

REQUEST FOR TECHNICAL CHANGE

AGENCY: Water Treatment Facility Operators Certification Board

RULE CITATION: 15A NCAC 18D .0206

**DEADLINE FOR RECEIPT: Tuesday, November 6, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In the Submission for Permanent Rule Form, please change the hearing date in Box 6 to the date you published in the Register.*

*In (a), consider breaking the language on lines 7-8 into a list, like so:*

*“... for each water treatment facility that:*  
*(1) alters... water;*  
*(2) has approved... alterations; or*  
*(3) has equipment...”*

*On line 11, please capitalize “Rule” As you published it correctly, you do not need to show it as a change; simply do it.*

*In (b), line 13, consider replacing “is” with “shall be” before “subject”*

*In (b)(1), line 15, insert a comma after “requirement”*

*On line 16, what do you mean by “regular”? Do you even need it here with the term “business”?*

*On line 17, I recommend replacing “such” with “the”*

*In (b)(2), line 18, I recommend replacing “such” with “the”*

*Also on line 18, insert a comma after “vacancy”*

*In (c), line 21, what is “valid”? Does your regulated public know? Please note the same question for (d), line 30.*

*In (f), line 35, consider replacing “is” with “shall be”*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: October 23, 2018

*On line 35, why do you need "either or both"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: October 23, 2018

1 15A NCAC 18D .0206 is readopted as published in 33:01 NCR 7 with changes as follows:

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3 **15A NCAC 18D .0206 CERTIFIED OPERATOR REQUIRED**

4 (a) All public water ~~systems~~ systems, ~~except transient non-community systems with either or both ultraviolet light~~  
5 ~~disinfection, or softening (not required by 15A NCAC 18C the North Carolina Department of Environmental Health~~  
6 ~~Public Water Supply Section), as the only treatment applied to water, must shall~~ have a certified operator in  
7 responsible charge for each water treatment facility that alters the physical, chemical, or microbiological  
8 characteristics of the water; has approved plans for such alterations; or has equipment installed for such alterations.  
9 ~~Upon vacancy of a position resulting in noncompliance with this requirement each facility The owner shall must~~ notify  
10 the Board ~~Office and Division of Environmental Health Public Water Supply Section Regional Office, in writing, in~~  
11 writing within 10 days of a vacancy that results in noncompliance with this rule.

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

15 (1) ~~Upon upon~~ vacancy of a position resulting in noncompliance with this requirement the owner shall  
16 ~~each facility must~~ notify the Board ~~Office~~ within 24 hours or at the start of the next regular business  
17 day of such vacancy; and

18 (2) ~~Upon upon~~ such vacancy ~~the owner the facility must shall~~ fill the position with a certified ~~grade~~ Grade  
19 C-Surface operator or an operator with a temporary Grade C-Surface certification within 90 days.

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

27 (d) ~~There Effective July 1, 2003 there~~ shall be an operator in responsible charge for the cross-connection  
28 control ~~cross-connection control~~ facilities of the distribution system for ~~all of any~~ public water ~~systems~~ system required  
29 by 15A NCAC 18C .0406(b) to have five or more testable backflow prevention assemblies. ~~This The~~ operator shall  
30 possess a valid Grade Cross-Connection Control Cross-Connection Control certificate issued by the Board.

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

35 (f) No operator in responsible charge is required for transient non-community public water systems with either or both  
36 ultraviolet light (uv) disinfection or softening (if not required by 15A NCAC 18C ~~the North Carolina Department of~~  
37 ~~Environmental Health Public Water Supply Section~~) as the only treatment applied to water.

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*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.*