

SUBCHAPTER 18D - WATER TREATMENT FACILITY OPERATORS

SECTION .0100 - GENERAL POLICIES

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

15A NCAC 18D .0101 PURPOSE

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Repealed Eff.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

15A NCAC 18D .0102 ORGANIZATION

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Repealed Eff.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

15A NCAC 18D .0103 MEETINGS OF THE BOARD

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

History Note: Authority G.S. 90A-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 18D .0104 QUORUM

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Repealed Eff.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

15A NCAC 18D .0105 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) "Acceptable Experience"
- (a) For all surface grade certifications, the term shall mean at least 50 percent of the duties consist of active on-site performance of operational duties, including on-site water facility laboratory duties, at a surface water treatment facility. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection control, and other skills necessary for maintaining and operating a surface water treatment facility. The remaining duties shall be in related fields, such as wastewater facility operation, a water or wastewater laboratory, water pumping stations, water system design and engineering, wells, distribution systems, or cross-connection control. The experience of Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.

- (b) For all well grade certifications, the term shall mean at least 50 percent of the duties consist of active on-site performance of operational duties for public water systems with chemical treatment having one or more wells. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection control, and other skills necessary for maintaining and operating a treated well water system. The remaining duties shall be in related fields, such as wastewater facility operation, a water or wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, distribution systems, or cross-connection control. The experience of Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.
 - (c) For all distribution grade certifications, the term shall mean at least 50 percent of the duties consist of active on-site performance of operational duties for distribution systems within public water systems. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection control, and other skills necessary for maintaining and operating a water distribution system. The remaining duties shall be in related fields, such as wastewater facility operation, a water or wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, wells, or cross-connection control. The experience of Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.
 - (d) For all cross-connection control grade certifications, the term shall mean the duties consist of on-site performance of cross-connection control duties for a public water system. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, back flow prevention, and other skills necessary for maintaining and operating a cross-connection control program for a public water system. The remaining duties shall be in related fields, such as wastewater facility operation, a water or wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, or wells. The experience of Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.
- (2) "Certified Operator" means any holder of a certificate issued by the Board in accordance with the provisions of G.S. 90A-25.
 - (3) "College Graduate" means a graduate of a four-year institution accredited by an agency recognized by the United States Department of Education and awarding degrees on the bachelor level.
 - (4) "Fire Protection System" means dry or wet sprinkler systems or fire hydrant connections to the water distribution system.
 - (5) "Owner" means the person, unit of local government, firm, corporation, association, partnership, or non-profit corporation formed to operate a public water supply facility.
 - (6) "Satisfactorily Completed" means the attendance of at least 80 percent of the training required for examination eligibility and 100 percent of the training required for professional growth hours.
 - (7) "Secretary" means the Secretary of the Department of Environmental Quality.
 - (8) "Service Connection" means a water tap made to provide a water connection to a water distribution system.

*History Note: Authority G.S. 90A-21(c);
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Amended Eff. May 1, 2006; August 1, 2002; August 1, 1998; August 3, 1992; January 1, 1992; September 1, 1990; June 1, 1988;
 Readopted Eff. September 1, 2018.*

SECTION .0200 – QUALIFICATION OF APPLICANTS AND CLASSIFICATION OF FACILITIES

15A NCAC 18D .0201 GRADES OF CERTIFICATION

(a) Applicants for certification shall be at least 18 years old, possess a high school diploma or general educational development equivalent (GED), and meet the following educational and experience requirements:

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

- (11) GRADE A-DISTRIBUTION applicants shall have one year of acceptable experience at a Class B or higher distribution system while holding a Grade B-Distribution certificate and have satisfactorily completed an A-Distribution school approved by the Board.
- (12) GRADE CROSS-CONNECTION CONTROL applicants shall:
 - (A) be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two-year technical program with a degree in water and wastewater or civil engineering technology, and have satisfactorily completed a cross-connection control school approved by the Board;
 - (B) have six months of acceptable experience at Class D-Distribution or higher system or have one year experience in the operations of cross connection control devices, and have satisfactorily completed a cross-connection control school approved by the Board; or
 - (C) be a plumbing contractor licensed by the State of North Carolina and have satisfactorily completed a cross-connection control school approved by the Board.
- (13) APPRENTICE applicants shall have met the education requirement and satisfactorily completed a Grade B, Grade C, Grade D, or cross-connection control school approved by the Board and shall have correctly answered at least 70 percent of the questions on an examination designed for the class of certification for which the applicant is applying. The apprentice certification may be renewed annually for a maximum of five years, pursuant to the continuing education and renewal requirements of this Subchapter. An apprentice shall not act as a certified operator or an Operator in Responsible Charge for a facility. An apprentice is eligible for Grade B, Grade C, Grade D, or cross-connection control certification after meeting the applicable experience requirements as set forth in this Rule and making application to the Board.

(b) Applications for certification of an operator certified in a state other than North Carolina shall be submitted to the Board for review. The application for out-of-state, civilian applications includes information regarding the applicant's current employment, the type of licenses granted in the state of origin, the years of water treatment experience, and a listing of water treatment plant experience. The application for applicants with military experience includes a listing of water treatment plant experience and an attached copy of the applicant's Verification of Military Experience and Training (VMET). The information supplied shall assist the Board in determining whether the requirements under which the out-of-state certification was obtained are equivalent to those required by the Water Treatment Facility Operators Board of Certification.

History Note: Authority G.S. 90A-21(c); 90A-22; 90A-23; 90A-24; 90A-25(b);
 Eff. February 1, 1976;
 Amended Eff. September 1, 1977;
 Readopted Eff. March 1, 1979;
 Amended Eff. February 1, 2012; May 1, 2006; September 1, 2004; August 1, 2000; August 1, 1998; May 3, 1993; August 3, 1992; July 1, 1991; December 31, 1988;
 Readopted Eff. September 1, 2018.

15A NCAC 18D .0202 EXAMINATIONS

In addition to the educational and experience requirements in .0201 of this Section, the applicant must successfully pass an examination designed for the class of certification for which the applicant is applying. If an applicant fails an examination three times, the applicant shall retake the appropriate school designated in Rule .0201 of this Section.

History Note: Authority G.S. 90A-21(c); 90A-23; 90A-24;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Amended Eff. May 1, 2006;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 18D .0203 RATING VALUES TO DETERMINE VARIOUS CLASSES OF CERTIFICATION

The designation of public water system treatment classifications shall be based on the following rating values:

PARAMETER	RATING VALUE
(1) Surface Water Source	
(a) flowing stream	5
(b) flowing stream with impoundment	7

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

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

History Note: Authority G.S. 90A-21(c); 90A-22;
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Amended Eff. August 1, 2000; August 3, 1992; January 1, 1992; September 1, 1990;
 Readopted Eff. September 1, 2018.

15A NCAC 18D .0204 PUMPAGE CHART

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

15A NCAC 18D .0205 PUBLIC WATER SYSTEM TREATMENT, DISTRIBUTION, AND CROSS-CONNECTION CONTROL CLASSIFICATIONS

(a) Public water system treatment facilities, except for Class D-Well systems, shall be classified based on the sources of water and the number of points assigned to the facilities pursuant to Rule .0203 of this Section, as follows:

Class C	1-50 points
Class B	51-110 points
Class A	over 110 points

Non-community public water systems with hypochlorite solution as the only treatment applied to the water shall be classified as Class D-Well.

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

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

(c) The classification CROSS-CONNECTION CONTROL shall be applied to any distribution system that is required to have installed five or more testable backflow prevention assemblies in accordance with 15A NCAC 18C .0406(b), which is hereby incorporated by reference, including subsequent amendments and editions.

*History Note: Authority G.S. 90A-21(c); 90A-22;
Eff. February 1, 1976;
Amended Eff. September 1, 1977;
Readopted Eff. March 1, 1979;
Amended Eff. November 1, 2006; August 1, 2002; August 1, 2000; August 3, 1992; September 1, 1990;
December 31, 1980; January 1, 1980;
Readopted Eff. September 1, 2018.*

15A NCAC 18D .0206 CERTIFIED OPERATOR REQUIRED

(a) All public water systems shall have a certified operator in responsible charge for each water treatment facility that:

- (1) alters the physical, chemical, or microbiological characteristics of the water;
- (2) has approved plans for such alterations; or
- (3) has equipment installed for such alterations.

The owner shall notify the Board in writing within 10 days of a vacancy that results in noncompliance with this Rule.

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

- (1) upon vacancy of a position resulting in noncompliance with this requirement, the owner shall notify the Board within 24 hours or at the start of the next business day of the vacancy; and
- (2) upon the vacancy, the owner shall fill the position with a certified Grade C-Surface operator or an operator with a temporary Grade C-Surface certification within 90 days.

(c) There shall be an operator in responsible charge for the distribution portion of community and non-transient non-community public water systems. This operator shall possess a valid distribution certificate issued by the Board with the grade equivalent to or exceeding the water system's distribution classification. A system serving 100 or fewer service connections shall be exempt from this requirement if it has an operator in responsible charge as required in Paragraph (a) of this Rule. A system that is classified as D-distribution only may use a Board-certified distribution, well, or surface operator to meet the operator in responsible charge requirements of this Rule

(d) There shall be an operator in responsible charge for the cross-connection control facilities of any public water system required by 15A NCAC 18C .0406(b) to have five or more testable backflow prevention assemblies. The operator shall possess a valid Cross-Connection Control certificate issued by the Board.

(e) All operators of community and non-transient non-community public water systems shall follow the standard operating procedures established by the operator in responsible charge. Decisions about water quality or quantity that affect public health that have not been addressed in the standard operating procedures shall be referred to the operator in responsible charge or to the certified operator on duty.

(f) No operator in responsible charge shall be required for transient non-community public water systems with either or both ultraviolet light (uv) disinfection or softening (if not required by 15A NCAC 18C) as the only treatment applied to water.

History Note: Authority G.S. 90A-20; 90A-28; 90A-29; 90A-32;
Eff. July 1, 1991;
Amended Eff. November 1, 2006; August 1, 2004; August 1, 2002; August 1, 2000; May 1, 1994; May 3, 1993;
Readopted Eff. December 1, 2018.

SECTION .0300 - APPLICATIONS AND FEES

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

15A NCAC 18D .0301 APPLICATION FOR EXAM

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

(b) Applications for certification must be submitted to the Board at least 30 days prior to the date of the examination.

(c) The applicant shall certify that the information given is correct to the best of his/her knowledge. In addition, the applicant's supervisor shall certify that he/she has reviewed the application and recommends that the applicant be considered for certification by the Board.

(d) Applicants shall take the examination at the place and date specified by the Board.

History Note: Authority G.S. 90A-21(c); 90A-24;
Eff. February 1, 1976;
Amended Eff. September 1, 1977;
Readopted Eff. March 1, 1979;
Amended Eff. May 1, 2006; August 1, 2004; February 1, 2002; August 3, 1992; September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 18D .0302 APPLICATION FOR RECIPROCITY

History Note: Authority G.S. 90A-21(c); 90A-24;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2004; February 1, 2002; September 1, 1990;
Repealed Eff. May 1, 2006.

15A NCAC 18D .0303 APPLICATION FOR TEMPORARY CERTIFICATE

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

History Note: Authority G.S. 90A-21(c); 90A-24;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2004; February 1, 2002; September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 18D .0304 FEE SCHEDULE

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

History Note: Authority G.S. 90A-27;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. March 1, 1979;
Amended Eff. February 1, 2012; September 22, 2004; August 1, 2000; August 3, 1992; December 1, 1990; December 1, 1989; June 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 18D .0305 WAITING PERIOD

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

15A NCAC 18D .0306 REVOCATION OF CERTIFICATE

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

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

- (a) If an operator fails to pay the renewal fee or meet the continuing education requirements of Rule .0308(a) of this Section, the operator's certificate shall expire.
- (b) If an operator in responsible charge fails to meet the requirements of 15A NCAC 18D .0701, his or her operator's certificate may be revoked pursuant to G.S. 90A-26.
- (c) An individual who has had certification revoked by the Board may petition the Board for any certification sought if:
 - (1) two years have elapsed since the effective date of the revocation; and
 - (2) the individual has completed a school approved by the Board and passed an exam corresponding to the certification being sought.

History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 3, 1992;
Amended Eff. November 1, 2008; August 1, 2004; August 1, 2002; August 1, 2000; August 1, 1998;

Readopted Eff. September 1, 2018.

15A NCAC 18D .0308 PROFESSIONAL GROWTH HOURS

(a) All certified operators shall complete six professional growth hours of Board-approved training each year following the year of initial certification. Board-approved training shall contain subject matter relevant to water treatment facility operators and includes the following categories: rules and regulations, equipment, operation and maintenance, record keeping, new treatment technologies, water treatment processes, courses taught as part of certification school curriculum, and management of water treatment facilities. Submitting proof of professional growth hours shall be the responsibility of the operator. Failure to complete the six professional growth hours shall result in expiration of the operator's certificates.

(b) Training providers shall seek Board approval prior to offering events that provide professional growth hours. Training providers shall submit an attendance roster to the Board within ten business days after completion of the training event. The roster shall contain each attendee's full name and certification ID number. The organization providing the training shall give each participant a certificate or other proof of completion that includes the name of the provider, the provider's address, and contact person with telephone number. The proof of completion shall identify the name of the participant, the number of professional growth hours completed, the course name, the course number assigned by the Board, the instructor's name, and the date of the training. For in-house training, an instructor from outside of the organization shall provide the training.

(c) The Board shall mail renewal notices to operators prior to the renewal date and shall state whether the Board has a record of their professional growth hours for the preceding year. If the Board does not have a record of professional growth for an operator, the operator shall provide proof of the required six professional growth hours of training prior to renewal of any certification issued by the Board. Failure to receive a renewal notice shall not relieve a certified operator of the responsibility to renew the certificate by the renewal due date.

*History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 1, 1998;
Amended Eff. December 1, 2008; August 1, 2004; August 1, 2000;
Readopted Eff. September 1, 2018.*

15A NCAC 18D .0309 CERTIFICATION REINSTATEMENT

(a) An operator whose certification has expired may seek reinstatement within two years of expiration by paying any renewal fees in arrears, including late fees, and either providing proof of six contact hours of professional growth training for each calendar year as required in Rule .0308 of this Section or passing another examination of that grade.

(b) An operator whose certificate has been expired for less than two years must pay any renewal fees in arrears and late fees before seeking an upgrade from the certificate type that has expired.

(c) Any person whose certification has been expired for more than two years may apply to the Board for reinstatement of the certificate type that was expired.

*History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 1, 1998;
Amended Eff. May 1, 2006; August 1, 2004; August 1, 2000;
Readopted Eff. September 1, 2018.*

SECTION .0400 - ISSUANCE OF CERTIFICATE

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

15A NCAC 18D .0401 NOTIFICATION OF CLASSIFICATION

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

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

Readopted Eff. March 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 18D .0402 INFORMATION NEEDED BY BOARD

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

15A NCAC 18D .0403 ISSUANCE OF GRADE CERTIFICATE

History Note: Authority G.S. 90A-21(c); 90A-23; 90A-25;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2004; August 1, 2000; August 3, 1992; January 1, 1992; March 1, 1991;
September 1, 1990;
Expired Eff. August 1, 2015 pursuant to G.S. 150B-21.3A.

15A NCAC 18D .0404 TEMPORARY CERTIFICATE

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

History Note: Authority G.S. 90A-21(c); 90A-23; 90A-25;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 18D .0405 RECIPROCAL CERTIFICATES

History Note: Authority G.S. 90A-21(c); 90A-25(b);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 1998; September 1, 1990;
Repealed Eff. May 1, 2006.

SECTION .0500 - RULE MAKING PROCEDURES

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

15A NCAC 18D .0501 PETITIONS

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

(b) The petition shall contain the following information:

- (1) either a draft of the proposed rule or a summary of its contents;
- (2) the statutory authority for the agency to promulgate the rule;

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

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

History Note: Authority G.S. 150B-20; 90A-21(c);
 Eff. February 1, 1976;
 Readopted Eff. March 1, 1979;
 Amended Eff. February 1, 2002; September 1, 1990;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

- 15A NCAC 18D .0502 NOTICE**
- 15A NCAC 18D .0503 HEARING OFFICER**
- 15A NCAC 18D .0504 HEARINGS**
- 15A NCAC 18D .0505 STATEMENT OF REASONS FOR AND AGAINST RULE MAKING DECISION**
- 15A NCAC 18D .0506 RECORD OF RULE MAKING PROCEEDINGS**
- 15A NCAC 18D .0507 FEES**

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

15A NCAC 18D .0508 DECLARATORY RULINGS

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

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

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

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

- (1) unless the petitioner shows that the circumstances are so changed since adoption of the rule that such a ruling would be warranted;
- (2) unless the rule making record evidences a failure by the agency to consider specified relevant factors;
- (3) if there has been a similar controlling factual determination in a contested case, or if the factual context being raised for a declaratory ruling was specifically considered upon adoption of the rule being questioned as evidenced by the rule making record; or
- (4) if circumstances stated in the request or otherwise known to the agency show that a contested case hearing would presently be appropriate.

(d) Where a declaratory ruling is deemed appropriate, the Board shall issue the ruling within 60 days of the receipt of the petition.

(e) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedures as may be deemed appropriate, in the discretion of the chairman, in the particular case.

(f) The chairman may issue notice to persons who might be affected by the ruling that written comments may be submitted or oral presentations received at a scheduled hearing.

History Note: Authority G.S. 150B-4;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. February 1, 2002; September 1, 1990; January 1, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .0600 - CONTESTED CASES

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

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

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

History Note: Authority G.S. 90A-26; 150B-38;
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

15A NCAC 18D .0602	NOTICE TO APPLICANT OF BOARD ACTION
15A NCAC 18D .0603	NOTICE TO LICENSEE OF BOARD ACTION
15A NCAC 18D .0604	REQUEST FOR HEARING
15A NCAC 18D .0605	FAILURE TO MAKE REQUEST
15A NCAC 18D .0606	NOTICE OF HEARING
15A NCAC 18D .0607	WAIVER OF HEARING
15A NCAC 18D .0608	INTERVENTION
15A NCAC 18D .0609	HEARING OFFICER
15A NCAC 18D .0610	WRITTEN ANSWER
15A NCAC 18D .0611	VENUE
15A NCAC 18D .0612	AVAILABILITY OF BOARD RECORDS
15A NCAC 18D .0613	DEPOSITIONS AND DISCOVERY
15A NCAC 18D .0614	PRE-HEARING CONFERENCE
15A NCAC 18D .0615	SUBPOENAS
15A NCAC 18D .0616	CONSOLIDATION
15A NCAC 18D .0617	STIPULATIONS
15A NCAC 18D .0618	DISQUALIFICATION OF HEARING OFFICER
15A NCAC 18D .0619	FAILURE OF PARTY TO ATTEND HEARING
15A NCAC 18D .0620	OATH
15A NCAC 18D .0621	CONDUCT OF HEARING
15A NCAC 18D .0622	PROPOSAL FOR DECISION
15A NCAC 18D .0623	RECORD
15A NCAC 18D .0624	TRANSCRIPT

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

SECTION .0700 - OPERATIONS AND MANAGEMENT

15A NCAC 18D .0701 OPERATOR IN RESPONSIBLE CHARGE

(a) The owner shall ensure that the public water system facilities are managed by an operator in responsible charge who possesses a certificate equivalent to or exceeding the requirements in this Subchapter.

(b) The operator in responsible charge shall manage the daily operation and maintenance of the facility. No person shall be in responsible charge of more than any one of the following without written permission from the Board:

- (1) one surface water treatment facility;
- (2) five community public water systems with well water facilities;
- (3) ten non-community public water systems with well water facilities;
- (4) one distribution system serving over 3,300 service connections;
- (5) five distribution systems serving over 500 service connections and less than 3,300 service connections;
- (6) ten total distribution systems;
- (7) ten total cross-connection control systems; or
- (8) any facility located more than a 50-mile radius from where the operator resides.

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

(c) A request for permission from the Board shall include documentation demonstrating that the facilities in question will be managed in compliance with the requirements of 15A NCAC 18C, which is hereby incorporated by reference, including subsequent amendments and editions.

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

(e) If an operator in responsible charge takes responsibility for an additional system or relinquishes responsibility for any system, the operator shall notify the Board in writing within 10 days of the change.

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

(g) The operator in responsible charge shall be available for consultation on the premises of the facility in case of an emergency, equipment malfunction, or breakdown of equipment. The operator in responsible charge may designate a temporary operator in responsible charge during times when it is impossible for the operator in responsible charge to be on the premises. The temporary operator in responsible charge shall be familiar with the water system and have access to the standard operating procedures developed under Paragraph (f) of this Rule. The temporary operator in responsible charge shall possess a certification equivalent to or exceeding that required by the water system treatment classification. The operator in responsible charge shall notify the Board of any temporary operator in responsible charge designation lasting longer than 14 days.

*History Note: Authority G.S. 90A-21(c); 90A-31;
Eff. August 1, 1998;
Amended Eff. May 1, 2006; August 1, 2002; August 1, 2000;
Readopted Eff. September 1, 2018.*