

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 227
HOUSE BILL 718

AN ACT TO EXTEND CERTIFICATION AUTHORITY FOR THE WATER TREATMENT FACILITY OPERATORS CERTIFICATION BOARD, AND TO MAKE TECHNICAL CHANGES TO THE WATER TREATMENT FACILITY OPERATORS ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90A-20 reads as rewritten:

"§ 90A-20. Purpose.

It is the purpose of this Article to protect the public health and to conserve and protect the water resources of the State; to protect the public investment in water treatment facilities; to provide for the classifying of public water treatment facilities; to require the examination of water treatment facility operators and the certification of their competency to supervise the operation of water treatment facilities; and to establish the procedures for such classification and certification. Further, it is the purpose of this Article to provide for the certification of personnel operating the distribution portion of a water treatment facility."

Sec. 2. Article 2 of Chapter 90A of the General Statutes is amended by adding a new section to read:

"§ 90A-20.1. Definitions.

In this Article, unless the context clearly requires otherwise, the following definitions apply:

- (1) 'Board' or 'Board of Certification' means the Water Treatment Facility Operators Board of Certification.
- (2) 'Operator' means a person who operates, maintains or inspects water treatment facilities.
- (3) 'Operator in responsible charge' means a person designated by the owner of the water treatment facility to be responsible for the total operation and maintenance of the facility.
- (4) 'Public water system' means a system for the provision of piped water for human consumption as defined in G.S. 130A-313(10).
- (5) 'Unit of local government' means a county, city, consolidated city-county, sanitary district or other local political subdivision, authority or agency of local government.
- (6) 'Water treatment facility' means any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system."

Sec. 3. G.S. 90A-23 reads as rewritten:

"§ 90A-23. Grades of certificates.

The Board of Certification, with the advice and assistance of the Secretary of Human Resources, shall establish grades of certification for water treatment facility operators corresponding to the classification of water treatment facilities. ~~The grades of certification shall be ranked so that a person holding a certification in the highest grade is thereby affirmed competent to operate water treatment facilities in the highest classification and any water treatment facility in a lower classification; a person holding a certification in the next highest grade is affirmed as competent to operate water treatment facilities in the next highest classification and any lower classification; and in a like manner through the range of grades of certification and classification of water treatment facilities."~~

Sec. 4. G.S. 90A-29 reads as rewritten:

"§ 90A-29. Certified operators required.

(a) ~~On and after July 1, 1971, every person, firm, or corporation, municipal or private, every person, corporation, company, association, partnership, unit of local government, State agency, federal agency, or other legal entity~~ owning or having control of a water treatment facility shall have the obligation of assuring that the operator in responsible charge of such facility is duly certified by the Board of Certification under the provisions of this Article.

(b) No person, after July 1, 1971, shall perform the duties of an operator, in responsible charge of a water treatment facility, without being duly certified under the provisions of this Article."

Sec. 5. G.S. 90A-30(a) reads as rewritten:

"§ 90A-30. Penalties; remedies; contested cases.

(a) Upon the recommendation of the Board of Certification, the Secretary of Human Resources or a delegated representative may impose an administrative, civil penalty on any ~~person, firm or corporation~~ person, corporation, company, association, partnership, unit of local government, State agency, federal agency, or other legal entity who violates G.S. 90A-29(a). Each day of a continued violation shall constitute a separate violation. The penalty shall not exceed one hundred dollars (\$100.00) for each day such violation continues. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation."

Sec. 6. G.S. 90A-31 reads as rewritten:

"§ 90A-31. Commercial water treatment operation firms.

(a) ~~Every person, firm, or corporation, municipal or private, owning or having control of a water treatment works may contract with a responsible commercial water treatment works operation firm for operational and other services of that firm, and that firm shall designate an employee as the operator in responsible charge. This designee and other licensed employees of the firm shall be responsible for the total operation and maintenance of the water treatment works. Contractual firms shall not be limited as to the number of facilities, distance between facilities, location of office or residence, frequency of visits, utilization of local persons who are not certified, or other internal management procedures.~~(a) Every person, corporation, company, association,

partnership, unit of local government, State agency, federal agency, or other legal entity owning or having control of a water treatment facility may contract with a responsible commercial water treatment facility operation firm for operational and other services of that firm. The owner with the firm's consent may designate an employee of that contracting firm as the operator in responsible charge. This designee and other licensed employees of the firm shall be responsible for the total operation and maintenance of the water treatment facility, and shall be limited as to the number of facilities, distance between facilities, and frequency of visits as can reasonably be handled during the ordinary course of business as well as during emergencies. Contractual firms shall not be limited as to the number of facilities, distance between facilities, location of office or other internal management procedures.

(b) ~~Any employee designated by the firm as operator~~ in responsible charge shall obtain certification from the Water Treatment Facility Operators Board of Certification and shall comply with all of the requirements specified in Chapter 90A and the rules and reasonable standards of the Board, applicable to all operators in responsible charge, designed to assure satisfactory operation of water treatment facilities."

Sec. 7. Article 2 of Chapter 90A of the General Statutes is amended by adding a new section to read:

"§ 90A-33. Certification of distribution operators.

The Board of Certification shall have the authority to establish certification programs for personnel who operate the distribution portion of a water treatment facility. The Board may provide for voluntary or mandatory certification and may provide requirements for training, education, and experience of personnel to be certified. The owner of a water treatment facility shall have three years to obtain certification or the services of appropriately certified distribution personnel after the effective date of mandatory certification.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of June, 1989.