

LEGAL CONSIDERATIONS FOR OPERATORS OF RECORD

WASTEWATER OPERATOR'S WORKSHOP

PRESENTED BY:

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OPERATOR OF RECORD DUTIES

Maintain Certification

- Expiration and Renewal of Professional Operator Certification

Duties of Operators

- Log/Record Books
- Performing Duties
- Reporting Requirements

Staffing Requirements

- Minimum staffing Requirements

Other Considerations

GENERAL REQUIREMENTS

FOR CERTIFIED PROFESSIONAL OPERATORS OF RECORD

- Each operating public water system must have one or more professional operators of record to oversee the system.
- Each certified operator must have a valid certification of a class equal to or greater than the class of the water system.
 - I.E. Class IV facility must have a Class IV operator.
 - Class II facility can have Class III operator.
- Contracts between the Certified Operator of Record (“ORC” or “Operator”) and the water system must clearly define the responsibilities of the operator and facility.

APPLYING FOR CERTIFICATION

Five Distinct Classifications of Operators

Must have High School Diploma or equivalent, and have the amount of experience listed below:

Class A	1040 Hours
Class I	12 Months
Class II	36 Months
Class III	60 Months, including 12 months as a Class II operator
Class IV	36 Months as a Class III operator, 24 months of management experience at a Class III or IV facility

APPLYING FOR CERTIFICATION

After providing documentation of appropriate experience, applicants must take wastewater exam.

Exam:

Exams offered twice a year - May and November.

Eligibility:

No criminal convictions involving falsification, fraud, terrorism.

Applicant does not have a revoked or currently suspended professional certification at time of application.

Have high school diploma, or in lieu GED or completion of vocational training in the field of application.

MAINTAINING CERTIFICATION AND LICENSURE

- Renewing Certification:
 - O.A.C. 3745-7-02; O.A.C. 3745-7-15
- General Guidelines:
 - Operators must renew their certification every 2 years.
 - Certificates expire on December 31 of the second year.
- The ORC should get a renewal notice at the latest address of record, prior to the expiration date of the certificate.
 - IF you do not receive such notice, it is not an excuse to fail to renew the certificate.
 - It is the operator's responsibility to notify the EPA of any changes in contact information.

MAINTAINING CERTIFICATION AND LICENSURE

- Requirements for Renewal:
 - Complete the application for renewal as provided by EPA.
 - Pay Fee
 - In some circumstances the EPA may request documentation in order to prove that sufficient contact hour requirements have been met.
- If an Operator has multiple certificates within the same category, the only certification renewed is that which is the highest classification.
- In order to renew, the Operator must complete the number of contact hours required during each renewal cycle.

MAINTAINING CERTIFICATION AND LICENSURE

Contact Hour requirements are different for renewal as opposed to initial application.

Class A or limited Class A	Minimum of 8 approved hours
Class I	12 approved hours
Class II	24 approved hours
Class III and IV	24 approved hours

COMMONLY ASKED RE-CERTIFICATION QUESTIONS

- What about Operation and Maintenance hours?
 - Can all of my contact hours be OM?
- Can I use a course twice for purposes of renewal?
- Can I put hours towards Water and Wastewater?
- What happens if I don't have enough hours?



DUTIES OF OPERATORS

RECORD KEEPING REQUIREMENTS AND DUTIES

O.A.C. 3745-7-09

- Requirements of Record Keeping:
 - Housed and maintained in a way to that guarantees protection from weather damage
 - Housed and Maintained in a way that guarantees authenticity and accuracy
 - Records must be accessible onsite for twenty-four-hour inspection by agency or emergency personnel.
 - Records be kept up to date, and contain a minimum of the previous three months of data at all times, to be maintained for at least three years.

If there are problems that are above and beyond the responsibility of an operator, the operator should document any and all efforts to rectify the problem.

WHAT HAS TO BE IN THE RECORDS?

✓	Identification of public water system, sewerage system, or treatment works.
✓	Date and times of arrival <u>in military time</u> for operators of record, and any other professional operator required. <i>Failure to do so can constitute a violation of minimum staffing requirements.</i>
✓	Specific operation and maintenance activities that can affect or have the potential to affect the quality or quantity of sewage or water conveyed or produced.
✓	Results of test performed and samples taken.
✓	Listing of preventative maintenance and repairs, or requests for repairs, of equipment that can affect quality or quantity of sewage or water produced.
✓	Identification of person making entries

RECORD KEEPING AND RECORD LOGS

- Records have to be kept in either hardbound books or computerized data sets.
 - If kept by computer, the record must automatically specify the date, time, and person making the entry.
 - Insufficient logbooks often contain few, or no details, or are not correctly organized or categorized.
 - Logbooks and records cannot be fabricated. The information must be kept in an organized and detailed fashion.
- To summarize the requirements of the logbook.....

DUTIES OF OPERATORS

- Duties must be performed in a responsible and professional manner consistent with standard operating procedures and best management practices.
- Operate and maintain public water systems, sewerage systems, treatment works, and appurtenances so as not to endanger the health or safety of persons working in or around the facility, the public at large, or the environment due to negligence or incompetence.
- **Report all instances** of noncompliance with applicable regulations to the professional operator of record or facility supervisor

REPRIMAND OF OPERATORS

- Operators can be suspended, or have their certification revoked for failing to fulfill their professional duties.
- An operator can face discipline for:
 - Fraudulently obtaining or renewing certification.
 - Performing duties in a negligent or incompetent manner.
 - Knowingly or negligently maintaining or submitting inaccurate or false reports, documents or applications.
 - Operating in a dangerous manner.
 - Having a certificate suspended in other jurisdictions.
 - Amongst others.

WHAT CAN HAPPEN?

Example of failure to adhere to mandates.

MINIMUM STAFFING REQUIREMENTS

O.A.C. 3745-7-03

Dependent on the classification of the water system, there are different requirements for minimum staffing requirements.

System classification	Staffing requirement
Class A without treatment or only treating with a cartridge filter	At least 30 minutes per week.
Class A with treatment	2 days per week for a minimum of 1 hour per week
Class I	3 days per week for a minimum of 1.5 hours per week
Class II	5 days per week for minimum of 20 hours per week
Class III and IV	5 days per week for minimum of 40 hours per week

MINIMUM STAFFING REQUIREMENTS

BACKUP OPERATOR

- Should the ORC become unavailable, a “backup” operator may be used to continue the operation of the facility, as well as meet minimum staffing guidelines.
- A backup operator at a class II, III, or IV facility may have a certification one level lower than the facility.
 - I.e. Level IV facility – Level III Operator
- Anytime a backup operator is being used to meet minimum staffing requirements, the operational records must record this.
 - Importantly, any operator serving as backup will be held responsible for any violations occurring while they are acting as the operator of record.
- If a backup operator is needed for more than thirty days, the backup operator should provide notice to the EPA.

OTHER CONSIDERATIONS OPERATION OF PLANTS

Contingency Plans

- All water systems are required to have an annually updated contingency plan.
- Contingency plans must anticipate specific circumstances which could inhibit the ability of the facility to operate efficiently.
 - At least one circumstance must be tested yearly, with each circumstance tested at least once every five years.

Cybersecurity

- Utility systems, like water and waste systems are oftentimes the greatest risk when it comes to cyber-attacks.
- It is important to maintain cybersecurity protocols and be aware of the constant threat.

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QUESTIONS?

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