



WEST VIRGINIA BOARD OF HEALTH

RULE ABSTRACT

Rule Title: Public Water Supply Operator Regulations

CSR Title Series: 64 CSR 4 Type: Legislative

Objective/Summary: The amendments clarify sections of the rule which have been recognized as confusing, difficult to interpret or ineffective.

For further information contact: Kay Howard, Regulatory Development Section, telephone (304) 348-3223 or Robert Paul, Division of Environmental Engineering, telephone (304) 348-0578, Department of Health, 1800 Washington Street, East, 25305.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Public Water Supply Operator Regulations

Type of Rule:  Legislative  Interpretive  Procedural

Agency Health Address 1800 Washington Street, East  
Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

Proposed rule is an amendment of an existing rule.  
Changes will not alter existing workload.

3. Objectives of these rules:

The amendments clarify those sections of the existing rule which have been recognized as confusing, difficult to interpret or ineffective.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

No change

B. Economic Impact on Political Subdivisions; Specific Industries;  
Specific groups of citizens.

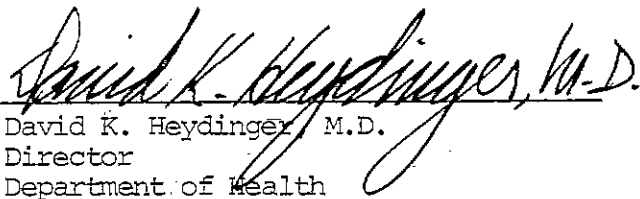
Negligible cost increase to Class III and IV water supplies  
(approximatley 20 systems) due to requirement

C. Economic Impact on Citizens/Public at Large.

No change

Date July 20, 1987

Signature of Agency Head or Authorized Representative

  
David K. Heydinger, M.D.  
Director  
Department of Health

FILED

1987 JUL 20 PM 2:49

SECRETARY OF STATE

[PROPOSED]

TITLE 64  
WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF HEALTH

Public Water Supply Operator Regulations

Series 4

198\_\_

---

For Public Hearing  
August 19, 1987

WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF HEALTH

Public Water Supply Operator Regulations

64 CSR 4

INDEX

	Page
Section 1. General	1
Section 2. Application and Enforcement	1
Section 3. Supersession or Repeal of Former Regulations	1
Section 4. Definitions	1
Section 5. Classification of Public Water Systems	2
Section 6. Requirements for Certified Public Water System Operators	4
Section 7. Operator in Training (OIT)	5
Section 8. Qualifications for Certification	6
Section 9. Education/Experience Credits and Substitution	6
Section 10. Application for Certification	7
Section 11. Revocation and/or Expiration of Certificates	8
Section 12. Reciprocity	8
Section 13. Severability	8
Section 14. Penalties	9
Section 15. Administrative Due Process	9

[PROPOSED]  
TITLE 64  
WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF HEALTH  
Series 4

Title: Public Water Supply Operator Regulations

Section 1. General

1.1. Scope - ~~These~~ This legislative rules establishes the rules and regulations of the West Virginia State Board of Health governing the examination and certification of operators of public water supplies.

1.2. Authority - ~~These legislative~~ This rules are is issued under the authority of and related to Chapter 16, Article 1, Section 7(2) of the West Virginia Code. ~~of 1931, as amended.~~

1.3. Filing Date -

1.4. Effective Date -

Section 2. Application and Enforcement

2.1. Application - ~~These legislative~~ This rules apply applies to all persons who own and operate a public water supply system.

2.2. Enforcement - Enforcement of ~~these legislative~~ this rules is vested with the director of the West Virginia department of health or his lawful designee.

Section 3. Supersession or Repeal of Former Regulations - ~~These legislative~~ This rules supersedes and repeals ~~the West Virginia Board of Health Regulations Chapter 17 Article 5A Public Water Supply Operator Regulations,~~ West Virginia Department of Health Legislative Rules, 64 CSR 4, 1974 Series-4.

Section 4. Definitions - The following definitions shall apply in the interpretation and enforcement of ~~these regulations.~~ this rule.

4.1. Certified Operator - An individual holding a public water supply operator certificate issued by the director.

4.2. Chief Operator - The certified operator designated by the owner to supervise the operation of a public water system's treatment plant.

4.3. Continuing Education Unit - Ten contact hours of participation in an organized continuing education experience under responsible sponsorship and approved by the director. ~~(re: Section-9-2)~~

4.4. Drinking Water - Water free from biological, chemical, physical and radiological contaminants which cause disease or harmful physiological effects. Minimum quality of the water shall conform to ~~these applicable~~ 64 CSR regulations this rule and

standards of the board of health.

4.5. Director - Director of the West Virginia department of health or his designee.

4.6. Full-time - Thirty-five or more hours per week.

4.7. Fluoride Certification - A separate certification required of certified operators employed in public water systems utilizing fluoride treatment.

4-6- 4.8. Person - Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency or any other entity recognized by law.

4-7- 4.9. Public Water Supply Operator Certificate - A written document issued by the director giving a designated individual permission to operate a public water supply.

4-8- 4.10. Public Water Supply/System - Any water supply/system which regularly supplies or offers to supply, piped water to the public for human consumption, if serving at least an average of twenty-five individuals per day for at least sixty days per year, or which has at least fifteen service connections, and shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the owner of such system and used primarily in connection with such system, and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

4-9- 4.11. Operate - To perform the practical work and the application of the technical knowledge and skill to treat, test and distribute drinking water.

4-10- 4.12. Operator-in-Training (OIT) - An individual undergoing on-the-job training at a public water system and in the process of completing the educational or experience requirements to become a certified operator.

4-11- 4.13. Owner - The person responsible for providing drinking water to the public.

4-12- 4.14. Water Treatment Plant - Facilities provided for the treatment of water by any one or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, disinfection or other processes which produce drinking water consistently meeting the requirements of the board of health.

## Section 5. Classification of Public Water Systems

5.1. A public water system shall be classified on the basis of complexity of water treatment processes and the total population served.

5.1.1. The system of classification for public water systems shall be based on a total point rating as computed by the point system classification shown in subsection 5.1.2 and subsequently applied to subsection 5.1.3 of these regulations: this rule.

5.1.2. Point system for classification of public water systems shall be based on the following table:

POINT SYSTEM FOR CLASSIFICATION OF PUBLIC WATER SYSTEMS

Assign points for every item that applies:

<u>Item</u>	<u>Points</u>	
<u>Size</u>		
Maximum population served, peak day . . . . .	1 pt. per 10,000 or part	(Max 10)
Design flow (avg. day) or peak month's production (avg. day), whichever is larger . . . . .	1 pt. per MGD or part	(Max 10)
<u>Water Supply Source</u> . . . . .	1 pt. per source	_____
Groundwater . . . . .	3	_____
Surface water . . . . .	10	_____
Average raw water quality (good to poor). . . . .	0-10	_____
<u>Treatment</u> (Note: Most plants will fit into only one of the four treatment categories below)		
<u>Iron or Iron/Mn Removal</u> (nominal 10)		
Chemical oxidation by $KMnO_4$ . . . . .	6	_____
Chemical oxidation by Cl. . . . .	5	_____
Aeration. . . . .	4	_____
Filtration. . . . .	6	_____
<u>Ion Exchange Softening</u> (nominal 10)		
Ion exchange softening. . . . .	5-10	_____
<u>Coag., Sed., Filtr'n.</u> (w/o softening) (nominal 15)		
Presettling . . . . .	2	_____
Addition of coagulants. . . . .	4	_____
Mixing, flocculation, setting, . . . . .	5	_____
or upflow solids contact . . . . .	8	_____
Filtration. . . . .	6	_____
<u>Coag., Sed., Filtr'n with Softening</u> (nominal 20)		

Presetting . . . . .	2	_____
Addition of chemicals/coagulants. . . . .	6	_____
Mixing, flocculation, settling, . . . . .	5	_____
or upflow solids contact. . . . .	8	_____
Recarbonation . . . . .	3	_____
Filtration. . . . .	6	_____

Adjustment (Note: Assign points here only for treatment in addition to those listed above, or where it is the only treatment provided).

Chemical addition for stabilization (polyphosphate, soda, lime, pH adjustment, etc.) . . . . .	4	_____
Taste and odor or color control (KMnO <sub>4</sub> , activated carbon, etc.) . . . . .	8	_____
<u>In-Plant Treatment of Plant Sludge.</u> . . . . .	6	_____
<u>Advanced Treatment (Demineralization)</u> . . . . .	15	_____
<u>Fluoridation.</u> . . . . .	5	_____
<u>Disinfection.</u> . . . . .	5	_____
Chlorination or comparable. . . . .	5	_____
On-site generation of disinfectant. . . . .	5	_____
<u>Laboratory Control by Plant Personnel</u>		
Bacteriological (complexity). . . . .	0-10	_____
Chemical/physical (complexity). . . . .	0-10	_____
TOTAL . . . . .		_____

5.1.3. Classification of public water systems shall be based on the following table:

CLASSIFICATION OF PUBLIC WATER SYSTEMS

BASIS OF CLASSIFICATION	CLASSES <sup>(1)</sup>				
	ID	I	II	III	IV
WATER SYSTEM					
TOTAL POINT RATING	1 - 20	21 - 30	31 - 55	56 - 75	76 - GREATER
POPULATION SERVED	500 and LESS	501 - 1500	1501 - 15,000	15,001 - 50,000	50,001 and GREATER

(1) In cases where the total point rating and population served differ, the higher classification shall be used.

Section 6. Requirements for Certified Public Water Systems Operators

6.1. Any person operating a public water system in the state of West Virginia shall be a certified operator or an operator-in-training (OIT), under the supervision of a certified operator.

6.2. The owner of a public water system shall obtain the full-time services of a chief operator and an adequate number of other certified operators to effectively operate the system. The use of operators-in-training to assist in the operation of the system is permitted by these regulations, this rule, but, only with written permission of the director may the ratio of OIT's operators-in-training to certified operators exceed 1 one to 1 one or may the chief operator be employed less than full-time.

6.3. The required certification level for any chief operator shall be determined by use of the following table.

PUBLIC WATER SYSTEM CHIEF OPERATOR CLASSIFICATION TABLE

PUBLIC WATER SYSTEM CLASSIFICATION	MINIMUM CERTIFICATION REQUIREMENTS FOR CHIEF OPERATORS
CLASS ID	CLASS ID or HIGHER
CLASS I	CLASS I or HIGHER
CLASS II	CLASS II or HIGHER
CLASS III	CLASS III or HIGHER
CLASS IV	CLASS IV

6.4. Classes I, II, III, and IV water systems shall have a certified operator present at the treatment facilities anytime water is undergoing treatment. Exceptions to this requirement may be granted to Classes I and II groundwater systems based on the director's evaluation of the system's source-of-raw-water size and the required treatment processes. All exceptions granted shall be issued in writing to the owner by the director.

6.5. Class ID certified operators shall be restricted to operating the specific Class ID public water system or systems designated on their certificates and shall not be employed as operators of Class I or higher systems.

6.6. Operators of public water systems that add fluoride or adjust the level of fluoride in their finished water shall obtain a fluoride certification.

6-6- 6.7. The certificates of all certified operators and operators-in-training shall be prominently displayed at that system's water treatment plant.

Section 7. Operator-In-Training ~~(EIF)~~

7.1. The operator-in-training ~~class-is~~ classification shall be limited to persons undergoing on-the-job training to become a certified operator.

7.2. A written application for an operator-in-training certificate shall be made in writing to the director, within thirty ~~(30)~~ days after employment as an operator-in-training at a public water system.

7.3. The chief operator shall be responsible for the supervision and training of all operators-in-training utilized by the public water system.

7.4. Operator-in-training certification shall be valid for one year. Persons will be considered for one additional year of certification if a written application for same is submitted to the director, ~~(30)~~ thirty days prior to current certificate expiration. Recertification shall be limited to those persons who can document to the director an effort to obtain certified operator status.

Section 8. Qualifications for Certification

8.1. Applicants applying for certified operator or ~~EIF~~ operator-in-training status shall be a minimum of eighteen years of age.

8.2. Certification of public water system operators shall be based upon education, experience and satisfactory completion of an examination given by the director. Certification at Class I, II, III, and IV levels shall be attained in sequence. Minimum education and experience requirements are as follows:

<u>CLASS</u>	<u>EDUCATION REQUIRED</u>	<u>EXPERIENCE REQUIRED</u>
ID	Eighth Grade	3 months at Class ID water treatment plant or higher
I	High School	1 year at Class ID water treatment plant or higher
II	High School	3 years at Class ID water treatment plant or higher with a minimum of 1 year at Class I water treatment plant or higher
III	High School and 90 CEU's <u>Continuing Education Units</u>	5 years at Class I water treatment plant or higher higher with a minimum of 1 year at Class II water treatment plant or higher
IV	High School and	6 years at Class I water

180 CEU's Continuing  
Education Units

treatment plant or higher  
with a minimum of 1 year at  
Class III water treatment  
plant or higher

8.2.1. Operating experience for Class ID operators may be waived for those individuals who attend a specialized training course approved by the director.

Section 9. Education/Experience Credits and Substitution

9.1. High school education means the successful completion of high school documented by a diploma issued by the high school attended. A general education diploma (GED) shall be accepted as equivalent to a high school education.

9.2. Education beyond high school shall be expressed as continuing education units (CEU's)--See Definition 4.3. The CEU continuing education units substitution values are as follows:

<u>EDUCATION</u>	<u>CEU's Continuing Education Units</u>
1 Public Water Supply Operators Short Course (sponsored by the director - credit not allowed for repeating same course)	4.0
1 Public Water Supply Operators Seminar (sponsored by the director)	1.0
1 Quarter Hour College Credit	1.0
1 Semester Hour College Credit	1.5
1 Month Operating Experience (acceptable to the director)	3.75

9.3. Certified operator experience, at the next certification level below that being applied for, may be substituted on a year for year basis for education requirement beyond the high school level through a maximum of 90-CEU's- ninety continuing education units. However, any experience used as a substitute for the educational requirement cannot also be used to satisfy the experience requirement.

9.4. Education, above the high school level, may be substituted on a year for year basis for experience requirements in Class II, III and IV only. A maximum of three years of education may be substituted for experience requirements.

Section 10. Application for Certification

10.1. Those persons who desire to be certified shall make a written request for certification to the director. Proof of education shall be submitted along with an application for examination. Written proof of work experience may be required by the director.

10.2. Examinations for certification shall be scheduled by the director for those applicants who meet the requirements of Section 9 of ~~these regulations~~ this rule. The time and place for the examination will be designated by the director, who shall notify the applicants at least fourteen ~~(14)~~ days before the scheduled examination date.

10.3. An applicant's certification status shall be determined by examination grade, educational and experience background. To pass the examination, an applicant must make a minimum grade of 70 seventy percent. An applicant who fails an examination shall wait a minimum of sixty ~~(60)~~ days before applying for re-examination. Applicants who fail an examination three ~~(3)~~ times shall wait a minimum of one ~~(1)~~ year between subsequent re-examinations.

#### Section 11. Revocation or Expiration of Certificates

11.1. The director may require former certificate holders to take another examination at their last certification classification if they have not been actively engaged in water supply treatment operations for a two-year period.

11.2. A certified operator employed by a public water system shall notify the director at least thirty ~~(30)~~ days prior to terminating his employment. Failure to notify the director shall be cause for automatic certificate revocation. The penalties as stipulated by Section 14 of ~~these regulations~~ this rule shall not apply to an operator who fails to submit said notice, and automatic revocation shall not occur if the operator has been discharged by his employer.

~~11.3.--Public water supply operator certificates issued under the provisions of these regulations shall expire on the date indicated thereon.--The period of validity for these certificates shall be not less than two years nor greater than three years.--Certificates held prior to the effective date of these regulations reflect a date of issue.--Persons holding these certificates have two years after the effective date of these regulations to apply for recertification.~~

11.3. Public water supply operator certificates issued under the provisions of this rule reflect a date of issue. These certificates are valid for a period of two years from the date of issue. Persons holding these certificates and still employed as the operator of a public water system may apply for recertification.

11.4. Operators who desire to be recertified, ~~shall make a written request for recertification to the director.~~ shall do so

in writing to the director on a Form EW-102B

11.5. The director may revoke the certificate of any person who fraudulently obtains a certificate or for neglect, incompetency or misconduct in the performance of his duties as an operator of a public water system, including non-compliance with Public Water Supply Regulations, West Virginia Department of Health Legislative Rules, Series 3, 1983, which relates to public water supply control tests, microbiological monitoring and operating records. The director may reinstate any person whose certificate certification has been revoked upon presentation of satisfactory evidence to the director that all deficiencies leading to the revocation have been corrected.

Section 12. Reciprocity - The director shall consider for West Virginia certification, the holder of a certificate issued by a proper authority of another state upon presentation to the director satisfactory written evidence of the following:

12.1. The applicant has been offered and has agreed to accept full time employment as a public water system operator in the state of West Virginia.

12.2. The applicant has successfully passed a certification examination at least equivalent to that which is required under these-regulations, this rule.

12.3. The applicant meets the educational and work experience requirements of these-regulations this rule for certification.

Section 13. Severability - If any provisions of these regulations this rule or the application thereof to any person or circumstance shall be held invalid, such invalidity thereof shall not affect the provisions or application of these-regulations this rule which can be given effect without the invalid provisions or application and, to this end, the provisions of these-regulations this rule are declared to be severable.

Section 14. Penalties - Any person who violates any provision of these-regulations this rule or any regulations or rules adopted by the West Virginia State board of health pursuant to the authority granted by these-regulations this rule shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 two hundred dollars or by imprisonment for not more than thirty (30) days, or both, as provided under Chapter 16, Article 1, Section 18 of the Public-Health-Laws-of West-Virginia, West Virginia Code. Each day's failure to comply with any applicable provision of these-regulations this rule shall constitute a separate offense.

Section 15. Administrative Due Process - Those persons adversely affected by the enforcement of these-legislative this rules desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in the Rules of Procedure for Contested Case Hearings

and Declaratory Rulings, West Virginia Department of Health  
Procedural Rules, Series-1, -1983 64 CSR 1. The aforementioned  
procedural rules are incorporated herein by reference.