

1 15A NCAC 08F .0102 is amended as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0102 DEFINITIONS**

4 The following definitions shall apply throughout this Subchapter:

- 5 (1) "Active certification" means that all training and certification requirements pursuant to G.S. 90A-
6 47.3(b) and G.S. 90A-47.4 have been completed.
- 7 (2) "Animal waste management plan" means a plan to collect, store, ~~treat~~ or apply animal waste
8 to the land in an environmentally safe manner developed in accordance with G.S. 143-215.10C.
- 9 ~~(a)~~(3) "Animal waste management system operator" means a person that has been certified by the
10 Certification Commission as a Type A Animal Waste Management System Operator or as a Type
11 B Animal Waste Management System Operator.
- 12 ~~(b) "Appropriate examination" means an examination that has been approved by the Certification Commission.~~
- 13 ~~(c)~~(4) "Approved ~~training~~ program" means any training required in order to be eligible for an
14 examination or to meet continuing education requirements as established in accordance with 15A
15 NCAC 08F .0400. ~~[The standards for approved training shall be developed by a committee~~
16 ~~consisting of representatives for training sponsors, DWR staff, NC State Extension staff, instructors,~~
17 ~~and certified operators. The standards shall be approved by the Commission and known as~~
18 ~~"Certification Training for Operators of Animal Waste Management Systems Course Standards" or~~
19 ~~"Needs to Know". These standards can be found at [https://deq.nc.gov/about/divisions/water-](https://deq.nc.gov/about/divisions/water-resources/operator-certification/animal-waste-operator-certification/downloads)~~
20 ~~resources/operator-certification/animal-waste-operator-certification/downloads.~~ a — training
21 program that has been approved by the Certification Commission in cooperation with the
22 Cooperative Extension Service.
- 23 (5) "Back-up Operator in ~~[Charge]~~ or ~~[Back-up]~~ "Back-up OIC" means a person that holds an
24 active certification to operate an animal waste management system and who has responsibility for
25 the operation of the system as described in G.S 90A-47.1(a)(4) when the OIC is absent from his or
26 her duties.
- 27 ~~(d)~~(6) "Certified operator" means a person who holds a ~~currently valid~~ an active certification as an animal
28 waste management system operator.
- 29 ~~(e)~~(7) "~~Certification Commission~~ "Commission" means the Water Pollution Control System Operators
30 Certification Commission ~~(WPCSOCC)~~ created by G.S. 143B-300. The Commission address is
31 1618 Mail Service Center, Raleigh, NC 27699-1618 and the website may be found at:
32 [https://deq.nc.gov/about/divisions/water-resources/operator-certification.](https://deq.nc.gov/about/divisions/water-resources/operator-certification) ~~The — Certification~~
33 ~~Commission's mailing address is PO Box 29535, Raleigh, NC 27626-0535.~~
- 34 ~~(f)~~(8) "Contract animal waste management system operator" means any certified animal waste operator
35 who contracts with the owner or person in control of an animal operation pursuant to G.S. 90A-
36 47.2(b).

1 ~~(g) "Currently valid certification" means that all training and certification requirements pursuant to G.S. 90A-47.3(b)~~
2 ~~and G.S. 90A-47.4 have been completed.~~

3 ~~(h) "Emergency circumstances" means any extraordinary meteorological event, natural catastrophe, or equipment~~
4 ~~failure that threatens the integrity of the animal waste management system.~~

5 (9) "Operator in Charge" ~~[(OIC)]~~or "OIC" means a person who holds an active certification to operate
6 an animal waste management system and who has responsibility for the operation of the system as
7 ~~[described]~~defined in G.S. 90A-47.1(a)(4).

8 ~~(+)(10)~~ "Person under the supervision of an Operator in Charge" means a person who takes directions from
9 the ~~Operator in Charge~~ OIC and who ~~may~~ shall only land apply animal waste when the ~~Operator in~~
10 ~~Charge~~ OIC is available for consultation and advice at any time during the application of animal
11 waste.

12
13 *History Note:* Authority ~~G.S. 90A-35;~~ 90A-43; 90A-47; ~~[90A-47.6;]~~G.S. 90A-47.6; 143B-300;

14 *Temporary Adoption Eff. January 7, 1997;*

15 *Eff. August 1, 1998;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26,*
17 *2015-2015;*

18 *Amended Eff. September 1, 2018.*

1 15A NCAC 08F .0201 is amended as published in 32:18 NCR 1765 with changes as follows:

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3 **15A NCAC 08F .0201 DUTIES AND REQUIREMENTS OF OWNERS**

4 (a) The owner of each animal operation having an animal waste management system shall submit an Animal Waste
5 Management System Operator Designation Form ~~a letter~~ to the ~~Certification~~ Commission ~~which~~that designates an
6 ~~Operator in Charge~~ OIC. This ~~letter~~ form shall be signed by the owner and the certified operator and shall be submitted
7 to the ~~Certification Commission~~. Commission via mail or email to certadmin@ncdenr.gov. The ~~Operator in Charge~~
8 OIC shall be designated:

- 9 (1) before a new animal operation having an animal waste management system is placed in operation;
10 or
11 (2) within 30 days ~~after a new Operator in Charge is designated~~ following a vacancy in the position of
12 OIC.

13 (b) An owner may voluntarily designate a ~~back-up~~Back-up ~~Operator in Charge~~ OIC to operate the animal waste
14 management system during the absence of the primary ~~Operator in Charge~~ OIC.

15 (c) The Animal Waste Management System Operator Designation Form may be found on the Commission website
16 ~~[at: https://deq.nc.gov/about/divisions/water-resources/operator-certification/animal-waste-operator-~~
17 ~~certification/downloads]~~ and shall include:

- 18 (1) the owner's name, contact ~~[information]~~information, and signature;
19 (2) the system name, location, permit number, ~~[type]~~type, and classification;
20 (3) the OIC name, contact information, certification type, and signature; and
21 (4) if designated, the Back-up OIC's name, contact information, certificate type, and
22 ~~[signature]~~signature. ~~[(if designated).]~~

23
24 *History Note: Authority ~~G.S. 90A-44; 90A-47;~~G.S. 90A-47.2; 143B-300;*

25 *Temporary Adoption Eff. January 7, 1997;*

26 *Eff. August 1, 1998;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26,*
28 *2015-2015;*

29 *Amended Eff. September 1, 2018.*

1 15A NCAC 08F .0202 is amended as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0202 DUTIES AND REQUIREMENTS OF CERTIFIED OPERATORS**

4 Certified ~~Operators~~ operators shall:

5 (1) comply with all terms and conditions of their certification as set forth in these Rules;

6 ~~(1)(2)~~ notify the ~~Certification~~ Commission in writing, within 30 days of any change in **mailing** address;
7 and

8 ~~(2)(3)~~ pay an annual renewal fee of ten dollars (\$10.00) as specified at G.S. 90A-47.4(b) and complete all
9 additional training requirements as specified at G.S. 90A-47.3(b).

10
11 *History Note: Authority ~~G.S. 90A-47;~~ G.S. 90A-47.4; 143B-300;*

12 *Temporary Adoption Eff. January 7, 1997;*

13 *Eff. August 1, 1998;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26,*
15 *2015-2015;*

16 *Amended Eff. September 1, 2018.*
17

1 15A NCAC 08F .0203 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0203 DUTIES AND REQUIREMENTS OF AN OPERATOR IN CHARGE**

4 (a) An ~~Operator in Charge~~ OIC of any animal waste management system shall:

- 5 (1) possess ~~a currently valid~~ an active certification as an Animal Waste Management System Operator
6 of the ~~appropriate type; same type as the classification of the system;~~
7 (2) ~~visit, visit~~ and inspect each animal waste management system at a frequency ~~sufficient to ensure~~
8 ~~proper operation of the system; to ensure compliance with the permit; [and]~~
9 (3) be responsible for the ~~proper~~ application of the animal waste;
10 (4) ~~properly manage, supervise~~ supervise, and document ~~daily operation~~ operation, and ~~maintenance~~
11 maintenance, and visitation of the system; and
12 (5) certify by signature the monitoring and reporting information as prescribed in the permit.

13 (b) The ~~Operator in Charge~~ OIC or a designated ~~back-up Operator in Charge~~ Back-up OIC of a Type A Animal Waste
14 Management System shall:

- 15 (1) ensure that animal waste is applied in accordance with the animal waste management plan and the
16 permit issued for the animal operation;
17 (2) ~~inspect, inspect~~ or direct a person under the supervision of an ~~Operator in Charge~~ OIC or designated
18 ~~back-up Operator in Charge~~ Back-up OIC ~~shall to inspect, inspect~~ the land application site at a
19 frequency not to exceed every least every four hours 120 minutes during the application of animal
20 waste; and
21 (3) if the OIC or designated Back-up OIC was not present during the application of animal waste,
22 inspect the land application site within 24 hours of the application of animal ~~waste waste~~. if the
23 Operator in Charge was not present during the application of animal waste.

24 (c) The ~~Operator in Charge~~ OIC or a designated ~~back-up Operator in Charge~~ Back-up OIC of a Type B Animal Waste
25 Management System shall:

- 26 (1) ensure that animal waste is applied in accordance with the animal waste management plan and the
27 permit issued for the animal operation;
28 (2) inspect,inspect or direct a person under the supervision of an ~~Operator in Charge~~ OIC or designated
29 ~~back-up Operator in Charge~~ Back-up OIC ~~shallto inspect,inspect~~ the land application site at a
30 frequency not to exceed [least]every 120 minutes during the application of animal waste; and
31 (3) if the OIC or designated Back-up OIC was not present during the application of animal waste,
32 inspect the land application site within 48 hours of the application of animal ~~wastewaste~~. if the
33 Operator in Charge [OIC] was not present during the application of animal waste.

34 ~~(d) Any certified operator that contracts with an owner to serve as Operator in Charge shall submit an annual~~
35 ~~report to the Certification Commission in accordance with G.S. 90A 45(c). This report shall be~~
36 ~~submitted on or before January 15 of each year and shall include the following information:~~

- 37 (1) the name of the certified operator, mailing address, phone number, and certificate number(s); and

1 (2) ~~the name, mailing address, county, and facility identification number, and type of each animal waste~~
2 ~~management system for which the certified operator has been designated as Operator in Charge.~~

3

4 *History Note:* ~~Authority G.S. 90A-47~~G.S. 90A-47.6; 143B-300;

5 ~~Temporary Adoption Eff. January 7, 1997;~~

6 ~~Eff. August 1, 1998.~~1998;

7 Readopted Eff. September 1, 2018.

1 15A NCAC 08F .0301 is amended as published in 32:18 NCR 1765 with changes as follows:

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3 **15A NCAC 08F .0301 CLASSIFICATION OF ANIMAL WASTE MANAGEMENT SYSTEMS**

4 (a) The ~~Certification~~ Commission shall classify animal waste management systems based on the types of structures
5 and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of
6 animal ~~waste~~. waste as follows:

7 (1) Type A: These animal waste management systems generally are used to treat waste generated by
8 monogastric animals that produce a low fiber waste. They include any or all of the following
9 structures and nonstructural components that provide for the collection, treatment, ~~storage~~ storage,
10 and land application of animal waste and primarily rely on an anaerobic lagoon and soil/plant soil
11 and plant systems for the treatment of animal waste:

12 (A) anaerobic lagoon;

13 (B) pumps, ~~pipes~~ pipes, and associated appurtenances that convey the waste from point of
14 generation to final ~~treatment/disposal~~ treatment and disposal site;

15 (C) flushing systems;

16 (D) solids separation equipment;

17 (E) irrigation equipment; ~~and~~

18 (F) land application site and crops; ~~and Type A animal waste management systems are~~
19 ~~generally used to treat waste generated by monogastric animals which produce a low fiber~~
20 ~~waste.~~

21 (G) anaerobic digester.

22 (2) Type B: These animal waste management systems generally are used to treat waste generated by
23 ruminants and other animals that produce a high fiber waste. They include any or all of the following
24 structures and nonstructural components that provide for the collection, treatment, ~~storage~~ storage,
25 and land application of animal waste and primarily rely on soil/plant soil and plant systems for the
26 treatment of animal waste:

27 (A) dry stacks;

28 (B) solids and slurry collection equipment;

29 (C) storage ponds for the collection of solids and runoff;

30 (D) pumps, ~~pipes~~ pipes, and associated appurtenances that convey the waste from point of
31 generation to final treatment and disposal site;

32 (E) application equipment;

33 (F) land application site and crops; and Type B animal waste management systems are
34 ~~generally used to treat waste generated by ruminants and other animals which produce a~~
35 ~~high fiber waste.~~

36 (G) anaerobic digester.

(b) Animal waste management systems ~~which~~ that include components that are ~~significantly~~ different than the ~~systems~~ systems described in ~~Subparagraph (a)(1) of~~ this Rule shall be evaluated by the ~~Commission, or its designee,~~ Commission to determine if the ~~systems~~ systems ~~is~~ are subject to classification in accordance with 15A NCAC ~~08C .0102(b).~~ 08G .0302 through .0308.

History Note: Authority G.S. 90A-37; ~~90A-47~~ 90A-47.2; 90A-47.6; 143B-300;

Temporary Adoption Eff. January 7, 1997;

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1 15A NCAC 08F .0401 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0401 QUALIFICATIONS FOR EXAMINATION**

4 (a) An applicant for certification as a Type A or Type B Animal Waste Management System Operator shall be
5 expected to meet the following criteria and possess the knowledge and abilities listed as they relate to the specific type
6 of system for which certification is being sought and ~~[shall,]shall:[at a minimum:]~~

7 (1) be at least 18 years of age;

8 (2) have completed an approved training program of the same type as the examination for which they
9 are applying;

10 (3) possess knowledge of:

11 (A) animal operations, animal waste management systems, and animal waste management
12 plans;

13 (B) the laws and rules that govern animal waste management operators and the operation of
14 animal waste management systems; and

15 (C) the equipment employed by these ~~[systems,]systems and the maintenance requirements of~~
16 such equipment; and

17 (4) have the ability to:

18 (A) ~~[describe the maintenance requirements of such equipment,]~~

19 (B)(A) perform calibrations and calculations relating to the land application of the waste; and

20 (C)(B) read and complete the monitoring and reporting forms necessary to document the land
21 application of animal waste as prescribed in the animal waste management plan and the
22 permit.

23 (b) An applicant who fails to achieve a passing score on a specific type of examination after three consecutive attempts
24 shall:

25 (1) complete an approved training for the same type as the certification being sought before being
26 eligible to retake the examination; and

27 (2) provide ~~[verification,]verification[in the form of a certificate of completion or other such~~
28 documentation, of the completion] of the required training with any subsequent application made to
29 the Commission to sit for the examination.

30 (a) Type A Animal Waste Management System Operator.

31 (1) An applicant for certification as a Type A Animal Waste Management System Operator shall be
32 expected to have a general knowledge of animal operations and Type A animal waste management
33 systems. The applicant shall have knowledge of the laws and regulations related to the operation of
34 Type A animal waste management systems, the equipment usually employed in Type A animal
35 waste management systems, be able to describe the general maintenance requirements for such
36 equipment, have the ability to perform calibrations and calculations relating to the land application
37 of the waste, have an understanding of animal waste management plans, and be able to read and

complete the forms necessary to document the proper land application of animal waste in accordance with the animal waste management plan. The applicant must submit an application to the Certification Commission showing that the following requirements have been met in order to take an examination for certification as a Type A Animal Waste Management System Operator:

(A) be at least 18 years of age;

(B) completion of a 10-hour training program on the operation of Type A animal waste management systems that provides instruction regarding the collection, storage, treatment, and land application of animal waste

(2) An applicant who has failed to pass the appropriate examination after three attempts must attend and complete the approved training program before being eligible to retake the examination.

(b) Type B Animal Waste Management System Operator.

(1) An applicant for certification as a Type B Animal Waste Management System Operator shall be expected to have a general knowledge of animal operations and Type B animal waste management systems. The applicant shall have knowledge of the laws and regulations related to the operation of Type B animal waste management systems, knowledge of the equipment usually employed in Type B animal waste management systems, be able to describe the general maintenance requirements for such equipment, have the ability to perform calibrations and calculations relating to the land application of the waste, have an understanding of animal waste management plans, and be able to read and complete the forms necessary to document the proper land application of animal waste in accordance with the animal waste management plan. The applicant must submit an application to the Certification Commission showing that the following requirements have been met in order to take an examination for certification as a Type B Animal Waste Management System Operator:

(A) be at least 18 years of age;

(B) completion of a 10-hour training program on the operation of Type B Animal Waste Management Systems that provides instruction regarding the collection, storage, treatment, and application of animal waste.

(2) An applicant who has failed to pass the appropriate examination after three attempts must attend and complete the approved training program before being eligible to retake the examination.

*History Note: Authority G.S. 90A-43; ~~90A-47~~; 90A-47.3; 90A-47.6; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, ~~1998~~; 1998;
Readopted Eff. September 1, 2018.*

1 15A NCAC 08F .0402 is amended as published in 32:18 NCR 1765 with changes as follows:

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3 **15A NCAC 08F .0402 APPLICATION FORM**~~APPLYING FOR EXAMINATION~~

4 (a) An Animal Waste Management System Operator Certification Examination Application ~~application which is~~
5 ~~designed for requesting certification as an Animal Waste Management System Operator by way of examination must~~
6 ~~shall be properly and accurately completed and submitted with the appropriate~~ twenty-five dollar (\$25.00) examination
7 fee ~~as stipulated by~~ required by G.S. 90A-47.4 to the ~~Certification~~ Commission.

8 (b) The ~~[Application]~~ application may be found on the Commission website ~~at:~~
9 ~~https://deq.nc.gov/about/divisions/water-resources/operator-certification/animal-waste-operator-~~
10 ~~certification/downloads]~~ and shall include:

11 (1) the applicant's name, contact information, and date of [birth,]birth:[and Social Security Number (if
12 first time applicant);]

13 (2) Social Security Number (if first-time applicant);

14 (2)(3) the type of certification sought;

15 (3)(4) the date and location of examination requested;

16 (4)(5) the documentation of required training; and

17 (5)(6) the applicant's signature.

18 (c) Applications for examination shall be postmarked by the United States Postal Service at least 30 days prior to the
19 date upon which the examination is scheduled to be administered.

20 (b)(d) Incomplete applications and applications not accompanied by the appropriate fee and attachments cannot~~shall~~
21 ~~not~~ be processed and will[shall] be returned to the applicant.

22
23 *History Note:* Authority ~~G.S. 90A-39; 90A-47;~~ G.S. 90A-47.3; 143B-300;

24 *Temporary Adoption Eff. January 7, 1997;*

25 *Eff. August 1, 1998;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26,*
27 *2015-2015;*

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1 15A NCAC 08F .0403 is amended as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0403 APPLICATION PROCEDURES**

4 ~~(a) An application being filed for examination shall be postmarked by the United States Postal Service at least 30~~
5 ~~days prior to the date upon which the examination is scheduled to be administered and the appropriate fee must~~
6 ~~accompany the application.~~

7 ~~(b)(a)~~ Upon receipt of the application by the Certification Commission, ~~the application~~ it will be reviewed by the
8 designee(s) of the Certification Commission for eligibility to take the examination.

9 ~~(b) The applicant will be~~ Eligible applicants shall be notified by letter, ~~letter which will serve as the receipt for the~~
10 ~~examination fee, of his/her eligibility and will be advised~~ told of the date, ~~time~~ time, and place of the
11 ~~examination.~~ examination he or she is registered to take. ~~[Such]~~ The notice ~~[will]~~ shall serve as a receipt for the
12 examination fee.

13 ~~(c) In cases where~~ When the applicant is ~~determined to be~~ ineligible for examination, the applicant ~~will~~ shall also be
14 notified by letter and advised of the reason for ineligibility. The examination fee ~~will~~ shall be refunded in the event
15 that the applicant is determined to be ineligible for the examination. Upon notification of ineligibility, the applicant
16 may request a hearing ~~to be heard by the Certification with the~~ Commission ~~on the ineligibility determination~~ at the
17 next regularly scheduled ~~meeting, meeting, relative to the ineligibility. Such requests must~~ The written request shall be
18 ~~in writing and shall be submitted~~ postmarked at least 30 days prior to the next regularly scheduled meeting.

19 ~~(d)~~ Any applicant who ~~intentionally~~ supplies false information on the application for certification for the purpose of
20 gaining ~~eligibility, eligibility~~ will shall be ineligible for the examination and ~~will~~ shall forfeit the examination fee.
21 Applicants who have ~~intentionally~~ supplied false information and who have been determined to be ineligible who wish
22 to reapply for certification shall follow the procedure set forth in Rule .0407(d) of this Section.

23
24 *History Note:* Authority ~~G.S. 90A-39; 90A-47; G.S. 90A-47.3;~~ 143B-300;

25 *Temporary Adoption Eff. January 7, 1997;*

26 *Eff. August 1, 1998;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26,*
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29 *Amended Eff. September 1, 2018.*

1 15A NCAC 08F .0404 is amended as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0404 EXAMINATION PROCEDURES**

4 The ~~Certification~~ Commission or its designee shall conduct examinations for certification in accordance with the
5 following:

- 6 (1) The dates, times, and places of examination shall be ~~determined set~~ by the ~~Certification~~
7 ~~Commission.~~ Commission and [Announcement] Announcements of the dates, times [times,] and
8 places of examination shall be distributed to the Cooperative Extension Service office in each
9 county. published [annually] on the Commission's [webpage]webpage. [— at:
10 https://deq.nc.gov/about/divisions/water-resources/operator-certification/animal-waste-operator
11 certification/aw-operator-certification-exams.]
- 12 (2) Each applicant applying for examination shall be notified [in writing] of the date, time, and place of
13 the examination [using the address submitted upon application,] in accordance with Rule .0403(b)
14 of this Section.
- 15 (3) Examinations approved by the Certification Commission shall be given only to those who, after
16 filing proper application, have been determined to be eligible.
- 17 (4)(2) When each applicant receives his/her his or her examination paper, ~~he/she~~ he or she shall identify
18 themselves by way of a validcurrent driver's license or other form of photo ~~identification~~
19 identification satisfactory to the proctor of the examination.
- 20 (5) ~~Representatives of the Certification Commission or its designee(s), who are supervising the~~
21 ~~examinations may take appropriate action against applicants, including dismissal from the~~
22 ~~examination, if the examination policies and procedures are not followed.~~
- 23 (6)(5)(3) ~~An examination score of 70 percent or higher shall constitute a passing score~~ A passing score
24 shall be answering 70 percent of the examination questions correctly.
- 25 (7)(6)(4) ~~The applicant shall be notified, [notified] in writing [using the address submitted upon~~
26 application,] only, of the score achieved on the examination [examination,] by the Certification
27 Commission or its designee. The Commission shall send written notification to the applicant of his
28 or her score, using the address submitted upon application. The results of the examination shall be
29 mailed to the address submitted with the application for examination. If a passing score is made,
30 suchthe notification shall constitutes constitute certification by the ~~Certification~~ Commission that
31 the applicant is a qualified operator of the appropriate type of animal waste management ~~systems~~
32 systems. and shall be issued a certificate by the ~~Certification Commission.~~ After each examination,
33 a list Certified Operator Listing of those certified shall be prepared and ~~made part of the permanent~~
34 ~~records of the Certification Commission.~~ published on the Commission [webpage]webpage. [at:
35 https://deq.nc.gov/about/divisions/water-resources/operator-certification/animal-waste-operator
36 certification.]

(7)(5) Any applicant who fails to make a passing score on an examination shall be allowed to review their exam at a date, time, and location specified by the Commission. Notification of the reviews shall be sent using the address submitted upon application and this shall be the only opportunity the applicant shall be allowed for reviewing the examination. An applicant shall not be allowed to review the examination within 30 days of an upcoming examination date.

(8) [An applicant shall not be allowed to review the examination within 30 days of an upcoming examination date.]

(9)(6) All examinees shall receive a report that summarizes their performance on the exam, including the score, subject matter areas from which the questions were drawn, as well as correct and incorrect responses to each question. Specific questions from the exam shall not be included in this report.

History Note: Authority G.S. 90A-39; 90A-47; 90A-47.3; G.S. 90A-47.3; 143B-300;

Temporary Adoption Eff. January 7, 1997;

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1 15A NCAC 08F .0406 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0406 ~~REVOCATION, RELINQUISHMENT OR INVALIDATION OF~~**
4 **CERTIFICATION DISCIPLINARY ACTIONS**

5 (a) The ~~Certification~~ Commission, in accordance with the provisions of G.S. 150B ~~[G.S. 150B-38]~~ G.S. 150B, Article
6 3A, and ~~G.S. 90A-41~~ G.S. 90A-47.5, may suspend or revoke the certificate of a certified ~~operator,~~ operator ~~or issue a~~
7 ~~written reprimand to an operator~~ if it finds that the operator:

- 8 (1) engages in fraud or deceit in obtaining certification; ~~or~~
9 (2) fails to exercise reasonable care, judgment, or use of the operator's knowledge and ability in the
10 performance of the duties of an ~~operator in charge;~~ OIC; or
11 (3) is incompetent or otherwise unable to properly perform the duties of an ~~operator in charge.~~ OIC.

12 ~~(b) Prior to the Certification Commission taking action on a proposed revocation, suspension, or civil penalty~~
13 ~~assessment, the operator shall be given an opportunity to submit a written statement and present oral argument before~~
14 ~~the Certification Commission at a regularly scheduled meeting. The operator shall be notified by the Certification~~
15 ~~Commission in writing at least 15 days prior to the meeting. This notification shall be delivered by first class mail to~~
16 ~~the operator's address that the Certification Commission has on file.~~

17 ~~(c) The Certification Commission may issue a written reprimand to an operator in accordance with G.S. 90A-41. The~~
18 ~~reprimand shall be delivered personally or by certified mail. A copy of the letter will be kept in the operator's file and~~
19 ~~a copy will be sent to the operator's employer. The operator will be given the opportunity to put a letter of rebuttal into~~
20 ~~the file when a reprimand has been issued.~~

21 (b) The Chairman of the Commission may issue notification of summary suspension in accordance with the provisions
22 of G.S. ~~[450B-3,]~~ 150B-3. ~~[the intention to revoke or suspend the certification of an operator.]~~

23 (c) The Chairman shall convene a disciplinary committee to review the circumstances of the proposed disciplinary
24 action(s).

- 25 (1) The disciplinary committee shall ~~[include]~~ include: ~~[at least:]~~
26 (A) the Chairman of the Commission;
27 (B) the Vice Chairman of the Commission;
28 (C) both members of the Commission appointed by the Commissioner of Agriculture; and
29 (D) a certified ~~[operator,]~~ operator who has been chosen from the public and appointed by the
30 ~~[Chairman,]~~ Chairman. ~~[representing the same type of certification considered for~~
31 ~~disciplinary action.]~~

- 32 (2) The members of the disciplinary committee shall offer guidance to the Commission Chairman
33 regarding the actions that should be taken against an operator.

34 (d) Notification of the disciplinary committee meeting shall be sent by certified mail to the last known address of the
35 ~~operator~~ at least 15 days prior to the date of the ~~[meeting,]~~ meeting of the advisory committee. ~~[to the last known~~
36 ~~address of the operator.]~~ This notification shall contain the alleged facts or conduct upon which the proposed
37 revocation or suspension of the certification is based.

1 (e) The operator shall have an opportunity to submit a written response to the Chairman prior to the date of the
2 disciplinary committee meeting. The operator shall also be given the opportunity to make an oral statement before the
3 disciplinary committee.

4 (f) Within 10 business days of the conclusion of the disciplinary committee meeting, the Chairman shall issue the
5 decision of the disciplinary committee. If this decision is to issue a revocation or suspension, the Chairman shall advise
6 the operator of the effective date of the action and the facts or conduct upon which the action is based. The revocation
7 or suspension of a certification shall be delivered to the ~~affected~~ operator and the owner of the system(s) at which
8 the operator works by certified mail, at the last known address for the operator and owner on file with the Commission,
9 at least 20 days prior to the effective date of the revocation or suspension.

10 (g) The revocation or suspension becomes a final Commission action if the operator does not file a petition for a
11 contested case hearing in the Office of Administrative Hearings as provided in the Administrative Procedure Act,
12 ~~G.S. 150B.~~ G.S. 150B, Article 3A.

13 (h) If an applicant is caught cheating on an examination by a ~~proctor~~ proctor, ~~of the examination,~~ the applicant shall
14 be ~~excused~~ removed from the examination, the examination shall not be graded, the fee for the examination shall be
15 forfeited by the applicant and any other certification(s) held by the ~~applicant~~ applicant, with the Commission shall
16 be subject to revocation as set forth in ~~G.S. 90A-47~~ G.S. 90A-47.5 and in this Rule.

17 (i) If the Commission determines, after the examination has been graded, that an applicant cheated on an examination
18 and certification has been conveyed to the applicant, the certification obtained through the examination shall be
19 revoked and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set
20 forth in ~~G.S. 90A-47~~ G.S. 90A-47.5 and in this Rule.

21
22 *History Note:* Authority ~~G.S. 90A-41; 90A-47; G.S. 90A-47.5; 143B-300; 150B-3; 150B-23; 150B-38; 150B-52;~~
23 *Temporary Adoption Eff. January 7, 1997;*
24 *Eff. August 1, 1998-1998;*
25 *Readopted Eff. September 1, 2018.*

1 15A NCAC 08F .0407 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0407 RECERTIFICATION FOLLOWING REVOCATION OR RELINQUISHMENT**

4 (a) After revocation or relinquishment has been effective for a period of not less than 270 days, a person may apply
5 in writing for ~~recertification~~recertification, ~~by the Certification Commission.~~ The ~~petition application must shall~~
6 include any ~~relevant~~ facts concerning changes to conditions under which revocation or relinquishment occurred. Such
7 facts must shall show ~~clearly~~ that the applicant will comply with the laws and regulations concerning the operation of
8 animal waste management systems.

9 (b) Within 120 days following receipt of an application for recertification, the ~~Certification Commission will~~shall
10 notify the applicant by letter of its decision to deny or grant examination eligibility in accordance with procedures set
11 out in Rule .0403 of this Section. ~~Additional eligibility requirements including a show cause conference may be~~
12 ~~imposed by the Certification Commission. Eligibility~~The Commission will only shall be granted grant eligibility only
13 if there is ~~substantial~~ evidence that the conditions leading to the revocation or relinquishment have been corrected.

14 (c) Recertification of a person as an operator of animal waste management systems shall only occur by means of
15 application and examination. ~~The examination will not be waived.~~ The applicant shall meet the eligibility
16 requirements as outlined in Rule .0401 of this Section.

17 (d) Upon notification of the ~~Certification Commission's~~ decision to deny eligibility, the applicant may appeal the
18 decision pursuant to the procedures contained in G.S. 150B, Article 3A.

19 (e) Prior to ~~recertification~~recertification, the applicant ~~must shall~~ pay in full all civil ~~penalties~~penalties, if assessed
20 against ~~them~~him or her by the ~~Certification Commission.~~

21
22 *History Note:* Authority ~~G.S. 90A-39; 90A-47; G.S. 90A-47;~~ 143B-300; ~~150B-3;~~ 150B-38;

23 *Temporary Adoption Eff. January 7, 1997;*

24 *Eff. August 1, ~~1998~~ 1998;*

25 *Readopted Eff. September 1, 2018.*

1 15A NCAC 08F .0502 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0502 WHEN ASSESSABLE**

4 ~~Civil penalties may be assessed whenever the Secretary, or his designee, has determined~~ The Commission may assess
5 ~~civil penalties whenever it determines~~ that an owner of an animal operation with an animal waste management
6 ~~system,system~~ or an ~~Operator in Charge OIC~~ of an animal waste management ~~system, system~~ willfully violates the
7 requirements of ~~G.S. 90A-47~~ ~~[G.S. 90A-47.]~~ G.S. 90A-47, Part 2. and this Subchapter. ~~Violations that may result in~~
8 ~~the assessment of civil penalties include, in addition to matters specially referenced in~~ In addition to violations in G.S.
9 90A-47.5(a), a failure to designate a properly certified ~~Operator In Charge OIC~~ of the animal waste management
10 system as required by ~~[G.S. 90A-47.2(a),]~~ G.S. 90A-47.2(a) may result in the assessment of civil penalties. ~~G.S. 90A-~~
11 ~~47.2(a).~~

12
13 *History Note:* Authority G.S. 90A-47; 90A-47.5; 143B-300;
14 Temporary Adoption Eff. January 7, 1997;
15 Eff. August 1, ~~1998.~~1998;
16 Readopted Eff. September 1, 2018.

1 15A NCAC 08F .0503 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0503 STANDARDS**

4 In determining the amount of the assessment, ~~assessment~~ the ~~Secretary, or his designee,~~ Commission shall consider
5 the following standards:

6 (1) the duration of the violation;

7 ~~(2) [any] other violations of this Subchapter or G.S. 143-215.6(a); [G.S. 143-215.6A;]~~

8 ~~(3)(2) the effectiveness of preventive or responsive measures taken by the violator; and~~

9 ~~(4)(3) the cost to the violator or others of rectifying any damage damages caused by the violation; violation.~~

10 ~~and~~

11 ~~(5) the violator's previous record in complying or not complying with the requirements of [Part 1A,]~~

12 ~~G.S. 143, Article 21. [21, titled "Animal Waste Management Systems".]~~

13
14 *History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;*

15 *Temporary Adoption Eff. January 7, 1997;*

16 *Eff. August 1, ~~1998~~, 1998;*

17 *Readopted Eff. September 1, 2018.*

1 15A NCAC 08F .0504 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0504 ASSESSMENT**

4 (a) ~~For all violations for which~~ Whenever a penalty is ~~assessed~~ assessed, the Commission shall ~~send~~ advise a notice of such
5 ~~action shall be sent~~ to the respondent by certified mail. The notice will describe the violation, advise state that the
6 penalty is due, and advise the respondent of the rights of appeals as specified in Rule .0505 of this Section.

7 (b) The Commission may [modify]grant full or partial remission of a [penalty]penalty, [to a lower amount,] upon
8 receipt of a request for remission or reduction of the penalty as allowed in Rule .0505(a) of this Section, if it finds that
9 additional or different facts should be or should have been considered in determining the amount of assessment. The
10 Secretary, or his designee, may modify a penalty to a lower amount upon finding that additional or different facts
11 should be or should have been considered in determining the amount of assessment.

12 [(c) Requests for remission or reduction of the penalty will be presented to the Commission and the respondent shall
13 be allowed the opportunity to present its request only when the respondent and Chairman stipulate that no facts are in
14 dispute, or where the respondent waives his right to an administrative hearing.]

15
16 *History Note:* Authority G.S. 90A-47; 90A-47.5; 143B-300;
17 Temporary Adoption Eff. January 7, 1997;
18 Eff. August 1, ~~1998~~ 1998;
19 Readopted Eff. September 1, 2018.

1 15A NCAC 08F .0505 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0505 PAYMENT AND HEARING**

4 (a) Within 30 days after receipt of notification of an assessment, the assessed person must tender **payment**, ~~payment~~
5 ~~or~~ submit in writing a request for remission or reduction of the penalty, or file a petition with the Office of
6 Administrative Hearings in accordance with the procedures found in G.S. 150B, Article 3A.

7 (b) The ~~Secretary, or his designee, Commission will shall~~ accept and acknowledge in writing **[to the respondent,]** all
8 tenders of ~~payment~~**payment**, ~~on behalf of the Certification Commission. Requests for remission or reduction of the~~
9 ~~penalty will be presented to the Certification Commission and the respondent will be allowed the opportunity to~~
10 ~~present its request only when the respondent and Chairman stipulate that no facts are in dispute, or where the~~
11 ~~respondent waives his right to an administrative hearing.~~

12
13 *History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;*

14 *Temporary Adoption Eff. January 7, 1997;*

15 *Eff. August 1, ~~1998~~, 1998;*

16 *Readopted Eff. September 1, 2018.*

1 15A NCAC 08F .0506 is readopted with substantive changes as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08F .0506 REFERRALS**

4 If any civil penalty as finally assessed is not paid, the ~~Secretary, or his designee, on behalf of the Certification~~
5 ~~Commission~~ Commission shall request the Attorney General to commence action to recover the amount of the
6 assessment.

7
8 *History Note: Authority G.S. 90A-47; G.S. 90A-47.5;*
9 *Temporary Adoption Eff. January 7, 1997;*
10 *Eff. August 1, ~~1998~~; 1998;*
11 *Readopted Eff. September 1, 2018.*

1 15A NCAC 08G .0102 is readopted with changes as published in 32:18 NCR 1765 as follows:

3 **15A NCAC 08G .0102 DEFINITIONS**

4 In addition to the definitions in G.S. 90A-46, [The] the following definitions shall apply throughout this Subchapter:

5 ~~(a)(1)~~ "Activated sludge" means a biological wastewater treatment process in which ~~predominantly~~
6 biodegradable pollutants in wastewater are absorbed, or adsorbed, by living aerobic organisms and
7 bacteria in an aerated suspension which that is separated from the treated ~~wastewater~~ wastewater.
8 ~~gravimetrically.~~

9 ~~(b)(2)~~ "Actual experience" means the time working as a water pollution control system operator or operator
10 in responsible charge. An operator is an individual whose ~~principal~~ job responsibility is the ~~actual~~
11 physical operation of process equipment and systems at a water pollution control system. ~~Primary~~
12 ~~job~~ Job responsibilities such as laboratory testing, facility and equipment maintenance,
13 administrative support, or direct or indirect supervision do not qualify as actual experience.

14 (3) "ATU" means aerobic treatment unit and refers to a treatment component that utilizes oxygen to
15 degrade or decompose wastewater with or without mechanical means. The term is used to describe
16 proprietary devices that use direct introduction of air into wastewater by mechanical means to
17 maintain aerobic conditions.

18 ~~(c)(4)~~ "Approved training" means any training required for examination eligibility or to meet continuing
19 education requirements as established in accordance with 15A NCAC 08G .0400 and 15A NCAC
20 08G .0701. [The standards for approved training shall be developed by a committee consisting of
21 representatives for training sponsors, DEQ staff, instructors and certified operators. The standards
22 shall be approved by the Commission and shall be known as "Water Pollution Control System
23 Operator Certification Commission Training Course Standards" or "Needs to Know". The standards
24 may be found on the Commission website at: [https://deq.nc.gov/about/divisions/water-](https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator)
25 resources/operator-certification/wastewater-operator-certification/wastewater-operator-
26 certification-downloads."] "Approved training" means any training, required in order to be eligible
27 for an examination or to meet continuing education requirements as established in accordance with
28 15A NCAC 08G .0400 and 15A NCAC 08G .0701. The standards for approved training shall be
29 developed by a committee consisting of representatives for training sponsors, DWQ staff, instructors
30 and certified operators. The standards must be approved by the Commission and shall be known as
31 "Water Pollution Control System Operator Certification Commission Training Course Standards"
32 or "Needs to Know". These standards can be found at <http://h2o.enr.state.nc.us/tacu>.

33 ~~(d)(5)~~ "Back-up ORC" means Back-up Operator in Responsible Charge and refers to the operator who is
34 designated to act as surrogate for the Operator in Responsible Charge (ORC) when the ORC is
35 absent from his or her professional duties as set forth in G.S. 90A-44.

36 ~~(e)(6)~~ "Basic sciences" means courses in agronomy, biology, botany, chemistry, engineering,
37 environmental health and sciences, geology, math, physics, soil science, and zoology offered by an

1 a ~~accredited~~ college or ~~university~~ university accredited by an agency recognized by the United
2 States Department of Education.

3 ~~(f)(7)~~ "Chemical process" means a water pollution control system process consisting ~~exclusively~~ of the
4 addition of chemicals to treat wastewaters.

5 ~~(g)(8)~~ "Collection system" means a ~~continuous~~ connection of pipelines, conduits, pumping
6 stations~~stations~~, and other related constructions or devices used to conduct wastewater to a water
7 pollution control system.

8 ~~(h)(9)~~ "Commission" means the Water Pollution Control System Operators Certification Commission
9 created by G.S. 143B-300.

10 ~~(i)(10)~~ "Contact Hour" means one hour of ~~Commission-approved~~Commission-approved operator
11 instruction in accordance with 15A NCAC 08G .0701.

12 ~~(j)(11)~~ "Contract operations firm" means any commercial water pollution control system operations firm
13 ~~which~~ that contracts with the owner of a water pollution control system to provide operational
14 services for the system pursuant to G.S. 90A-45(a).

15 ~~(k)(12)~~ "Contract operator" means any certified water pollution control system operator who contracts with
16 the owner of a water pollution control system to provide operational and other services for the
17 system pursuant to G.S. 90A-45(a).

18 ~~(l)(13)~~ "Electrodialysis system" means a system utilizing a selective separation of dissolved solids process
19 that is based on electrical charge and diffusion through a semipermeable membrane.

20 ~~(m) "Fixed growth" means a biological wastewater treatment system in which the wastewater is treated by contact~~
21 ~~with a biological growth that is affixed to support media and includes systems such as trickling filters, rotating~~
22 ~~biological contactors, and biological tower treatment systems.~~

23 ~~(n)(14)~~ "GED" means general educational development in reference to a high school diploma equivalency.

24 ~~(o) "Nutrient Reduction" means the reduction of total nitrogen or total phosphorous by an activated sludge or fixed~~
25 ~~growth process.~~

26 (15) "Media filter" means a device that uses materials designed to treat effluent by reducing biochemical
27 oxygen demand and removing suspended solids in an unsaturated environment. Biological treatment
28 is facilitated via microbial growth on the surface of the media.

29 ~~(p)(16)~~ "Operator in Training (OIT)" means the certificate issued with Commission approval to an
30 individual prior to the completion of the experience requirements for that level of certification.

31 ~~(q)(17)~~ "Operator in Responsible Charge (ORC)" means the individual designated by a person, firm, or
32 corporation (municipal or private) owning or having control of a water pollution control system as
33 the operator of record of the water pollution control system and who has primary responsibility for
34 the operation of such system as defined in G.S. 90A-46

35 ~~(r)(18)~~ "Owner" means the person, firm, or corporation (municipal or private) owning or having control of
36 a water pollution control system as ~~described~~defined in G.S. 90A-44.

- (s)(19) "Passing score" means earning 70 percent of the available points on an examination administered by the Commission.
- ~~(t)~~ "Permanent certificate" means the certificate of competency issued by the Commission to an individual as the result of the individual obtaining a passing score on an examination administered by the Commission, or a certificate issued by reciprocity agreement by the Commission, and is subject to the provisions of G.S. 90A-40(a).
- (u)(20) "Physical/Chemical system" means any water pollution control system ~~which~~that utilizes a physical or a chemical process or both.
- (v)(21) "Physical process" means any water pollution control system process consisting of electrodialysis, adsorption, absorption, air stripping, gravimetric sedimentation, ~~flotation~~flotation, or filtration as the means of treatment.
- ~~(w)~~(22) "Reciprocity certificate" means a certificate issued of the appropriate type and grade ~~without examination to any person who is properly registered on the "National Association of Boards of Certification" Reciprocity Register and who meets all other requirements of these Rules as set forth in G.S. 90A-40(b).~~ to an applicant certified in another state and who meets all other requirements set forth in Rule .0410 of this Section.
- ~~(x)~~(23) "Regional office" means one of the seven local offices of the ~~Division of Water~~ Department of Environmental Quality located across the State.
- ~~(y)~~(24) "Residuals" means any ~~solid solid, or semisolid~~ semisolid, or liquid waste, other than effluent or residues from agricultural products and processing, generated from a water pollution control facility, water supply treatment facility, or air pollution control facility permitted under the authority of the Environmental Management Commission or the Commission for Public Health, ~~by product that is produced by the treatment of wastewater in a water pollution control system.~~
- ~~(z)~~(25) "Reverse osmosis system" means a system ~~which~~that utilizes solutions and semipermeable membranes to separate and treat wastewaters.
- (26) "Submerged fixed growth" means a biological wastewater treatment system in which the wastewater is treated by contact with a biological growth that is fixed to submerged support media and includes systems such as rotating biological contactors and sequencing batch reactors.
- ~~(aa)~~(27) "Successful completion" means the attendance of ~~at least~~ 80 percent of the approved training for examination eligibility and 100 percent of training for continuing education.
- ~~(bb)~~(28) "Temporary certificate" means a certificate issued of an appropriate type and grade, without examination, to any person employed as a water pollution control system operator when the Commission finds that the supply of certified operators, or persons with the training and experience necessary for certification, is inadequate and the situation meets the requirements set forth in G.S. 90A-40(e).
- ~~(cc)~~(29) "Ultrafiltration system" means a system ~~which~~that utilizes a membrane filter process to remove pollutants from wastewater.

1 ~~(dd)~~(30) "Valid certificate" means the certificate of an operator that has all required renewal fees paid, all
2 required continuing education training completed, and has not been ~~revoked~~ revoked, relinquished,
3 invalidated, or suspended.

4 ~~(ee)~~(31) "Water pollution control system" means any system for the collection, treatment, or disposal of
5 wastewater and is classified under the provisions of G.S. 90A-37.

6
7 *History Note: Authority G.S. 143B-300;*
8 *Eff. April 1, 1999;*
9 *Amended Eff. December 1, ~~2006~~ 2006;*
10 *Readopted Eff. September 1, 2018.*

1 15A NCAC 08G .0201 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0201 RESPONSIBILITY OF SYSTEM OWNERS TO DESIGNATE CERTIFIED**
4 **OPERATORS**

5 Owners of classified water pollution control systems ~~must~~ shall designate operators certified by the ~~Water Pollution~~
6 ~~Control System Operators Certification Commission (WPCSOCC); Commission of the appropriate same type and~~
7 ~~grade as the classification for the system; system and, and for each classification must; shall:~~

- 8 (1) designate one ~~Operator in Responsible Charge (ORC) ORC~~ who possesses a valid certificate of the
9 type and grade at least equivalent to the type and grade of the system;
- 10 (2) designate one or more ~~Back-up Operator(s) in Responsible Charge (Back-up ORCs)~~ Back-up
11 ORC Back-up ORC(s) who possesses a valid certificate of the type of the system and no more than
12 one grade less than the grade of the system, with the exception of no ~~backup operator in responsible~~
13 ~~charge~~ Back-up ORC is required for systems whose minimum visitation requirements are twice per
14 year; and
- 15 (3) submit a signed completed "Water Pollution Control System Operator Designation Form" Operator
16 Designation Form to the Commission (or to the local health department for owners of subsurface
17 systems) countersigned by the designated certified operators, designating the ~~Operator in~~
18 ~~Responsible Charge (ORC) ORC~~ and the ~~Back-up Operator in Responsible Charge (Back-up ORC)~~
19 Back-up ORC:
- 20 (a) 60 days prior to wastewater or residuals being introduced into a new system; ~~or~~
21 (b) within 120 days following:
- 22 (i) ~~receiving~~ notification of a change in the classification of the system requiring the
23 designation of a new ~~Operator in Responsible Charge (ORC) ORC~~ and ~~Back-up~~
24 ~~Operator in Responsible Charge (Back-up ORC) Back-up ORC~~ of the proper type
25 and grade; or
- 26 (ii) a vacancy in the position of ~~Operator in Responsible Charge (ORC) ORC~~ or ~~Back-~~
27 ~~up Operator in Responsible Charge (Back-up ORC). Back-up ORC; or~~
- 28 (c) within seven days of vacancies in both ORC and Back-up ORC positions replacing or
29 designating ~~at least~~ one of the responsibilities.

30 (d) the Operator Designation Form may be found on the Commission website at:
31 <https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator->
32 [certification/wastewater-operator-certification-downloads](https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification-downloads) and shall include:

- 33 (i) the owner's name, contact [information]information, and signature;
- 34 (ii) the system name, location, permit number, [type]type, and classification;
- 35 (iii) the ORC name, contact information, [certification type and grade]the type and
36 grade of the certification, and signature; and

(iv) the Back-up ORC [names, name(s), contact information, [certification types and grades], the type(s) and grade(s) of the certification(s), and [signatures, the signature(s)].

*History Note: Authority G.S. 90A-37; 90A-38; 90A-39; 90A-40; ~~90A-41; 90A-42; 90A-43; 90A-44;~~ 90A-45;
Eff. April 1, 1999;
Amended Eff. December 1, ~~2006-2006;~~
Readopted Eff. September 1, 2018.*

1 15A NCAC 08G .0204 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0204 RESPONSIBILITIES OF AN OPERATOR IN RESPONSIBLE CHARGE (ORC)**

4 An ~~Operator in Responsible Charge (ORC)~~ ORC of a water pollution control system ~~must~~ shall:

- 5 (1) possess a valid certificate of the appropriate type and grade for the system;
- 6 (2) visit the system as often as is necessary to ~~insure~~ ensure the proper operation of the system but in
- 7 no case less frequently than specified in the following schedule, unless otherwise specified in permit:
- 8 (a) biological ~~grade~~ Grade I systems with the exception of Sub-item (2)(e) of this ~~Rule~~; Rule:
- 9 weekly;
- 10 (b) biological ~~grade~~ Grade II, III, and IV systems, other than those systems specified in Sub-
- 11 item (2)(f) of this ~~Rule~~; Rule: five days per week, excluding State and federal holidays;
- 12 (c) surface irrigation systems with the exception of Sub-item (2)(e) of this ~~Rule~~; Rule: weekly;
- 13 (d) collection ~~systems~~; systems: within 24 hours of knowledge of a bypass, spill, or overflow
- 14 of wastewater from the ~~system~~ system, unless visited by a collection system Back-up
- 15 ~~Operator in Responsible Charge~~; ORC;
- 16 (e) domestic wastewater systems with a treatment capacity of 1500 gallons per day or ~~less~~;
- 17 less: twice per year with a ~~six-month~~ six-month interval between visits;
- 18 (f) domestic wastewater ~~aerobic treatment units (ATUs)~~ ATUs with a treatment capacity of
- 19 1500 gallons per day or ~~less~~; less: weekly;
- 20 (g) systems permitted under rules adopted by the Commission for Public ~~Health~~; Health: as
- 21 required by ~~15A NCAC 18A .1961~~; 15A NCAC 18A .1961, which is hereby incorporated
- 22 by reference, including subsequent amendments and editions;
- 23 (h) physical/chemical systems:
- 24 (i) ~~grade~~ Grade I systems, including groundwater remediation ~~systems~~; systems:
- 25 weekly;
- 26 (ii) ~~grade~~ Grade II ~~systems~~; systems: five days per week, excluding State and federal
- 27 ~~holidays~~holidays;
- 28 (i) land application ~~systems~~ systems: during or within 48 hours after application of residuals;
- 29 (j) systems not otherwise ~~classified~~; classified: as specified by the Commission based on the
- 30 complexity of the system;
- 31 (3) operate and maintain the system ~~efficiently~~ and attempt to ~~insure~~ ensure the compliance of the
- 32 system with any ~~permit(s)~~ permits issued for the system as well as any other applicable local, ~~state~~;
- 33 State, and federal environmental permitting and regulatory requirements;
- 34 (4) ~~certify~~, certify by ~~signature~~, signature as to the validity of all monitoring and reporting information
- 35 performed on the system as prescribed in any permit issued for the system and provide the owner a
- 36 ~~copy~~; copy of monitoring and reporting forms;

- (5) document the operation, maintenance, and all visitation of the system in a ~~daily~~ log that ~~must~~ shall be maintained at the system;
- (6) notify the owner of the system ~~[system,] system as soon as possible, within 24 hours~~ and in writing within five days of first knowledge, of any:
- (a) overflows from the system or any treatment process unit;
 - (b) bypasses of the system or any treatment process unit; or
 - (c) violations of any limits or conditions of the ~~permit~~, permit;
- (7) notify the ~~owner, owner~~ in ~~writing, writing~~ of the need for any system repairs and modifications that may be necessary to ~~insure~~ ensure the compliance of the system with all local, ~~state~~, State, and federal environmental permitting and regulatory requirements;
- (8) be ~~available~~; available on an [call,] on-call basis for [in-person,] in-person interactions:
- (a) for consultations with the system owner and regulatory officials;
 - (b) to handle emergency situations; and
 - (c) to provide access to the facility ~~by~~ to regulatory agencies; and
- (9) upon vacating an ORC position, ~~notify, in writing, the Commission and the appropriate regional office of the Division of Water Quality (or the local health department for owners of subsurface systems) of the vacancy within 14 days. send the Commission and the appropriate regional office, or the local health department for subsurface system owners, written notice within 14 days of the vacancy.~~

History Note: Authority ~~G.S. 90A-37 through 90A-40;~~ G.S. 90A-37; G.S. 90A-38; [90A-39,] 90A-44;
Eff. April 1, 1999;
Amended Eff. December 1, 2006-2006;
Readopted Eff. September 1, 2018.

1 15A NCAC 08G .0205 is amended as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0205 RESPONSIBILITIES OF A BACK-UP OPERATOR IN RESPONSIBLE CHARGE**
4 **(BACK-UP ORC)**

5 The ~~Back-up Operator in Responsible Charge (Back-up ORC):~~ Back-up ORC:

- 6 (1) may act as surrogate for the ~~Operator in Responsible Charge (ORC); ORC,~~ if ~~he/she~~ he or she
7 possesses a valid certificate of the appropriate type and grade for the system, for a period:
8 (a) not to exceed 40 percent of the system visitations required per calendar year under Rule
9 .0204(2) of this Section; or
10 (b) not to exceed 120 consecutive days when the ~~Operator in Responsible Charge (ORC)~~ ORC
11 is absent due to:
12 (i) the vacancy of the ~~Operator in Responsible Charge (ORC)~~ ORC position; or
13 (ii) personal or familial illness; and
14 (2) ~~must~~ shall fulfill all of the requirements of Rule .0204 of this Section when acting as surrogate for
15 the ~~Operator in Responsible Charge (ORC); ORC;~~ and
16 (3) upon vacating a ~~Backup~~ Back-up ORC position, ~~notify, in writing, the Commission and the~~
17 ~~appropriate regional office of the Division of Water Quality (or the local health department for~~
18 ~~owners of subsurface systems) of the vacancy within 14 days. send the Commission and the~~
19 ~~appropriate regional office, or the local health department for owners of subsurface systems, written~~
20 ~~notice within 14 days of the vacancy.~~

21
22 *History Note:* Authority G.S. 90A-37; G.S. 90A-38; ~~90A-39;~~ 90A-44;

23 *Eff. April 1, 1999;*

24 *Amended Eff. December 1, 2006;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26,*
26 *~~2015-2015;~~*

27 *Amended Eff. September 1, 2018.*

1 15A NCAC 08G .0301 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0301 APPLICABILITY**

4 ~~(a) The purpose of this Section is to establish procedures for the classification of water pollution control systems.~~

5 ~~(b)(a) Notwithstanding~~ Notwithstanding the requirements in Rules .0302 through .0307 of this Section, the
6 Commission ~~may~~ shall modify the classification of a water pollution control system when:

7 (1) conditions created by system design features, or inherent operational ~~requirements,~~ requirements
8 exist ~~which that~~ make ~~normal~~ operation of the system more or less ~~complex;~~ complex than when the
9 system was first permitted;

10 (2) upgrades or other modifications to a system are completed; or

11 (3) changes in Commission classification rules are made.

12 ~~(e)(b) In-plant processes and related water pollution control equipment which that~~ are integral parts of direct industrial
13 ~~production-production~~ are not shall not be considered water pollution control systems for the purpose of this Section.

14 ~~(d)(c) Water Pollution Control Systems~~ pollution control systems permitted under rules adopted by the Commission
15 for Public Health shall be classified pursuant to Rule .0307 of this Section.

16 ~~(e)(d) Water Pollution Control Systems~~ pollution control systems permitted under rules adopted by the Environmental
17 Management Commission shall be classified pursuant to Rules .0302 through .0308 of this Section.

18 ~~(f)(e) Reservoirs, settling pondsponds,~~ and associated pumps and piping ~~which that~~ are an integral part of closed-loop
19 water recycle systems for the non-biological and non-toxic treatment of process water at sand, gravel, and crushed
20 stonestone and similar operations shall not be subject to the requirements of these Rules unless the Commission
21 determines that the system is not being properly operated or maintained in accordance with permit
22 conditions-conditions, as reported by regional office DEQ staff or from citizen complaints.

23 ~~(g)(f) Any water pollution control system, regardless of type or ownership, may be classified and required to designate~~
24 ~~an Operator in Responsible Charge (ORC) ORC and a Back-up Operator in Responsible Charge (Back-up ORC),~~
25 Back-up ORC, in the event that the Commission determines that the system is not being properly operated or
26 maintained-maintained in accordance with permit conditions, as reported by regional office DEQ staff or from citizen
27 complaints.

28
29 *History Note: Authority G.S. 90A-37;*

30 *Eff. April 1, 1999;*

31 *Amended Eff. December 1, 2006-2006;*

32 *Readopted Eff. September 1, 2018.*

1 15A NCAC 08G .0305 is amended as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0305 CLASSIFICATION OF LAND APPLICATION OF RESIDUALS SYSTEMS**

4 ~~Systems permitted for the land application of:~~ The following systems shall be classified as land application of residuals
5 ~~systems if permitted for the land application of:~~

6 (1) residuals that are produced by a water pollution control ~~system;~~ system, water supply treatment
7 ~~facility;~~ facility, as defined in G.S. 90A-20.1, or air pollution control ~~[facility;]~~ facility, as defined in
8 G.S. 159C-3(2); or

9 (2) contaminated ~~soils;~~ soils.

10 ~~are [shall be] classified as a land application of residuals system.~~

11
12 *History Note: Authority ~~G.S. 90A-3;~~ G.S. 90A-37;*

13 *Eff. April 1, 1999;*

14 *Amended Eff. December 1, 2006;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26,*
16 *~~2015-2015;~~*

17 *Amended Eff. September 1, 2018.*

1 15A NCAC 08G .0407 is amended as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0407 ELIGIBILITY REQUIREMENTS FOR SUBSURFACE WATER POLLUTION**
4 **CONTROL SYSTEM OPERATORS**

5 An applicant for certification as a Subsurface Water Pollution Control System Operator ~~must~~ shall have successfully
6 completed approved training for subsurface water pollution controls system ~~operator~~ operators and shall have met one
7 of the following: and:

- 8 (1) have one year of actual experience in the operation of a subsurface water pollution control system;
9 (2) be a graduate of a two or ~~four-year~~ four-year college or university and have taken and passed a
10 ~~minimum of~~ six courses in the basic sciences;
11 (3) be a private homeowner who intends to operate only ~~his/her~~ his or her own domestic subsurface
12 water pollution control system; or
13 (4) hold a valid ~~grade III~~ Grade II or higher biological water pollution control system operator
14 certification.

15
16 *History Note: Authority G.S. 90A-39;*

17 *Eff. April 1, 1999;*

18 *Amended Eff. December 1, 2006;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26,*
20 *2015-2015;*

21 *Amended Eff. September 1, 2018.*

1 15A NCAC 08G .0410 is amended as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0410 RECIPROCITY CERTIFICATION**

4 (a) The Commission shall issue certification(s) to an individual ~~an individuals individual~~ certified in other States ~~states~~ or legal
5 jurisdictions if the ~~individuals~~ individual:

6 (1) ~~meet~~ meets or ~~exceed~~ exceeds all eligibility requirements or the equivalent thereof as determined
7 by the Commission as found set forth in Rules ~~.0302 to .0308~~ .0402 to .0408 of ~~the~~ this Section, with
8 the exception of completion of approved ~~training~~ training;

9 (2) ~~complete~~ submits an Application for Reciprocity Form ~~and submit it with the appropriate non-~~
10 ~~refundable~~ one hundred dollar (\$100.00) Reciprocity Certificate fee as specified set forth in G.S.
11 90A-42, G.S. 90A-42(a)(6). The Application for Reciprocity Form may be found at:
12 [https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-](https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification-exams)
13 [certification/wastewater-operator-certification-](https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification-wastewater-operator-certification-exams) ~~exams;~~ exams, and shall include the following:

14 (A) the applicant's name, Social Security number, mailing address, and contact information;

15 (B) the type and grade of certification sought;

16 (C) the date and location of exam requested;

17 (D) the type and grade of certification held in another state;

18 (E) educational information;

19 (F) professional schools and training completed;

20 (G) employment information; and

21 (H) operational experience;

22 (3) ~~provide~~ provides a letter of verification from the certifying ~~State~~ state agency that applicant is
23 certified at the stated level and that no disciplinary actions are outstanding against the ~~applicant,~~
24 ~~applicant;~~ and

25 (4) ~~apply for and~~ achieve achieves a passing score on a Commission-administered examination of the
26 same type and grade as that for which reciprocity certification is being requested. The requirement
27 for completion of approved training ~~is shall be~~ waived in the case of applicants pursuant to this Rule.

28 (b) ~~Applicants pursuant to this Rule must shall not have taken and failed to achieve a passing score on a Commission~~
29 ~~administered examination of the same type and grade as that for which reciprocity certification is being requested,~~
30 ~~within the previous two year two year period prior to the date of application for reciprocity. An applicant who has~~
31 ~~failed to achieve a passing score on the Commission-administered exam for the same type and grade of certification~~
32 ~~within the last two years is ineligible to apply under this Rule.~~

33 (c) Applicants that fail to achieve a passing score on three examinations shall be required to successfully complete
34 the approved training for that certification before becoming eligible to take the examination again.

35 (e) ~~Applicants failing to achieve a passing score on three or more examinations of the same type and grade as that for~~
36 ~~which certification is being requested, must successfully complete approved training for that certification before being~~
37 ~~eligible for that examination.~~

(d) Applicants who obtain certification by providing false information to the Commission shall be subject to disciplinary actions as set forth in Section .0800 of this Subchapter.

History Note: Authority ~~G.S. 90A-4; 90A-40;~~G.S. 90A-40

Eff. December 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, ~~2015-2015;~~

Amended Eff. September 1, 2018.

1 15A NCAC 08G .0501 is amended as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0501 APPLYING FOR EXAMINATION**

4 (a) All applications for examination submitted to the Commission ~~must~~ shall be:

5 (1) submitted on ~~an~~ a WPCSOCC Examination ~~Application~~; Application found at
6 [https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-](https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification-downloads)
7 [certification/wastewater-operator-certification-downloads](https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification-downloads). The Application Form shall include the
8 following:

9 (A) the applicant's name, mailing address, and contact information;

10 (B) the applicant's Social Security number (if a first-time applicant) or certification number;

11 (C) the type and grade of certification sought;

12 (D) the date and location of exam requested;

13 (E) approved training and educational information;

14 (F) employment information;

15 (G) operational experience;

16 (H) the applicant's supervisor's signature; and

17 (I) the applicant's signature.

18 (2) accompanied by the eighty-five dollar (\$85.00) appropriate non-refundable application fee per ~~G.S.~~
19 90A-42; G.S. 90A-42(a)(1);

20 (3) completed ~~in entirety~~ with all required information, documentation, and signatures provided; and

21 (4) postmarked at least 30 days prior to the scheduled date of the ~~examination~~ examination, as indicated
22 on the Commission website, if an examination is scheduled.

23 (b) Upon receipt ~~of an application~~ by the Commission, the application shall be reviewed for completeness and a
24 determination as to the eligibility of the applicant to sit for the requested examination shall be ~~made~~ made based on
25 eligibility requirements set forth in Rules .0401 through .0408 of this [Section.] Subchapter. Incomplete applications
26 shall be returned to the applicant.

27 (c) Each applicant shall be notified, in writing, of the applicant's eligibility to sit for the requested examination.
28 Individuals determined to be eligible for an examination shall be sent written notification containing information
29 concerning the date, time, and location of the examination. This written notification shall be considered a receipt
30 from the Commission to the applicant for the examination fee. Applicants found to be ineligible for an examination
31 shall be sent written notification of the ineligibility determination.

32 (d) Any applicant who obtains certification by supplying false information to the Commission shall be subject to
33 disciplinary ~~action(s)~~ action as set forth in Section .0800 of this Subchapter.

34
35 *History Note:* Authority G.S. 90A-39; 90A-41; 90A-42;

36 *Eff. April 1, 1999;*

37 *Amended Eff. December 1, 2006;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26,*
2 ~~*2015-2015:*~~
3 *Amended Eff. September 1, 2018.*

1 15A NCAC 08G .0505 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0505 EXAMINATION REVIEWS**

4 (a) Any applicant who fails to make a passing score on an examination shall be allowed to review their his or her
5 exam at a date, time, and location specified by the Commission. Notification of the reviews shall be sent using the
6 address submitted upon application and this shall be the only opportunity the applicant shall be allowed for reviewing
7 the examination.

8 ~~(a) Any applicant who fails to make a passing score on an examination may request to review the examination. All~~
9 ~~requests to review an examination must be received by the Commission in writing within 15 calendar days of receiving~~
10 ~~notification of failing to make a passing score on an examination.~~

11 (b) An applicant shall not be allowed to review the examination within 30 days of an upcoming examination date.

12 ~~(b) Applicants who submit a written request to review an examination shall be notified of a date, time, and location~~
13 ~~at which the applicant shall be given the opportunity to review the examination. This shall be the only opportunity the~~
14 ~~applicant will be allowed for reviewing the examination.~~

15 ~~(c) An applicant shall not be allowed to review the examination within 30 calendar days of an upcoming examination~~
16 ~~date.~~

17 (c) All examinees shall receive a report that summarizes theirhis or her performance on the exam, including the
18 score, subject matter areas from which the questions were drawn, as well as correct and incorrect responses to each
19 question. Specific questions from the exam shall not be included in this report.

20
21 *History Note: Authority G.S. 90A-39;*
22 *Eff. April 1, 1999;*
23 *Amended Eff. December 1, 2006-2006;*
24 *Readopted Eff. September 1, 2018.*

1 15A NCAC 08G .0701 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0701 REQUIREMENTS**

4 (a) ~~In order to maintain a valid certificate, the certificate must be renewed annually~~ The holder of the certificate shall
5 annually renew the certificate by:

6 (1) Submitting payment of the ~~appropriate~~ required annual renewal fee, ~~as set forth in G.S. 90A-42, fee~~
7 ~~by the end December 31 of the effective year, as set forth in G.S. 90A-40 and G.S. 90A-46.1, and~~

8 (2) Each operator ~~must~~ shall provide documentation of ~~a minimum of~~ six contact hours of Commission
9 approved training during each year following the year of initial certification.

10 (b) ~~Certificate(s)~~ Certificates that are not renewed when due shall be ~~considered~~ invalid. ~~In order to~~ To renew a
11 certificate that has been invalid for ~~up to less than~~ two consecutive years, all outstanding renewal fees and ~~supplemental~~
12 ~~processing fees and~~ penalties that have accrued since the certificate was last renewed ~~must~~ shall be paid and all accrued
13 continuing education requirements shall be met. ~~In order to~~ To renew a certificate that has been invalid for two or
14 more consecutive ~~years~~ years, the operator shall be required ~~to take and~~ make a passing score on an examination of
15 the same type and grade as the former certificate. ~~In order to~~ To qualify for the examination, all relevant requirements
16 of Section .0400 of this Subchapter ~~must~~ shall be met. Any requirements in Section .0400 of this Subchapter for
17 Commission approved training ~~must~~ shall have been met within the previous ~~12-month~~ 12-month period. Invalid
18 Conditional Certificates are not renewable.

19 (c) The Commission shall send renewal notices to each certified operator, using the last known address on file for
20 that individual, 60 days prior to the renewal date. ~~Renewal notices shall be mailed to each certified operator, at the~~
21 ~~last known address for the operator on file with the Commission, 60 days prior to the renewal due date.~~ Failure to
22 receive a renewal notice does not relieve a certified operator of the responsibility to renew the certificate by the renewal
23 due date.

24
25 *History Note: Authority G.S. 90A-40; 90A-42; ~~90A-44;~~ 90A-46.1;*
26 *Eff. April 1, 1999;*
27 *Amended Eff. December 1, ~~2006.~~ 2006;*
28 *Readopted Eff. September 1, 2018.*

1 15A NCAC 08G .0801 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0801 GROUND FOR DISCIPLINARY ACTIONS**

4 The Commission may take disciplinary actions, in accordance with Rule .0802 of this Section, against a certified
5 operator for:

- 6 (1) practicing fraud or ~~deception~~ deception; ~~in the performance of duties;~~
7 (2) failure to use reasonable care or judgment in the performance of duties;
8 (3) failure to apply their knowledge or ability in the performance of duties; or
9 (4) incompetence or the inability to perform ~~duties;~~ duties.
10 ~~(5) supplying false information in order to obtain or maintain certification; or~~
11 ~~(6) cheating on a certification examination.~~

12
13 *History Note: Authority G.S. 90A-41;*
14 *Eff. April 1, 1999;*
15 *Amended Eff. December 1, ~~2006-2006~~;*
16 *Readopted Eff. September 1, 2018.*

1 15A NCAC 08G .0802 is amended as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0802 DISCIPLINARY ACTIONS**

4 (a) The Commission shall revoke or suspend the certification of an operator or issue a letter of reprimand to an
5 operator in accordance with the provisions of G.S. 90A-41, ~~150B-3~~ 150B, Article 3A, and this Rule.

6 (b) The Chairman of the Commission may issue notification of summary suspension, in accordance with the
7 provisions of ~~G.S. 150B, Article 3~~ G.S. 150B, Article 3A. ~~the intention to revoke or suspend the certification of an~~
8 ~~operator or the intent to issue a letter of reprimand.~~

9 (c) The Chairman shall convene ~~an~~ a ~~advisory committee~~ disciplinary committee to review the circumstances of the
10 proposed disciplinary action(s).

11 (1) The ~~advisory committee~~ disciplinary committee shall ~~include~~ include: ~~at least:~~

12 (A) the Chairman of the Commission;

13 (B) the Vice Chairman of the Commission;

14 (C) the member of the Commission who represents the type of system at which the operator is
15 employed or another member of the Commission appointed by the Chairman of the
16 Commission; and

17 (D) a certified operator who has been chosen from the public and appointed by the Chairman.

18 (2) The members of the ~~advisory committee~~ disciplinary committee shall offer guidance to the
19 Commission chairman in regards to the actions that should be taken against an operator.

20 (d) Notification of the ~~advisory committee~~ disciplinary committee meeting shall be sent by certified mail to the last
21 known address of the operator at least 15 days prior to the date of the ~~meeting~~ meeting of the disciplinary committee.
22 ~~to the last known address of the operator.~~ This notification shall contain the alleged facts or conduct upon which the
23 proposed revocation or suspension of the certification or letter of reprimand is based.

24 (e) The operator shall have an opportunity to submit a written response to the Chairman prior to the date of the
25 ~~advisory committee~~ disciplinary committee meeting. The operator shall also be given the opportunity to make an oral
26 statement before the ~~advisory committee~~ disciplinary committee.

27 (f) Within 10 ~~working business~~ days of the conclusion of the ~~advisory committee~~ disciplinary committee meeting,
28 the Chairman shall issue ~~a decision.~~ the decision of the disciplinary committee. If this decision is to issue a revocation
29 or suspension or a letter of reprimand, the Chairman shall advise the operator of the effective date of the action and
30 the facts or conduct upon which the action is based. The revocation or suspension of a certification or the letter of
31 reprimand shall be delivered to the affected operator and the owner of the system(s) at which the operator works by
32 certified mail, at the last known address for the operator and owner on file with the Commission, at least 20 days prior
33 to the effective date of the revocation or ~~suspension~~ suspension, or letter of reprimand.

34 (g) The revocation, suspension or letter of reprimand becomes a final Commission action if the operator does not file
35 a petition for a contested case hearing in the Office of Administrative Hearings as provided in the Administrative
36 Procedure Act, ~~G.S. 150B~~ G.S. 150B, Article 3A.

1 (h) If an applicant is caught cheating on an examination by a ~~proctor~~ proctor, ~~of the examination~~, the applicant shall
2 be ~~excused~~ removed from the examination, the examination shall not be graded, the fee for the examination shall be
3 forfeited by the ~~applicant~~ applicant, and any other certification(s) held by the applicant with the Commission shall be
4 subject to revocation as set forth in G.S. 90A-41 and in ~~this Rule~~. Rule .0801 of this Section.

5 (i) If the Commission determines, after the examination has been graded, that an applicant cheated on an examination
6 and certification has been conveyed to the applicant, the certification obtained through the examination shall be
7 revoked and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set
8 forth in G.S. 90A-41 and in ~~this Rule~~. Rule .0801 of this Section.

9
10 *History Note: Authority G.S. 90A-40; 90A-41; 143B-300; 150B, Article 3A; ~~150B-23~~;*

11 *Eff. April 1, 1999;*

12 *Amended Eff. December 1, 2006;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26,*
14 *2015-2015;*

15 *Amended Eff. September 1, 2018.*

1 15A NCAC 08G .0803 is readopted as published in 32:18 NCR 1765 with changes as follows:

2
3 **15A NCAC 08G .0803 CERTIFICATION FOLLOWING DISCIPLINARY ACTIONS**

4 (a) An individual who has had certification revoked by the Commission ~~shall~~ may petition the Commission for any
5 new certification sought, but no sooner than two years from the effective date of the revocation. ~~An individual who~~
6 ~~has had certification revoked by the Commission shall petition the Commission for any new certification sought and~~
7 ~~may not petition the Commission for such new certification sooner than two years after the effective date of the~~
8 ~~revocation. An individual shall wait one year to reapply for certification~~ Following ~~following~~ the denial of eligibility
9 for re-certification after relinquishment or ~~revocation,~~ revocation, ~~an operator shall wait one year before reapplying~~
10 ~~for certification.~~

11 (b) The following information ~~must~~ shall be included in the petition for certification:

- 12 (1) a written statement explaining the actions that the individual has taken to correct those problems
13 that lead to the revocation of the certification previously held with the Commission; and
14 (2) a statement that attests to the Commission that, upon obtaining certification, the individual shall
15 comply with all laws governing the proper operation of water pollution control systems.

16 (c) After submittal of the petition for certification, the petitioner ~~may~~ shall be required to appear before the
17 Commission at a regularly scheduled meeting. The petitioner shall be notified, by certified mail, of the date, time, ~~time~~,
18 and location of the meeting at least 15 days prior to the meeting.

19 (d) The Commission shall send written notification to the individual within 120 days following receipt of the petition
20 of its decision. ~~Within 120 days following receipt of a petition for certification, the Commission shall notify the~~
21 ~~individual, in writing, of its decision to deny or grant examination eligibility in accordance with the procedures set~~
22 ~~forth in Section .0500 of this Subchapter.~~ Eligibility for certification shall be granted only if ~~there is substantial~~ the
23 petitioner presents evidence that those conditions that lead to the revocation of previous certification held by the
24 petitioner have been corrected.

25 (e) Certification of an individual whose previous certification has been revoked shall occur only after the individual
26 ~~sits for, and~~ obtains a passing score ~~on,~~ on an examination. After the Commission approves the petition for
27 certification, the individual ~~Once approval is granted by the Commission for certification after reviewing the petition~~
28 ~~for certification, the individual must~~ shall submit an application, accompanied by the ~~appropriate~~ appropriate examination fee, fee
29 of eighty-five dollars (\$85.00) set forth in G.S. 90A-42(a)(1), and meet the examination eligibility requirements for
30 the type of certification being sought as set forth in Section .0400 of this Subchapter. The individual shall begin the
31 certification process at the lowest grade level offered for the type of certification sought. Operational experience
32 accrued by the individual prior to the revocation of any previously held certification(s) shall not be considered when
33 determining the eligibility of the individual for the examination.

34 (f) Applicants for certification who were previously determined to be ineligible for certification due to supplying false
35 information to the Commission ~~must~~ shall follow the procedures set forth in Paragraphs (a) through (e) of this Rule in
36 order to obtain certification.

1 *History Note:* *Authority G.S. 90A-39; 90A-41; 90A-42; ~~150B-23~~;*
2 *Eff. April 1, 1999;*
3 *Amended Eff. December 1, ~~2006~~2006;*
4 *Readopted Eff. September 1, 2018.*