

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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1980 JUN 22 PM 2:34
OFFICE OF THE SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Health Department TITLE NUMBER: 64

CITE AUTHORITY §16-1-7(2)

AMENDMENT TO AN EXISTING RULE: YES NO

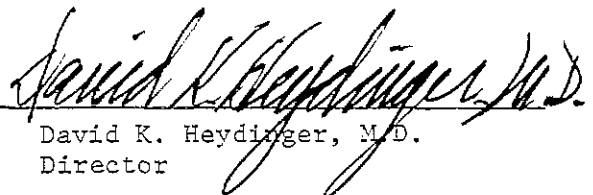
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Public Water Supply Operator
Regulations

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


David K. Heydinger, M.D.
Director

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

FILED
JUL 20 PM 2:49
STATE

DATE: June 22, 1988

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Health Department

LEGISLATIVE RULE TITLE: Public Water Supply Operator Regulations

1. Authorizing statute(s) citation §16-1-17(2)

2. a. Date filed in State Register with Notice of Hearing:
7-20-87

b. What other notice, including advertising, did you give of the hearing?

Notice was sent to all water treatment operators, well
drillers, sewage treatment operators and county health
departments.

c. Date of hearing (s): 8-19-87

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:
(be exact)

June 22, 1988

f. Name and phone number of agency person to contact for additional information:

Kay Howard, Director 348-3223

Regulatory Development Section

Health Department

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

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.

Department of Health

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Proposed Rules
Public Comments Received
Discussion and Response

Title: Public Water Supply Operators, WV Department of Health
Legislative Rules, 64 CSR 4.

A public hearing regarding this rule was held on August 19, 1987, and was attended by William L. Flesher, WV Water Utility Council; Frederick J. Holdren, WV-American Water Company; Barry Matheny, Clarksburg Water Board; and Thomas N. Hanna, WV Small Public Utilities Association. Comments were made by Mr. Flesher, Mr. Holdren and Mr. Hanna. A comment was received by mail from Thomas W. Holbook, WV-American Water Company. Copies are attached. Double underlining indicates an addition to the item as it was proposed for public hearing.

(1) Comment (Mr. Flesher) - The definition of "Operate" in 4.11 should be revised because without a clear statement of intent to separate construction and repair from operations, some confusion could arise in water systems using in-house or contract labor for extension, enlargement or repair of operating systems.

Response: The Board agrees that the definition should be expanded for purposes of clarification.

Proposed: 4.11. Operate - To perform the practical work and the application of the technical knowledge and skill to treat, test and distribute drinking water. Construction or repair of water treatment or distribution systems shall not be subject to the licensing requirements of this rule.

(2) Comment (Mr. Flesher and Mr. Holdren) - Add to Section 6.4. the following: "In Class III and IV systems, this operator shall not be more than one classification lower than the system classification."

Response: This provision was intended by the Board to be in the proposed rule (see fiscal note) and was inadvertently omitted. The Board believes this upgrading of the standard to be an important health and safety provision for the larger, more complex Class III and Class IV systems where there are frequently individuals undergoing training for higher level systems who might otherwise be utilized to meet the requirements of this item. There is clearly support for this provision as indicated by comments made at the hearing.

Proposed: 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. In Class III and IV systems, this operator shall not be more than one

classification lower than the system classification. 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.

(3) Comment (Mr. Hanna and Mr. Holdren): Section 6.4. requires that a certified operator be present at the treatment facility any time water is undergoing treatment. Commentors objected to exceptions to the requirement being granted only to groundwater systems.

Response: Section 6.4 is more lenient than the existing section and should benefit most small utilities. Exceptions are limited to groundwater systems because surface water systems require sophisticated treatment equipment that demand the constant attention of a suitably trained operator. Surface water is also subject to rapid and significant changes in quality to which the operator must immediately respond. Exceptions for surface systems were not proposed because we can envision no situation which could justify such an exception. The proposed section specifying groundwater systems serves only to put into regulation standards now in use on a policy basis for granting exceptions.

Proposed: No change.

[PROPOSED]

TITLE 64
LEGISLATIVE RULES
DEPARTMENT OF HEALTH

PUBLIC WATER SUPPLY OPERATOR REGULATIONS

SERIES 4

198__

For Approval by the Legislative
Rule-Making Review Committee

LEGISLATIVE RULES
DEPARTMENT OF HEALTH

PUBLIC WATER SUPPLY OPERATOR REGULATIONS

64 CSR 4

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[PROPOSED]
TITLE 64
LEGISLATIVE RULES
DEPARTMENT OF HEALTH

SERIES 4
PUBLIC WATER SUPPLY OPERATOR REGULATIONS

FILED
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SECRETARY OF STATE

§64-4-1. General

1.1. Scope - These legislative rules establish This legislative rule 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 and Related - W. Va. Code §16-1-7(2).

1.3. Filing Date -

1.4. Effective Date -

1.5. Final Approval - This rule was approved by the State Board of Health on April 29, 1988.

§64-4-2. Application and Enforcement

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

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

§64-4-3. Supersession or Repeal of Former Regulations - These legislative rules supersede This rule 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-

§64-4-4. 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 (10) contact hours of participation in an organized continuing education experience under responsible sponsorship and approved by the director. (See Section-9-2-of-these-regulations-)

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--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 (35) 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 (25) individuals per day for at least sixty (60) days per year, or which has at least fifteen (15) 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. Construction or repair of water treatment or distribution systems shall not be subject to the licensing requirements of this rule.

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 (1) 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.

§64-4-5. 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 Table 64-4A at the end of this regulation rule.

5.1.3. Classification of public water systems shall be based on Table 64-4B found at the end of this regulation rule.

§64-4-6. 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 ~~{OP}~~, 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 ~~OP's~~ operators-in-training to certified operators exceed one (1) to one (1) 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 Table 64-4C found at the end of this regulation rule.

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. In Class III and IV systems, this operator shall not be more than one classification lower than the system classification. Exceptions to this requirement may be granted to Classes Class 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.

§64-4-7. Operator-In-Training (OIT)

7.1. The operator-in-training ~~class~~ 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 (1) year. Persons will be considered for one (1) additional year of certification if a written application for same is submitted to the director, thirty (30) 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.

§64-4-8. Qualifications for Certification

8.1. Applicants applying for certified operator or ~~OIT~~ operator-in-training status shall be a minimum of eighteen (18) 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 found in Table 64-4D found at the end of this ~~regulation~~ rule.

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.

§64-4-9. 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.

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.

\$64-4-7. Operator-In-Training (OIF)

7.1. The operator-in-training ~~class~~ 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 (1) year. Persons will be considered for one (1) additional year of certification if a written application for same is submitted to the director, thirty (30) 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.

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8.1. Applicants applying for certified operator or ~~OIF~~ operator-in-training status shall be a minimum of eighteen (18) 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 found in Table 64-4D found at the end of this regulation rule.

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\$64-4-9. 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 of this regulation rule. The CEU continuing education units substitution values are found in Table 64-4E at the end of this regulation rule.

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 ninety (90) CEU's 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 (3) years of education may be substituted for experience requirements.

§64-4-10. 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 §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 seventy percent (70%). 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.

§64-4-11. 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 (2) 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 §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 therein. The period of validity for these certificates shall be not less than two (2) years nor greater than three (3) years. Certificates held prior to the effective date of these regulations reflect a date of issue. Persons holding these certificates have two (2) 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 (2) 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, 64 CSR 3 Series-37-1983, 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.

§64-4-12. 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.

§64-4-13. 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.

§64-4-14. 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 two hundred dollars (\$200) 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.

§64-4-15. 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--17-1983 64 CSR 1. The aforementioned procedural rules are incorporated herein by reference.

TABLE 64-4A

POINT SYSTEM FOR CLASSIFICATION OF PUBLIC WATER SYSTEMS

Assign points for every item that applies:

<u>Size</u>	<u>Item</u>	<u>Points</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 K_2MnO_4 $KMnO_4$	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	_____

TABLE 64-4A (Cont'd)

Coag., Sed., Filtr'n with Softening (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 ₄ , 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		_____

TABLE 64-4B

CLASSIFICATION OF PUBLIC WATER SYSTEMS

BASIS OF CLASSIFICATION	CLASSES ⁽¹⁾				
	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	15,000 - 50,000	50,001 and GREATER

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

TABLE 64-4C

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

TABLE 64-4D

<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 180 CEU's <u>Continuing Education Units</u>	6 years at Class I water treatment plant or higher with a minimum of 1 year at Class III water treatment plant or higher

TABLE 64-4E

<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

Comments Received By Mail
Regarding Proposed Amendments to
Public Water Supply Operators

Thomas W. Holbook
WV-American Water Company

CITY ENGINEER

Water Manager

WILLIAM L. FLESHER

MAYOR William P.A. Nicely



CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
P. O. BOX 1627
PARKERSBURG, W.VA. 26102
304-424-8568

August 17, 1987

TO: David K. Heydinger, M.D. , Director
W.Va. Department of Health

I am William L. Flesher, Professional Engineer and Manager of the Parkersburg, West Virginia Water System which is a member of the West Virginia Water Utility Council.

The membership of the West Virginia Water Utility Council provides water service to a substantial majority of the users of public water service in West Virginia. Mr. Ted Jones, Jr., President of the Council, has asked that I represent the Council here today.

I wish to take part in this public hearing for proposed legislative rulemaking by the Department of Health by commenting on the proposed 64 CSR 4. My proposal is that Paragraphs 4.11 of section 4. Definitions be revised by adding a clause. The proposed new paragraph 4.11 follows:

"4.11 OPERATE - To perform the practical work and the application of the technical knowledge and skill to treat, test and distribute drinking water; provided however that construction or repair of water treatment or distribution systems shall not be subject to the licensing requirements of this rule."

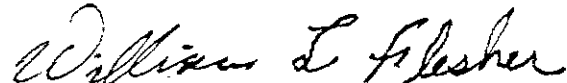
Without a clear statement of intent to separate construction and repair from operations, some confusion could arise in water systems using in-house or contract labor for extension, enlargement or repair of operating systems.

I further propose that Paragraph 6.4 of Section 6 Requirements for Certified Public Water System Operators be amended and restated to clarify the obvious intent that the qualifications of operators required to be present at treatment works be at a level to insure the competency needed for routine operation of the works to which the operator is assigned.

Following is the proposed amended Paragraph 6.4:

6.4 Classes II, III, and IV water systems shall have a certified operator present at the treatment facilities anytime water is undergoing treatment. In Class III and IV systems, this operator shall not be more than one classification lower than the system classification. Exceptions to this requirement may be granted to Class II groundwater systems based on the director's evaluation of the system's size and the required treatment processes. All exceptions granted shall be issued in writing to the owner by the director.

Thank You


William L. Flesher

WLF/jlh

cc: Kay Howard
8/25/87 djw



West Virginia-American
Water Company

An American Water Works System Company

FILE NO. 290-792

August 20, 1987

Department of Health
Regulatory Development Section
Room 7, P & G Building
2019 Washington Street, E
Charleston, WV 25305

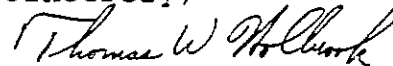
Attn: Mr. David K. Heydinger

Dear Sir:

I have reviewed the proposed rule for amending the Public Water Supply Operator Regulations and wish to present the following comments for consideration prior to the approval of this revised rule:

Under section 6.4 regarding the requirements for certified public water system operators, exceptions to this requirement should not be limited to ground water systems only nor should they be restricted to only certain water system clarifications. In view of the requirement in Section 8.2 of this rule for attainment of certification in sequence there may be some water systems adversely affected in the future and the director should have the written authority to grant exception as each case warrants to both surface and ground water systems at any level of classification.

Sincerely,



Thomas W. Holbook
Production Superintendent

cc: Mr. Ed Catlin

Attachment 1

TWH/bld

"A Century of Pride and Progress"

Huntington Division • 720 Fourth Avenue • P.O. Box 525 • Huntington, West Virginia 25710

cc: Kay Howard
8/25/87 djw



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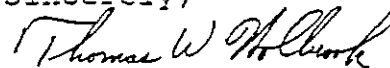
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Production Superintendent

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