

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 372

Short Title: Certify Operators of Sewage Systems.

(Public)

Sponsors: Senator Shaw.

Referred to: Environment and Natural Resources.

March 8, 1989

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE CERTIFICATION OF OPERATORS OF SANITARY
2 SEWAGE SYSTEMS UNDER THE JURISDICTION OF THE DEPARTMENT OF
3 HUMAN RESOURCES.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 90A-35 reads as rewritten:

7 "**§ 90A-35. Purpose.**

8 It is the purpose of this Article to protect the public health and to conserve and
9 protect the quality of the water resources of the State and maintain the quality of
10 receiving streams as assigned by the North Carolina Environmental Management
11 Commission; to protect the public investment in wastewater treatment ~~facilities;~~facilities
12 and sanitary sewage systems; to provide for the classifying of wastewater treatment
13 ~~plants;~~plants and sanitary sewage systems; to require the examination of wastewater
14 treatment plant operators and the certification of their competency to supervise the
15 operation of such ~~facilities;~~facilities and systems; and to establish procedures for such
16 classification and certification."

17 Sec. 2. G.S. 90A-37 reads as rewritten:

18 "**§ 90A-37. Classification of wastewater treatment ~~facilities.~~ facilities and sanitary**
19 **sewage systems.**

20 The Wastewater Treatment Plant Operators Certification Commission, with the
21 advice and assistance of the Secretary of Natural Resources and Community
22 ~~Development;~~Development and the Secretary of the Department of Human Resources,
23 shall classify all wastewater treatment facilities under the jurisdiction of the North
24 Carolina Environmental Management Commission, as provided in G.S. 143-215.1,

1 sanitary sewage systems under the jurisdiction of the Division of Health Services of the
2 Department of Human Resources, and those operated by institutions and agencies of the
3 State of North Carolina. In making the classification, the Wastewater Treatment Plant
4 Operators Certification Commission shall give due regard, among other factors, to the
5 size of the ~~facility,~~ facility or system, the nature of the wastes to be treated or removed
6 from the wastewater, the treatment process to be employed, and the degrees of skill,
7 knowledge and experience that the operator of the wastewater treatment facility or
8 sanitary sewage system must have to supervise the operation of the facility or system so
9 as to adequately protect the public health and maintain the water quality standards in the
10 receiving waters as assigned by the North Carolina Environmental Management
11 Commission."

12 Sec. 3. G.S. 90A-38 reads as rewritten:

13 **"§ 90A-38. Grades of certificates.**

14 The Wastewater Treatment Plant Operators Certification Commission, with the
15 advice and assistance of the Secretary of Natural Resources and Community
16 ~~Development,~~ Development and the Secretary of the Department of Human Resources,
17 shall establish grades of certification for wastewater treatment plant and sanitary sewage
18 system operators corresponding to the classification of wastewater treatment ~~facilities.~~
19 facilities and sanitary sewage systems. The grades of certification shall be ranked so that
20 a person holding a certification in the highest grade is thereby affirmed competent to
21 operate wastewater treatment facilities or sanitary sewage systems in the highest
22 classification and any treatment facility or system in a lower classification; a person
23 holding a certification in the next highest grade is affirmed as competent to operate
24 wastewater treatment facilities or systems in the next-to-the-highest classification and
25 any lower classification; and in a like manner through the range of grades of
26 certification and classification of wastewater treatment ~~facilities.~~ facilities and sanitary
27 sewage systems."

28 Sec. 4. G.S. 90A-39 reads as rewritten:

29 **"§ 90A-39. Operator qualifications and examination.**

30 The Wastewater Treatment Plant Operators Certification Commission, with the
31 advice and assistance of the Secretary of Natural Resources and Community
32 ~~Development,~~ Development and Secretary of the Department of Human Resources, shall
33 establish minimum requirements of education, experience and knowledge for each
34 grade of certification for wastewater treatment plant and sanitary sewage system
35 operators, and shall establish procedures for receiving applications for certification,
36 conducting examinations, and making investigations of applicants as may be necessary
37 and appropriate to the end that prompt and fair consideration be given every application
38 and the wastewater treatment facilities and sanitary sewage systems within the State
39 may be adequately supervised by certified operators."

40 Sec. 5. G.S. 90A-41 reads as rewritten:

41 **"§ 90A-41. Revocation of certificate.**

42 The Wastewater Treatment Plant Operators Certification Commission, in accordance
43 with the procedure set forth in Chapter ~~150A-150B~~ of the General Statutes of North
44 Carolina, may revoke the certificate of an operator when it is found that the operator has

1 practiced fraud or deception; that reasonable care, judgment, or the application of his
2 knowledge or ability was not used in the performance of his duties; or that the operator
3 is incompetent or unable to properly perform his duties."

4 Sec. 6. G.S. 90A-42(10) reads as rewritten:

5 "(10) Mailing List Charges—The Wastewater Treatment Plant Operators
6 Certification Commission may provide mailing lists of certified wastewater treatment
7 plant and sanitary sewage system operators and of wastewater treatment plants and
8 sanitary sewage systems to persons who request such lists. The charge for such lists
9 shall be five dollars (\$5.00) per 100 names of certified operators or treatment ~~plants;~~
10 plants and systems, with a minimum charge of fifty dollars (\$50.00)."

11 Sec. 7. G.S. 90A-43 reads as rewritten:

12 **"§ 90A-43. Promotion of training and other powers.**

13 The Wastewater Treatment Plant Operators Certification Commission and the
14 Secretary of Natural Resources and Community Development and the Secretary of the
15 Department of Human Resources are authorized to take all necessary and appropriate
16 steps in order to effectively and fairly achieve the purposes of this Article, including,
17 but not limited to, the providing of training for operators and cooperating with
18 educational institutions and private and public ~~asssœiations,~~ associations, persons, or
19 corporations in the promotion of training for wastewater treatment and sanitary sewage
20 personnel."

21 Sec. 8. G.S. 90A-45 reads as rewritten:

22 **"§ 90A-45. Commercial wastewater treatment and sanitary sewage operation**
23 **firms.**

24 (a) Every person, firm, or corporation, municipal or private, owning or having
25 control of a wastewater treatment works or a sanitary sewage system may contract with
26 a responsible commercial wastewater treatment works operation firm for operational
27 and other services of that firm, and that firm shall designate an employee as the operator
28 in responsible charge. Such designee and other licensed employees of the firm shall be
29 responsible for the total operation and maintenance of the wastewater treatment ~~works.~~
30 works or sanitary sewage system. Contractual firms shall not be limited as to the
31 number of facilities, distance between facilities, location of office or residence,
32 frequency of visits, utilization of local persons who are not certified, or other internal
33 management procedures.

34 (b) Any employee designated by the firm as operator in responsible charge must
35 obtain certification from the Wastewater Treatment Plant Operators Certification
36 Commission and must comply with all of the requirements specified in Chapter 90A
37 and the rules and reasonable standards of the Commission, applicable to all operators in
38 responsible charge, designed to assure satisfactory operation of wastewater and sanitary
39 sewage facilities."

40 Sec. 9. This act shall become effective July 1, 1990, except that authorization
41 of the Wastewater Treatment Plant Operators Certification Commission to adopt rules
42 necessary to implement this act is effective upon ratification. Rules adopted by the
43 Wastewater Treatment Plant Operators Certification Commission shall become effective
44 July 1, 1990.