRRIGATION WATER POLLUTION CONTROL SYSTEMS

(a) Systems that utilize surface irrigation for the treatment, reuse, or disposal of wastewater shall be classified as surface irrigation water pollution control systems. Those systems that contain only preliminary treatment processes such as septic

tanks, media filters, oil/water separators, lagoons, storage basins, physical screening, or sedimentation processes shall not be subject to the additional operator requirements as specified in Rule .0302 or .0306 of this Section.

(b) Any surface irrigation system that has as part of its treatment process systems other than those specified in Paragraph (a) of this Rule, shall be subject to additional classification pursuant to these Rules.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0305 CLASSIFICATION OF LAND APPLICATION OF RESIDUALS SYSTEMS

The following systems shall be classified as land application of residuals systems if permitted for the land application of:

- (1) residuals that are produced by a water pollution control system, water supply treatment facility, as defined in G.S. 90A-20.1, or air pollution control facility, as defined in G.S. 159C-3(2); or
- (2) contaminated soils.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0306 CLASSIFICATION OF PHYSICAL/CHEMICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

(a) Any water pollution control system, including systems designed for the remediation of contaminated groundwater, that utilizes a physical process to treat wastewaters shall be classified as a Grade I Physical/Chemical Water Pollution Control System.

(b) Any water pollution control system that utilizes a chemical process to treat wastewaters, including those systems whose treatment processes are augmented by physical processes, shall be classified as a Grade II Physical/Chemical Water Pollution Control System. Any reverse osmosis, electrodialysis, and ultrafiltration system shall be classified as a Grade II Physical/Chemical Water Pollution Control System.

(c) Any water pollution control system that has as part of its treatment process a biological water pollution control system shall be subject to additional classification as a biological water pollution control system.

(d) Any water pollution control system subject to classification under Rule .0302 of this Section utilizing a physical or chemical process to enhance an activated sludge or fixed growth process shall not be subject to additional classification under this Rule.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0307 CLASSIFICATION OF SUBSURFACE WATER POLLUTION CONTROL SYSTEMS

(a) Systems permitted under rules adopted by the Environmental Management Commission that utilize the soil for the subsurface treatment and disposal of wastewater shall be classified as subsurface water pollution control systems.

(b) Any subsurface water pollution control system that is required to have a certified operator under 15A NCAC 18A .1961 shall be deemed classified as a subsurface water pollution control system.

(c) Any subsurface water pollution control system that has as part of its treatment process a water pollution control system that may be classified under Rules .0302 through .0306 of this Section shall be subject to additional classification if required by rules for wastewater systems adopted by the Commission for Public Health based upon system complexity and the designated treatment standard. If the subsurface system consists only of septic tanks, pump tanks, siphon or pump dosing systems, media filters, grease traps or grease interceptors, or oil/water separators, and subsurface disposal of the wastewater, additional classification shall not be required.

History Note: Authority G.S. 90A-37;

Eff. April 1, 1999;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0308 SYSTEMS NOT OTHERWISE CLASSIFIED

The Commission may classify any water pollution control system which is not otherwise classified when that system is receiving wastewater that has distinctly different characteristics from typical domestic wastewater or is a water pollution control system which contains treatment processes that are sufficiently different from the conventional treatment processes classified in Rules .0302 through .0306 of this Section.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .0400 - ELIGIBILITY REQUIREMENTS FOR EXAMINATIONS

15A NCAC 08G .0401 GENERAL REQUIREMENTS

(a) An applicant for certification as an operator of a water pollution control system must meet the following criteria and possess the knowledge and abilities listed as they relate to the specific type of system for which certification is being sought and shall, at a minimum, include:

- (1) possess a high school diploma or a general educational development (GED) equivalent;
- (2) be at least 18 years of age;
- (3) have a general knowledge of typical wastewater characteristics and treatment processes; and
- (4) have the ability to:
 - (A) read and understand the statutes and rules which govern water pollution control system operators and the operation of the type of system for which certification is being sought;
 - (B) perform mathematical calculations required to operate the system for which certification is being sought;
 - (C) complete and maintain logs and regulatory reporting forms required to document the proper operation of the system; and
 - (D) safely and effectively operate the equipment employed in the type of system for which certification is being sought; and
 - (E) describe the general maintenance requirements for such equipment.

(b) An applicant who has failed to achieve a passing score on a specific type and grade of examination after three consecutive attempts must:

- (1) attend and successfully complete approved training for the same type and grade as the certification being sought; and
- (2) provide verification, in the form of a certificate of completion or other such documentation, of the successful completion of the required training with any subsequent application made to the Commission to sit for the examination.

(c) An applicant for certification must not have had any certification revoked by the Commission within the two - year period prior to the date of the application for certification.

(d) An applicant for certification is not allowed to sit for any examination offered by the Commission during the period of a suspension of any certification held by the applicant with the Commission.

(e) An applicant who holds a valid biological or collection certification of any level on April 1, 1999, may progress to the highest level of certification of the same type without meeting the requirements of Subparagraph (a)(1) of this Rule.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0402 ELIGIBILITY REQUIREMENTS FOR BIOLOGICAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Eligibility for certification as a Biological Water Pollution Control System Operator is based on the following qualifications:

- (1) for Grade I certification, the applicant must:

- (a) have successfully completed approved training for Grade I Biological Water Pollution Control System operators.
- (2) for Grade II certification, the applicant must:
 - (a) hold a valid North Carolina Grade I Biological Water Pollution Control System Operator certificate;
 - (b) have 6 months of actual experience at a Grade II or higher biological water pollution control system; and
 - (c) have successfully completed approved training for Grade II Biological Water Pollution Control System operators.
- (3) for Grade III certification, the applicant must:
 - (a) hold a valid North Carolina Grade II Biological Water Pollution Control System Operator certificate;
 - (b) have successfully completed approved training for Grade III Biological Water Pollution Control System operators; and
 - (c) either:
 - (i) have two years of actual experience at a Grade II, or higher, biological water pollution control system, or
 - (ii) be a graduate of two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences and have 18 months of actual experience at a Grade II, or higher, biological water pollution control system.
- (4) for Grade IV certification, the applicant must:
 - (a) hold a valid North Carolina Grade III Biological Water Pollution Control System Operator certificate;
 - (b) have successfully completed approved training for Grade IV Biological Water Pollution Control System operators; and
 - (c) either:
 - (i) have three years of actual experience at a Grade III, or higher, biological water pollution control system, or
 - (ii) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences and have two years of actual experience at a Grade III, or higher, biological water pollution control system.

*History Note: Authority G.S. 90A-39.
 Eff. April 1, 1999;
 Amended Eff. December 1, 2006;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

15A NCAC 08G .0403 ELIGIBILITY REQUIREMENTS FOR WATER POLLUTION CONTROL COLLECTION SYSTEM OPERATORS

Eligibility for certification as a Water Pollution Control Collection System Operator is based on the following qualifications:

- (1) for Grade I certification, the applicant must: have successfully completed approved training for Grade I water pollution control collection system operators.
- (2) for Grade II certification, the applicant must:
 - (a) hold a valid North Carolina Grade I Water Pollution Control Collection System Operator certificate;
 - (b) have six months of actual experience in water pollution control collection system operations; and
 - (c) have successfully completed approved training for Grade II water pollution control collection system operators.
- (3) for Grade III certification, the applicant must:
 - (a) hold a valid North Carolina Grade II Water Pollution Control Collection System Operator certificate;
 - (b) have successfully completed approved training for Grade III water pollution control collection system operators; and
 - (c) either:

- (i) have two years of actual experience in water pollution control collection system operations, or
 - (ii) be a graduate of a two or four year college or university and have taken and passed, a minimum of six courses in a field directly related to the operation and maintenance of a collection system, e.g. civil, mechanical, or environmental engineering, and have one year of actual experience in the operation of a water pollution control collection system.
- (4) for Grade IV certification, the applicant must:
 - (a) hold a valid North Carolina Grade III Water Pollution Control Collection System Operator certificate;
 - (b) have successfully completed approved training for Grade IV water pollution control collection system operators; and
 - (c) either:
 - (i) have three years of actual experience in water pollution control collection system operations, or
 - (ii) be a graduate of a two or four year college or university and have taken and passed, a minimum of six courses in a field directly related to the operation and maintenance of a collection system, e.g. civil, mechanical, or environmental engineering, and have two years of actual experience in the operation of a water pollution control collection system.

*History Note: Authority G.S. 90A-39;
 Eff. April 1, 1999;
 Amended Eff. December 1, 2006;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

15A NCAC 08G .0404 ELIGIBILITY REQUIREMENTS FOR LAND APPLICATION OF RESIDUALS OPERATORS

An applicant for certification as a Land Application of Residuals Operator shall have successfully completed approved training for land application of residuals operators and shall have met one of the following:

- (1) have one year of actual experience in the land application of residuals;
- (2) be a graduate of a two or four-year college or university and have taken and passed six courses in the basic sciences; or
- (3) hold a valid Grade II or higher biological water pollution control system operator certification.

*History Note: Authority G.S. 90A-39;
 Eff. April 1, 1999;
 Amended Eff. December 1, 2006;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
 Amended Eff. September 1, 2018.*

15A NCAC 08G .0405 ELIGIBILITY REQUIREMENTS FOR PHYSICAL/CHEMICAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Eligibility for certification as a Physical/Chemical Water Pollution Control System Operator shall be based on the following qualifications:

- (1) for the Grade I, the individual shall have successfully completed approved training for Grade I Physical/Chemical Water Pollution Control System Operators.
- (2) for the Grade II, the individual shall:
 - (a) possess a valid Grade I Physical/Chemical Water Pollution Control System Operator certificate;
 - (b) have one year of actual experience at a Grade II Physical/Chemical Water Pollution Control System or at an industrial pretreatment or indirect discharge permitted facility; and
 - (c) have successfully completed approved training for Grade II Physical/Chemical Water Pollution Control System Operators.

*History Note: Authority G.S. 90A-39;
 Eff. April 1, 1999;
 Amended Eff. December 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.*

15A NCAC 08G .0406 ELIGIBILITY REQUIREMENTS FOR SURFACE IRRIGATION WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Surface Irrigation Water Pollution Control System Operator shall have successfully completed approved training for surface irrigation water pollution control system operators and shall have met one of the following:

- (1) have one year of actual experience in the operation of a surface irrigation water pollution control system;
- (2) be a graduate of a two or four-year college or university and have taken and passed six courses in the basic sciences;
- (3) be a private homeowner who intends to operate only his or her own domestic surface irrigation water pollution control system; or
- (4) hold a valid Grade II or higher biological water pollution control system operator certification.

*History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.*

15A NCAC 08G .0407 ELIGIBILITY REQUIREMENTS FOR SUBSURFACE WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Subsurface Water Pollution Control System Operator shall have successfully completed approved training for subsurface water pollution controls system operators and shall have met one of the following:

- (1) have one year of actual experience in the operation of a subsurface water pollution control system;
- (2) be a graduate of a two or four-year college or university and have taken and passed six courses in the basic sciences;
- (3) be a private homeowner who intends to operate only his or her own domestic subsurface water pollution control system; or
- (4) hold a valid Grade II or higher biological water pollution control system operator certification.

*History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.*

15A NCAC 08G .0408 ELIGIBILITY REQUIREMENTS FOR OPERATOR IN TRAINING (OIT) CERTIFICATION

(a) The Commission may allow an applicant for any water pollution control system operator certificate to take the examination if the individual has met all of the prerequisite education and certification requirements but is unable to meet the actual experience requirement.

(b) Upon achieving a passing score on the examination, the applicant shall be issued an Operator In Training (OIT) certificate of the same type and grade as the examination.

(c) The Operator In Training (OIT) must not be designated as the Operator in Responsible Charge (ORC) or Back-up Operator In Responsible Charge (Back-Up ORC) of a system.

(d) Operator In Training (OIT) certificates must be renewed annually as stipulated in 15A NCAC 08G .0701.

(e) When the holder of an Operator in Training (OIT) certificate completes the prerequisite experience for the permanent certificate at that type and level, the holder must submit an application documenting the experience, with the appropriate fee for a replacement certificate in order to receive the permanent certificate at that level.

*History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0409 ELIGIBILITY REQUIREMENTS FOR CONDITIONAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Conditional Certificates shall remain valid contingent upon the individuals holding the certificates meeting renewal requirements as found in Section .0700 of this Subchapter.

*History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

15A NCAC 08G .0410 RECIPROCITY CERTIFICATION

- (a) The Commission shall issue certification(s) to an individual certified in other states or legal jurisdictions if the individual:
- (1) meets or exceeds all eligibility requirements or the equivalent set forth in Rules .0402 to .0408 of this Section, with the exception of completion of approved training;
 - (2) submits an Application for Reciprocity Form with the one hundred dollar (\$100.00) Reciprocity Certificate fee as set forth in G.S. 90A-42(a)(6). The Application for Reciprocity Form may be found at: <https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification-exams>, and shall include the following:
 - (A) the applicant's name, Social Security number, mailing address, and contact information;
 - (B) the type and grade of certification sought;
 - (C) the date and location of exam requested;
 - (D) the type and grade of certification held in another state;
 - (E) educational information;
 - (F) professional schools and training completed;
 - (G) employment information; and
 - (H) operational experience;
 - (3) provides a letter of verification from the certifying state agency that applicant is certified at the stated level and that no disciplinary actions are outstanding against the applicant; and
 - (4) achieves a passing score on a Commission-administered examination of the same type and grade as that for which reciprocity certification is being requested. The requirement for completion of approved training shall be waived in the case of applicants pursuant to this Rule.
- (b) An applicant who has failed to achieve a passing score on the Commission-administered exam for the same type and grade of certification within the last two years is ineligible to apply under this Rule.
- (c) Applicants that fail to achieve a passing score on three examinations shall be required to successfully complete the approved training for that certification before becoming eligible to take the examination again.
- (d) Applicants who obtain certification by providing false information to the Commission shall be subject to disciplinary actions as set forth in Section .0800 of this Subchapter.

*History Note: Authority G.S. 90A-40;
Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.*

SECTION .0500 - CERTIFICATION BY EXAMINATION

15A NCAC 08G .0501 APPLYING FOR EXAMINATION

- (a) All applications for examination submitted to the Commission shall be:
- (1) submitted on a Examination Application found at <https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification-downloads>. The Application Form shall include the following:
 - (A) the applicant's name, mailing address, and contact information;
 - (B) the applicant's Social Security number (if a first-time applicant) or certification number;
 - (C) the type and grade of certification sought;

- (D) the date and location of exam requested;
 - (E) approved training and educational information;
 - (F) employment information;
 - (G) operational experience;
 - (H) the applicant's supervisor's signature; and
 - (I) the applicant's signature.
- (2) accompanied by the eighty-five dollar (\$85.00) application fee per G.S. 90A-42(a)(1);
 - (3) completed with all required information, documentation, and signatures provided; and
 - (4) postmarked at least 30 days prior to the scheduled date of the examination, as indicated on the Commission website.

(b) Upon receipt by the Commission, the application shall be reviewed for completeness and a determination as to the eligibility of the applicant to sit for the requested examination shall be made based on eligibility requirements set forth in Rules .0401 through .0408 of this Subchapter. Incomplete applications shall be returned to the applicant.

(c) Each applicant shall be notified, in writing, of the applicant's eligibility to sit for the requested examination. Individuals determined to be eligible for an examination shall be sent written notification containing information concerning the date, time, and location of the examination. This written notification shall be considered a receipt from the Commission to the applicant for the examination fee. Applicants found to be ineligible for an examination shall be sent written notification of the ineligibility determination.

(d) Any applicant who obtains certification by supplying false information to the Commission shall be subject to disciplinary action as set forth in Section .0800 of this Subchapter.

History Note: Authority G.S. 90A-39; 90A-41; 90A-42;
 Eff. April 1, 1999;
 Amended Eff. December 1, 2006;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
 Amended Eff. September 1, 2018.

15A NCAC 08G .0502 INELIGIBLE APPLICANTS

History Note: Authority G.S. 90A-39;
 Eff. April 1, 1999;
 Repealed Eff. December 1, 2006.

15A NCAC 08G .0503 EXAMINATION ADMINISTRATION

- (a) The Commission shall set the dates, times, and locations for all examinations.
- (b) Examinations may be administered by the Commission at any time, or at any location, when a sufficient number of applications have been received to warrant such an examination.
- (c) Before each applicant receives an examination paper, an applicant shall display a valid driver's license, photo identification or other form of identification satisfactory to the proctor.

History Note: Authority G.S. 90A-39;
 Eff. April 1, 1999;
 Amended Eff. December 1, 2006;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0504 EXAMINATION GRADING

- (a) A passing score on any examination administered by the Commission is 70 percent of the available points on the examination.
- (b) Each applicant, and only the applicant, shall be notified, in writing, of the results on an examination.
- (c) If a passing score is attained by an applicant on an examination, the written notification to the applicant shall constitute the certification of the applicant as an operator or operator in training of a water pollution control system of the same type and grade as the examination.

History Note: Authority G.S. 90A-39; 90A-40;
 Eff. April 1, 1999;

Amended Eff. December 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0505 EXAMINATION REVIEWS

- (a) Any applicant who fails to make a passing score on an examination shall be allowed to review his or her exam at a date, time, and location specified by the Commission. Notification of the reviews shall be sent using the address submitted upon application and this shall be the only opportunity the applicant shall be allowed for reviewing the examination.
- (b) An applicant shall not be allowed to review the examination within 30 days of an upcoming examination date.
- (c) All examinees shall receive a report that summarizes his or her performance on the exam, including the score, subject matter areas from which the questions were drawn, as well as correct and incorrect responses to each question. Specific questions from the exam shall not be included in this report.

*History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.*

SECTION .0600 - CERTIFICATION WITHOUT EXAMINATION

15A NCAC 08G .0601 RECIPROCITY CERTIFICATION

*History Note: Authority G.S. 90A-40; 90A-42;
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.*

15A NCAC 08G .0602 TEMPORARY CERTIFICATES

- (a) Temporary certificates, of any type and grade, may be issued by the Commission to the operator of a water pollution control system, for a period not to exceed one year, due to:
 - (1) the vacancy of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC);
 - (2) the suspension or revocation of the certification of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC);
 - (3) a change in the classification of the system due to a permit modification or the completion of an upgrade or expansion; or
 - (4) a modification to Commission rules.
- (b) Temporary Certificates shall only be issued for the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC) of the system specified on the application.
- (c) All applications for a temporary certificate must:
 - (1) be submitted by the owner of the system for the applicant;
 - (2) be accompanied by the required fee; and
 - (3) include a letter from the owner that contains:
 - (A) an explanation for the need of a temporary certificate for the applicant;
 - (B) an explanation of all of the efforts that were made to employ an operator who possessed the required certification;
 - (C) a statement designating the applicant as either the Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC) of the system; and
 - (D) a plan that describes the actions that:
 - (i) the applicant will pursue in order to attempt to obtain permanent certification during the effective period of the temporary certificate; and
 - (ii) the owner of the system will be pursuing in the event that the applicant fails to obtain permanent certification during the effective period of the temporary certificate.
- (d) Applicants for a temporary certificate must:
 - (1) Either:
 - (A) for biological or collection system grade II or higher operator certification, possess a valid certificate of the same type as the system and that is no more than one grade lower than the

classification of the system when applying as an Operator in Responsible Charge (ORC) and no more than two grades lower than the classification of the system when applying as a Back-up Operator in Responsible Charge (Back-up ORC); or

- (B) for a Grade I biological, Grade I Physical/Chemical, Grade I Collection, Surface Irrigation, Land Application, or Subsurface Water Pollution Control System; have a minimum of three months of actual experience in the operation of the type of system for which a temporary certificate is being applied if the temporary certificate is requested.
 - (2) be eligible for permanent certification prior to the expiration date of the temporary certificate;
 - (3) not have made three previous unsuccessful attempts to make a passing score on the same type and grade examination as the temporary certificate; and
 - (4) have never relinquished, nor had revoked, any water pollution control operator certificate issued by the Commission.
- (e) Applicants who obtain a temporary certificate by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

*History Note: Authority G.S. 90A-40; 90A-42;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

15A NCAC 08G .0603 TEMPORARY CERTIFICATE RENEWAL

- (a) All applications for renewal of a temporary certificate must:
- (1) be submitted by the owner of the system 60 calendar days prior to the expiration date of the original temporary certificate;
 - (2) be accompanied by the required fee; and
 - (3) include a letter from the owner that explains:
 - (A) the need for renewal of the temporary certificate;
 - (B) the reasons for the failure of the applicant to obtain permanent certification during the original effective period of the temporary certificate;
 - (C) the efforts that have been made by the owner to employ a properly certified operator during the effective period of the original temporary certificate; and
 - (D) the actions that will be taken by:
 - (i) the applicant in order to obtain permanent certification during the effective period of the renewed temporary certificate; and
 - (ii) the owner if the applicant does not obtain permanent certification during the effective period of the renewed temporary certificate.
- (b) The renewal request shall be denied if the applicant has failed:
- (1) to seek permanent certification by examination during the original effective period of the temporary certificate; or
 - (2) to obtain permanent certification after four examination attempts during the original effective period of the temporary certificate.
- (c) A temporary certificate may be renewed only once for the same operator.
- (d) Applicants who obtain a temporary certificate renewal by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

*History Note: Authority G.S. 90A-40; 90A-42;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

15A NCAC 08G .0604 CONVERSION OF VOLUNTARY CERTIFICATION TO MANDATORY CERTIFICATION

*History Note: Authority G.S. 90A-39; 90A-40; 90A-42;
Eff. April 1, 1999;*

Repealed Eff. December 1, 2006.

SECTION .0700 - RENEWAL OF CERTIFICATION

15A NCAC 08G .0701 REQUIREMENTS

(a) The holder of the certificate shall annually renew the certificate by:

- (1) Submitting payment of the required annual renewal fee by December 31 as set forth in G.S. 90A-40 and G.S. 90A-46.1.
- (2) Each operator shall provide documentation of six contact hours of Commission approved training during each year following the year of initial certification.

(b) Certificates that are not renewed when due shall be invalid. To renew a certificate that has been invalid for less than two consecutive years, all outstanding renewal fees and penalties that have accrued since the certificate was last renewed shall be paid and all accrued continuing education requirements shall be met. To renew a certificate that has been invalid for two or more consecutive years, the operator shall be required make a passing score on an examination of the same type and grade as the former certificate. To qualify for the examination, all relevant requirements of Section .0400 of this Subchapter shall be met. Any requirements in Section .0400 of this Subchapter for Commission approved training shall have been met within the previous 12-month period.

(c) The Commission shall send renewal notices to each certified operator, using the last known address on file for that individual, 60 days prior to the renewal date. Failure to receive a renewal notice does not relieve a certified operator of the responsibility to renew the certificate by the renewal due date.

*History Note: Authority G.S. 90A-40; 90A-42; 90A-46.1;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.*

SECTION .0800 - DISCIPLINARY ACTIONS

15A NCAC 08G .0801 GROUNDS FOR DISCIPLINARY ACTIONS

The Commission may take disciplinary actions, in accordance with Rule .0802 of this Section, against a certified operator for:

- (1) practicing fraud or deception;
- (2) failure to use reasonable care or judgment in the performance of duties;
- (3) failure to apply their knowledge or ability in the performance of duties; or
- (4) incompetence or the inability to perform duties.

*History Note: Authority G.S. 90A-41;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.*

15A NCAC 08G .0802 DISCIPLINARY ACTIONS

(a) The Commission may revoke or suspend the certification of an operator or issue a letter of reprimand to an operator in accordance with the provisions of G.S. 90A-41.

(b) The Chairman of the Commission may issue notification of summary suspension, in accordance with the provisions of G.S. 150B-3.

(c) The Chairman shall convene a disciplinary committee to review the circumstances of the proposed disciplinary action(s).

- (1) The disciplinary committee shall include:
 - (A) the Chairman of the Commission;
 - (B) the Vice Chairman of the Commission;
 - (C) the member of the Commission who represents the type of system at which the operator is employed or another member of the Commission appointed by the Chairman of the Commission; and
 - (D) a certified operator who is not a member of the Commission and has been appointed from the public by the Chairman.

- (2) The members of the disciplinary committee shall offer guidance to the Commission chairman in regards to the actions that should be taken against an operator.
- (d) Notification of the disciplinary committee meeting shall be sent by certified mail to the last known address of the operator at least 15 days prior to the date of the meeting of the disciplinary committee. This notification shall contain the alleged facts or conduct upon which the proposed revocation or suspension of the certification or letter of reprimand is based.
- (e) The operator shall have an opportunity to submit a written response to the Chairman prior to the date of the disciplinary committee meeting. The operator shall also be given the opportunity to make an oral statement before the disciplinary committee.
- (f) Within 10 business days of the conclusion of the disciplinary committee meeting, the Chairman shall issue the decision of the disciplinary committee. If this decision is to issue a revocation or suspension or a letter of reprimand, the Chairman shall advise the operator of the effective date of the action and the facts or conduct upon which the action is based. The revocation or suspension of a certification or the letter of reprimand shall be delivered to the operator and the owner of the system(s) at which the operator works by certified mail, at the last known address for the operator and owner on file with the Commission, at least 20 days prior to the effective date of the revocation or suspension or letter of reprimand.
- (g) If the certified operator initiates administrative proceedings, the Commission shall defer final action on the matter until receipt of a decision as provided for in G.S. 150B-34.
- (h) If an applicant is caught cheating on an examination by a proctor, the applicant shall be removed from the examination, the examination shall not be graded, the fee for the examination shall be forfeited by the applicant, and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-41 and in Rule .0801 of this Section.
- (i) If the Commission determines, after the examination has been graded, that an applicant cheated on an examination and certification has been conveyed to the applicant, the certification obtained through the examination shall be revoked and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-41 and in Rule .0801 of this Section.

*History Note: Authority G.S. 90A-40; 90A-41;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. December 1, 2018.*

15A NCAC 08G .0803 CERTIFICATION FOLLOWING DISCIPLINARY ACTIONS

- (a) An individual who has had certification revoked by the Commission may petition the Commission for any new certification sought, but no sooner than two years from the effective date of the revocation. An individual shall wait one year to reapply for certification following the denial of eligibility for re-certification after relinquishment or revocation.
- (b) The following information shall be included in the petition for certification:
- (1) a written statement explaining the actions that the individual has taken to correct those problems that lead to the revocation of the certification previously held with the Commission; and
 - (2) a statement that attests to the Commission that, upon obtaining certification, the individual shall comply with all laws governing the operation of water pollution control systems.
- (c) After submittal of the petition for certification, the petitioner shall be required to appear before the Commission at a regularly scheduled meeting. The petitioner shall be notified, by certified mail, of the date, time, and location of the meeting at least 15 days prior to the meeting.
- (d) The Commission shall send written notification to the individual within 120 days following receipt of the petition of its decision. Eligibility for certification shall be granted only if the petitioner presents evidence that those conditions that lead to the revocation of previous certification held by the petitioner have been corrected.
- (e) Certification of an individual whose previous certification has been revoked shall occur only after the individual obtains a passing score on an examination. After the Commission approves the petition for certification, the individual shall submit an application, accompanied by the examination fee of eighty-five dollars (\$85.00) set forth in G.S. 90A-42(a)(1), and meet the examination eligibility requirements for the type of certification being sought as set forth in Section .0400 of this Subchapter. The individual shall begin the certification process at the lowest grade level offered for the type of certification sought. Operational experience accrued by the individual prior to the revocation of any previously held certification(s) shall not be considered when determining the eligibility of the individual for the examination.

(f) Applicants for certification who were previously determined to be ineligible for certification due to supplying false information to the Commission shall follow the procedures set forth in Paragraphs (a) through (e) of this Rule in order to obtain certification.

History Note: Authority G.S. 90A-39; 90A-41; 90A-42;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0804 CONTESTED CASE PROCEDURES

(a) Administrative hearings shall be held in accordance with G.S. 150B and the administrative hearing procedures codified at 15A NCAC 01B .0200 et seq., are hereby incorporated by reference including any subsequent amendments and additions.

(b) For information on obtaining a copy of 15A NCAC 01B .0200, you may contact the Rules Division of the NC Office of Administrative Hearings at (919) 733-2678.

History Note: Authority G.S. 143B-300; 150B-23;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .0900 - CONTRACT OPERATION OF WATER POLLUTION CONTROL SYSTEMS

15A NCAC 08G .0901 RESPONSIBILITIES OF CONTRACT OPERATORS AND CONTRACT OPERATIONS FIRMS

Each contract operator, or contract operations firm, that enters into a contract with the owner of a water pollution control system to operate the system must notify the owner, in writing, within five calendar days of:

- (1) any change in the designation of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC) of the system; or
- (2) becoming aware of any situation or problem (preexisting, anticipated, or otherwise) which may interfere with the proper operation of the system and necessitate corrective action by the owner. This notice shall include the comments and recommendations of the operator in regards to actions or measures that should be taken to correct the noted situation or problem.

History Note: Authority G.S. 90A-44; 90A-45;
Eff. April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 08G .0902 ANNUAL REPORT

History Note: Authority G.S. 90A-45;
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.

SECTION .1000 - RULE MAKING PROCEDURES AND PETITIONS FOR REGULATORY ACTIVITY

15A NCAC 08G .1001 PETITIONS FOR REGULATORY ACTIVITY

(a) Any person(s) desiring to request the adoption, amendment, or repeal of a rule may make such request in a petition filed pursuant to G.S. 150B-20, addressed to the Water Pollution Control System Operators Certification Commission and mailed to the Chairman at 1618 Mail Service Center, Raleigh, NC 27699-1618. Such petitions must contain:

- (1) a draft of the proposed rule or a summary of its intent;
- (2) reasons for adoption of the proposed rule(s) and the effect it will have on existing rules and practices; and
- (3) the name(s) and address(es) of the petitioner(s).

(b) Petitions shall be placed on the agenda of the next regularly scheduled meeting of the Commission if received at least four weeks prior to the meeting. The Chairman shall prepare recommended responses to petitions for the Commission's consideration. Petitions shall be considered in accordance with the requirements of G.S. 150B-20.

History Note: Authority G.S. 143B-300; 150B-20;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .1100 - ADMINISTRATIVE DUTIES

15A NCAC 08G .1101 REFUNDING OF FEES

History Note: Authority G.S. 90A-42;
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.