

G.S. 150B-21.3A Report for 15A NCAC Chapter 08, WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION									
Agency - Water Pollution Control System Operators Certification Commission									
Comment Period - July 15, 2014 to September 25, 2014									
Date Submitted to APO - Filled in by RRC staff									
Subchapter or Blank	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 8F - CERTIFICATION OF OPERATORS OF ANIMAL WASTEMANAGEMENT SYSTEMS	SECTION .0100 - GENERAL PURPOSE/DEFINITIONS	15A NCAC 08F .0101	PURPOSE	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08F .0102	DEFINITIONS	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 - DUTIES AND REQUIREMENTS	15A NCAC 08F .0201	DUTIES AND REQUIREMENTS OF OWNERS	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08F .0202	DUTIES AND REQUIREMENTS OF CERTIFIED OPERATORS	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08F .0203	DUTIES AND REQUIREMENTS OF AN OPERATOR IN CHARGE	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0300 - CLASSIFICATION	15A NCAC 08F .0301	CLASSIFICATION OF ANIMAL WASTE MANAGEMENT	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0400 - CERTIFICATION OF OPERATORS	15A NCAC 08F .0401	QUALIFICATIONS FOR EXAMINATION	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08F .0402	APPLICATION FORM	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08F .0403	APPLICATION PROCEDURES	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08F .0404	EXAMINATION PROCEDURES	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08F .0405	RENEWAL OF CERTIFICATION	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08F .0406	REVOCATION, RELINQUISHMENT OR INVALIDATION OF CERTIFICATION	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08F .0407	RECERTIFICATION FOLLOWING REVOCATION OR RELINQUISHMENT	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0500 - CIVIL PENALTIES	15A NCAC 08F .0501	WHO MAY ASSESS	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08F .0502	WHEN ASSESSABLE	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08F .0503	STANDARDS	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08F .0504	ASSESSMENT	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08F .0505	PAYMENT AND HEARING	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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		15A NCAC 08F .0506	REFERRALS	Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SUBCHAPTER 8G - AUTHORITY: ORGANIZATION: STRUCTURE: DEFINITIONS	SECTION .0100 - GENERAL PURPOSE AND DEFINITIONS	15A NCAC 08G .0101	PURPOSE	Eff. April 1, 1999	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0102	DEFINITIONS	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0200 - DUTIES AND RESPONSIBILITIES	15A NCAC 08G .0201	RESPONSIBILITY OF SYSTEM OWNERS TO DESIGNATE CERTIFIED OPERATORS	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08G .0203	RESPONSIBILITIES OF ALL CERTIFIED OPERATORS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0204	RESPONSIBILITIES OF AN OPERATOR IN RESPONSIBLE CHARGE (ORC)	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08G .0205	RESPONSIBILITIES OF A BACK-UP OPERATOR IN RESPONSIBLE CHARGE (BACK-UP ORC)	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0300 - CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS	15A NCAC 08G .0301	APPLICABILITY	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08G .0302	CLASSIFICATION OF BIOLOGICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08G .0303	CLASSIFICATION OF WATER POLLUTION CONTROL COLLECTION SYSTEMS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0304	CLASSIFICATION OF SURFACE IRRIGATION WATER POLLUTION CONTROL SYSTEMS	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08G .0305	CLASSIFICATION OF LAND APPLICATION OF RESIDUALS SYSTEMS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0306	CLASSIFICATION OF PHYSICAL/CHEMICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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		15A NCAC 08G .0307	CLASSIFICATION OF SUBSURFACE WATER POLLUTION CONTROL SYSTEMS	Eff. April 1, 1999	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08G .0308	SYSTEMS NOT OTHERWISE CLASSIFIED	Eff. April 1, 1999	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0400 - ELIGIBILITY REQUIREMENTS FOR EXAMINATIONS	15A NCAC 08G .0401	GENERAL REQUIREMENTS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0402	ELIGIBILITY REQUIREMENTS FOR BIOLOGICAL WATER POLLUTION CONTROL SYSTEM OPERATORS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
		15A NCAC 08G .0403	ELIGIBILITY REQUIREMENTS FOR WATER POLLUTION CONTROL COLLECTION SYSTEM OPERATORS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
		15A NCAC 08G .0404	ELIGIBILITY REQUIREMENTS FOR LAND APPLICATION OF RESIDUALS OPERATORS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
		15A NCAC 08G .0405	ELIGIBILITY REQUIREMENTS FOR PHYSICAL/CHEMICAL WATER POLLUTION CONTROL SYSTEM OPERATORS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0406	ELIGIBILITY REQUIREMENTS FOR SURFACE IRRIGATION WATER POLLUTION CONTROL SYSTEM OPERATORS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0407	ELIGIBILITY REQUIREMENTS FOR SUBSURFACE WATER POLLUTION CONTROL SYSTEM OPERATORS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
		15A NCAC 08G .0408	ELIGIBILITY REQUIREMENTS FOR OPERATOR IN TRAINING (OIT) CERTIFICATION	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0409	ELIGIBILITY REQUIREMENTS FOR CONDITIONAL WATER POLLUTION CONTROL SYSTEM OPERATORS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0410	RECIPROCITY CERTIFICATION	Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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	SECTION .0500 - CERTIFICATION BY EXAMINATION	15A NCAC 08G .0501	APPLYING FOR EXAMINATION	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0503	EXAMINATION ADMINISTRATION	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0504	EXAMINATION GRADING	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0505	EXAMINATION REVIEWS	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0600 - CERTIFICATION WITHOUT EXAMINATION	15A NCAC 08G .0602	TEMPORARY CERTIFICATES	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0603	TEMPORARY CERTIFICATE RENEWAL	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0700 - RENEWAL OF CERTIFICATION	15A NCAC 08G .0701	REQUIREMENTS	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0800 - DISCIPLINARY ACTIONS	15A NCAC 08G .0801	FOUNDATIONS FOR DISCIPLINARY ACTIONS	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08G .0802	DISCIPLINARY ACTIONS	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		15A NCAC 08G .0803	CERTIFICATION FOLLOWING DISCIPLINARY ACTIONS	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 08G .0804	CONTESTED CASE PROCEDURES	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0900 - CONTRACT OPERATION OF WATER POLLUTION CONTROL SYSTEMS	15A NCAC 08G .0901	RESPONSIBILITIES OF CONTRACT OPERATORS AND CONTRACT OPERATIONS FIRMS	Eff. April 1, 1999	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .1000 - RULE MAKING PROCEDURES AND PETITIONS FOR REGULATORY ACTIVITY	15A NCAC 08G .1001	PETITIONS FOR REGULATORY ACTIVITY	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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15A NCAC 08F .0405 Rule Name: RENEWAL OF CERTIFICATION

Commenter Name: Curtis Barwick

Company/Organization: Barwick Ag Services

Email: [barwickagservices@embargmail.com](mailto:barwickagservices@embargmail.com)

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Operators that fail to submit payment within 30 days of the due date should not be required to take and pass an examination. This payment failure has nothing to do with their competencies. I suggest to have a nominal fine added to the renewal.

Agency Response:

This comment concerns the statute authorizing the Rule – NCGS 90A – 47.4(b) which states that an operator who fails to renew the certificate and pay the renewal fee must take and pass the examination for certification in order to renew the certificate. The agency recognizes concerns cited in the comment, and comment will be considered during the readoption process. The agency's selected determination is "necessary with substantive public interest."

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15A NCAC 08G .0402 Rule Name: ELIGIBILITY REQUIREMENTS FOR BIOLOGICAL WATER POLLUTION CONTROL SYSTEM OPERATORS.

Commenter Name: Patrick Irwin

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Remove "actual experience" and replace with "experience."

Agency Response: The Rule is within the agency's statutory authority to establish minimum requirements of education, experience and knowledge for each grade of certification for water pollution control operators. The agency's selected determination is "necessary without substantive public interest."

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15A NCAC 08G .0403 Rule Name: ELIGIBILITY REQUIREMENTS FOR WATER POLLUTION CONTROL COLLECTION SYSTEM OPERATORS

Commenter Name: Patrick Irwin

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Remove "actual experience" and replace with "experience."

Agency Response: The Rule is within the agency's statutory authority to establish minimum requirements of education, experience and knowledge for each grade of certification for water pollution control operators. The agency's selected determination is "necessary without substantive public interest."

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15A NCAC 08G .0404 Rule Name: ELIGIBILITY REQUIREMENTS FOR LAND APPLICATION OF RESIDUALS OPERATORS

Commenter Name: Patrick Irwin

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Remove "actual experience" and replace with "experience."

Agency Response: The Rule is within the agency's statutory authority to establish minimum requirements of education, experience and knowledge for each grade of certification for water pollution control operators. The agency's selected determination is "necessary without substantive public interest."

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15A NCAC 08G .0407 Rule Name: ELIGIBILITY REQUIREMENTS FOR SUBSURFACE WATER POLLUTION CONTROL SYSTEM OPERATORS

Commenter Name: Patrick Irwin

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: Another type of comment

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Remove "actual experience" and replace with "experience."

Agency Response: The Rule is within the agency's statutory authority to establish minimum requirements of education, experience and knowledge for each grade of certification for water pollution control operators. The agency's selected determination is "necessary without substantive public interest."

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