

acting as a (1) "bobtailer" or (2) are distributing or selling private labeled milk and/or milk products or (3) engaged in "platform pickup" of milk and/or milk products.

All other parts of Chapter 1, Article 1, Section 3 of the West Virginia Grade "A" Pasteurized Milk Regulations remain unchanged and unaffected by the amended portion of said regulation.

Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferred with respect to persons and/or locations. Permits for milk plants, receiving stations, transfer stations, distribution stations and/or facilities and distributors shall expire June 30th following the date of issuance.

The health officer shall suspend such permit, whenever he has reason to believe that a public health hazard exists; or whenever the permit holder has violated any of the requirements of this Ordinance; or whenever the permit holder has interfered with the health officer in the performance of his duties.

It is provided, That the health officer shall, in all cases except where the milk product involved creates, or appears to create, an imminent hazard to the public health; or in any case of a willful refusal to permit authorized inspection, serve upon the holder a written notice of intent to suspend permit. Such notice shall specify with particularity the violation(s) in question and afford the holder such reasonable opportunity to correct such violation(s) as may be agreed to by the parties, or in the absence of agreement, fixed by the health officer, before making any order of suspension effective. A suspension permit shall remain in effect until the violation has been corrected to the satisfaction of the health officer.

Upon written application of any person whose permit has been suspended, or upon application within 48 hours of any person who has been served with notice of intention to suspend, and in the latter case before suspension, the health officer shall within 72 hours proceed to a hearing to ascertain the facts of such violation or interference and upon evidence presented at such hearing shall affirm, modify, or rescind the suspension or intention to suspend.

Upon repeated violation(s), the health officer may revoke such permit following reasonable notice to the permit holder and an opportunity for hearing. This section is not intended to preclude the institution of court action provided in Sections 5 and 6.

ARTICLE 5.

PUBLIC WATER SUPPLY REGULATIONS.

Sec. 9.0. REGISTRATION AND CERTIFICATION OF WATER PLANT OPERATORS.

Repealed by sub-section 1.1.1 of Article 5A of this chapter.

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ARTICLE 5A.

PUBLIC WATER SUPPLY OPERATOR
REGULATIONS.

General.	Sec.
Definitions.	8.0. Education—Experience credits.
Classification of public water supplies.	9.0. Application for examination and certification.
Certification of water plant operators.	10.0. Revocation of certificates.
Requirements for certification of water plant operators.	11.0. Reciprocity.
Operator in training (OIT).	12.0. Repeal of former regulations.
Qualifications for certification.	13.0. Severability.
	14.0. Penalties.

SEC. 1.0. GENERAL.

Scope

- 1.1.1 This Article replaces Section 9.0 of Article 5, Chapter 1, "Registration and Certification of Water Plant Operators." Section 9.0 of Article 5, Chapter 1 is hereby repealed.
- 1.1.2 These regulations establish the rules and requirements of the West Virginia State Board of Health governing the examination and certification of operators of Public Water Supplies.
- 2 **Authority**—The authority for these regulations is provided under Chapter 16, Article 1, Public Health Laws, Code of West Virginia. Pursuant to the authority conferred upon the West Virginia State Board of Health, Chapter 16, Article 1, Public Health Laws, Code of West Virginia, these regulations are hereby established as the requirements for the examination and certification of operators of public water supplies.
- 3 **Filing Date**—On September 30, 1974, as prescribed by State Law, these regulations were filed with the Office of the Secretary of State, State of West Virginia.
- 4 **Certification**—These regulations were certified as being received and on file in the Office of the Secretary of State, State of West Virginia on September 30, 1974.
- 5 **Effective Date**—These regulations shall be in full force and effect on November 1, 1974.

SEC. 2.0. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of these regulations.

- 2.1 **Division of Sanitary Engineering**—As used in this regulation, it is the Division of Sanitary Engineering, State Department of Health.
- 2.2 **Person**—Individual, city, town, public service district, partnership, association, company, corporation, government corporation, institution,

department, division, bureau, agency, or any other entity recognized by law.

- 2.3 Public Water Supply**—Any water supply or system subject to regulation and control of the Public Service Commission of this state, or which supplies or offers to supply water to the general public.
- 2.4 Public Water Supply System**—Includes the works and auxiliaries for the collection, treatment, storage and distribution of the water from the source of supply to the ultimate customer.
- 2.5 Public Water Supply Treatment Plant**—Facilities provided for the treatment of water, by any one or any combination of the controlled processes of coagulation, sedimentation, filtration, disinfection or other processes which produce a water consistently meeting the requirements of the State Department of Health.
- 2.6 Certificate**—A written document issued by the Division of Sanitary Engineering giving a designated person permission to operate a specific class of public water supply or system upon successful completion of the education, experience and examination requirements contained in these regulations.
- 2.7 Operator in Training**—A person who meets the educational requirements and is in the process of completing the experience requirements for class I certification.
- 2.8 Operator**—A person who has been granted a certificate by the Division of Sanitary Engineering to operate a specific class of public water supply or system.
- 2.9 Certified Operator**—An operator holding a certificate granted by the Division of Sanitary Engineering of a class at least equal to that required by the water treatment plant classification where he is employed.
- 2.10 On Site Responsibility**—The responsibility of a certified operator to be present at the treatment plant while the plant is in operation.

SEC. 3.0. CLASSIFICATION OF PUBLIC WATER SUPPLIES.

- 3.1** Public water supplies shall be classified on the basis of complexity of *treatment plants* and for the *total population served*.
- 3.1.1** The system of classification for *treatment plants* shall be based on a total point rating as computed by the point system classification shown in sub-section 3.1.2 of these regulations.

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POINT SYSTEM CLASSIFICATION OF
WATER TREATMENT PLANTS

3.11

ITEM	POINT RATING SYSTEM	POINTS RATED
Maximum population served	1 per 12,500 or part thereof	_____
Flow (average day) or peak month's production (average day), whichever larger	1 per 1.25 MGD or part thereof	_____
Supply Source	3 (each source)	_____
Surface water	10 (each source)	_____
Groundwater		_____
Primary Treatment		_____
Alkalinity adjustment	2	_____
Alkalinity adjustment for CO ₂	4	_____
pH adjustment	1 - 8	_____
Temperature control	1 - 8	_____
Color and odor control	4	_____
Temperature control	4	_____
Activated carbon feed	4	_____
Advanced Treatment		_____
Fluorination or Iron/Manganese removal	5 - 10	_____
Softening	5 - 10	_____
Filtration	20 (maximum)	_____
Coagulation (10) flocculation (5) sedimentation (5)	10 - 15	_____
Membrane filtration	20	_____
Other processes (Rev. osmosis, electro dialysis, etc.)	20	_____
Plant treatment of plant sludge	1	_____
Chlorination	5	_____
Disinfection Pre (5) Post (5)	1 (maximum)	_____
On-site generation of disinfectant	5	_____
Laboratory Control by Plant Personnel		_____
Bacteriological (complexity)	1 - 1	_____
Chemical/physical (complexity)	1 - 16	_____
Others (as determined by the Division of Sanitary Engineering)		_____
TOTAL POINT RATING		=====

3.2 Classification of public water supplies shall be based on the following table:

PUBLIC WATER SUPPLY CLASSIFICATION SYSTEM¹

Basis of Classification	Classes			
	I	II	III	IV ²
Treatment Plant Total Point Rating	0 to 25	26 to 50	51 to 75	76 or more
Population Served	0 to 1500	1501 to 15,000	15,001 to 50,000	50,001 or more

¹ If the ranges of total point rating and population differ from those contained in the table, the Division of Sanitary Engineering shall determine the appropriate public water supply classification.

² All Class IV public water supplies must have bacteriological laboratories certified by the State Hygienic Laboratory.

SEC. 4.0. CERTIFICATION OF WATER PLANT OPERATORS.

- 1 All persons operating a public water supply or system in this state shall be certified by the Division of Sanitary Engineering in accordance with these regulations.
- 2 On and after November 1, 1974, the date these regulations become effective, it shall be illegal for any person to operate, or to be in charge of operation of a public water supply or system unless said person possesses an operator's certificate issued by the Division of Sanitary Engineering.
- 3 Anyone who has on-site responsibility for a public water supply or system shall be certified operator.
- 4 Certification of operators shall be based upon education, experience, and satisfactory completion of a written examination given by the Division of Sanitary Engineering. All certificates shall be prominently displayed at the water treatment plant where the operator is employed.

SEC. 5.0. REQUIREMENTS FOR CERTIFICATION OF WATER PLANT OPERATORS.

- 5 Operators possessing certificates before the effective date of these

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regulations will be issued new certificates by the Division of Sanitary Engineering in accordance with the following schedule:

Existing Certification	New Certification
OIT (Operator in Training)	OIT
III	I
II	II
I	III or IV (See Section 5.3)

Operators who, up until the effective date of these regulations, were certified as class II-R or I-R shall be re-certified on the basis of their education and experience as determined by the Division of Sanitary Engineering.

Operators who were certified as class I operators before the effective date of these regulations and were employed full time at a class IV public water supply, as defined in these regulations, shall be entitled to class IV re-certification. All such operators shall submit their request for re-certification in writing to the Division of Sanitary Engineering for approval.

Those persons not now certified, and who desire certification after the effective date of these regulations, will be classified in accordance with the education-experience requirements under Section 7.0 and examination requirements under Section 9.0 of these regulations.

SEC. 6.0. OPERATOR IN TRAINING (OIT).

- 6.1 A certificate of this class is limited to new personnel without prior experience.
- 6.2 Written application for an operator in training certificate shall be made to the Division of Sanitary Engineering, on a form furnished by the Division, within one month after employment as an operator trainee.
- 6.3 Operators under the OIT certificate must be under the supervision of a certified operator.
- 6.4 Operator in training certificates shall be valid for one year. The individual will be considered for re-certification if he makes a written application for same to the Division of Sanitary Engineering thirty days prior to certificate expiration.

SEC. 7.0. QUALIFICATIONS FOR CERTIFICATION.

- 7.1 Class I - High school diploma or equivalent and one year of operating experience at a water treatment plant as an operator in training.
- 7.2 Class II - High school diploma or equivalent and three years operating experience in a class I, II, III, or IV water treatment plant.
- 7.3 Class III - Fourteen years of education or equivalent and five years operating experience in a class II, III or IV water treatment plant.

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7.4 Class IV - *Sixteen* years of education or equivalent and six years operating experience in a class III or IV water treatment plant.

SEC. 8.0. EDUCATION—EXPERIENCE CREDITS.

- 8.1** Twelve years of education means high school diploma, G.E.D., or other equivalent. Thirty college semester hours shall equal 45 quarter hours and either shall equal one year of college credit.
- 8.2** Experience, at the next certification level below that applied for, may be substituted on a year for year basis for the educational requirements *beyond the high school level* through the fourteenth year. However, any experience used as a substitute for the educational requirements cannot also be credited toward satisfying experience requirements.
- 8.3** Education, above the high school level, may be substituted on a year for year basis for experience requirements in classes II, III and IV only. However, any education used as a substitute for the experience requirements cannot also be credited toward satisfying education requirements.
- 8.4** A maximum of six months educational credit may be permitted by the Division of Sanitary Engineering if an applicant has successfully completed an approved Water Plant Operators training or correspondence course. Written proof of course completion and a request for approval of credit must be submitted in writing to the Division of Sanitary Engineering with the application for examination.

SEC. 9.0. APPLICATION FOR EXAMINATION AND CERTIFICATION.

- 9.1** Those persons not certified as of the effective date of these regulations, may make a request for examination to the Division of Sanitary Engineering at least thirty days prior to the examination date by completing a form furnished by the Division of Sanitary Engineering or county health department.
- 9.2** Written examinations for certification will be arranged by the Division of Sanitary Engineering for those persons who meet the educational requirements. The times and places for the examination will be designated by the Division of Sanitary Engineering which shall notify the applicants of same at least two weeks before the examination date.
- 9.3** An applicant's certification status shall be determined by his examination grade, educational and experience background. To pass the examination an applicant must make a minimum grade of 70 percent. An applicant who fails an examination must wait a minimum of sixty days before applying for re-examination.

SEC. 10.0. REVOCATION OF CERTIFICATES.

- 10.1** The Division of Sanitary Engineering 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 supply system, including non-compliance with Chapter 1, Article 5, of the Environmental Health Regulations which relates to Public Water Supply control tests, bacteriological quality sampling and operating records. The Division of Sanitary Engineering may reinstate any person whose certificate has been revoked upon presentation of satisfactory evidence to the Division that all deficiencies have been corrected.

The Division of Sanitary Engineering may revoke a certificate for cause and require a certificate holder to take another written examination at his last certification class if he has not been actively engaged in water supply treatment operation for a two-year period.

An operator employed at a public water supply shall notify the Division of Sanitary Engineering at least thirty (30) days prior to terminating his employment. Failure to notify the Division of Sanitary Engineering shall be cause for automatic certificate revocation; however, automatic revocation shall not occur if the operator has been discharged by his supervisor.

SEC. 11.0. RECIPROACITY.

The Division of Sanitary Engineering shall consider for West Virginia certification, the holder of a certificate issued by a governmental agency of another state upon presentation to the Division of Sanitary Engineering satisfactory evidence of the following:

- (1) The applicant has been offered and agrees to accept fulltime employment as a certified public water supply system operator in West Virginia.
- (2) The applicant has successfully passed a certification examination at least equivalent to that which is required under this regulation.

SEC. 12.0. REPEAL OF FORMER REGULATIONS.

All regulations previously adopted by the West Virginia Board of Health which are in conflict with the provisions of these regulations are hereby repealed.

SEC. 13.0. SEVERABILITY.

Each Section of this regulation and every part of each Section is an independent Section and a part of a Section, and the holding of any Section or part thereof to be unconstitutional, void, or ineffective for any cause does not affect the validity or constitutionality of any other Section or part thereof.

SEC. 14.0. PENALTIES.

Any person who violates any provision of these regulations or any regulation

adopted by the West Virginia State Board of Health pursuant to the authority granted by these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment as provided in Chapter 16, Article 1, Section 20 of the Public Health Laws of West Virginia and West Virginia Code. Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

ARTICLE 6. SWIMMING POOL AND BATHING BEACH REGULATIONS.

Sec.	Sec.
1.0. General.	9.0. Supervision of bathers.
2.0. Definitions.	10.0. Safety requirements.
3.0. Prohibited pools.	11.0. Routine maintenance and operation.
4.0. Submission of plans and specifications for construction certificate of approval.	12.0. Bath houses, concessions and other appurtenant facilities.
5.0. Operating permits.	13.0. Compliance requirements.
6.0. Inspections.	14.0. Repeal of former regulations.
7.0. Water quality requirements.	15.0. Severability.
8.0. Control tests and operational records.	16.0. Penalties.

SEC. 1.0. GENERAL.

1.1 Scope

1.1.1 These regulations amend and readopt Chapter 1, Article 6, Swimming Pool and Bathing Beach Regulations, of the West Virginia Board of Health.

1.1.2 These regulations establish the rules and requirements of the West Virginia Board of Health governing swimming pools and bathing beaches.

1.2 **Authority** — The authority for these regulations is provided under Chapter 16, Article 1, Public Health Laws, Code of West Virginia. These regulations are hereby established as the minimum requirements for swimming pools, wading pools and bathing beaches.

1.3 **Filing Date** — On May 30, 1975, as prescribed by state laws, these regulations were filed with the Office of the Secretary of State, State of West Virginia.

1.4 **Certification** — These regulations were certified as being received and on file in the Office of the Secretary of State, State of West Virginia on May 30, 1975.

1.5 **Effective Date** — These regulations shall be in full force and effect on July 1, 1975.