

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1059
SENATE BILL 766

1 AN ACT TO ESTABLISH ARRANGEMENTS FOR THE EXAMINATION AND
2 CERTIFICATION OF WATER AND WASTEWATER TREATMENT FACILITY
3 OPERATORS IN NORTH CAROLINA.
4

5 The General Assembly of North Carolina do enact:
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7 **Section 1.** Chapter 90A of the General Statutes of North Carolina is hereby
8 amended by rewriting the Chapter title to read "Sanitarians and Water and Wastewater
9 Treatment Facility Operators", and by designating G.S. 90A-1 through G.S. 90A-13 as "Article
10 1, Sanitarians."

11 **Sec. 2.** Chapter 90A of the General Statutes of North Carolina is hereby amended
12 by adding immediately after G.S. 90A-13 a new Article 2 to read as follows:
13

"Article 2

"Certification of Water Treatment Facility Operators

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15 **"Sec. 90A-25. Purpose.** It is the purpose of this Article to protect the public health and to
16 conserve and protect the water resources of the State; to protect the public investment in water
17 treatment facilities; to provide for the classifying of public water treatment facilities; to require
18 the examination of water treatment facility operators and the certification of their competency
19 to supervise the operation of water treatment facilities; and to establish the procedures for such
20 classification and certification.

21 **"Sec. 90A-26. Water Treatment Facility Operators Board of Certification.** (a) Board
22 Membership. There is hereby established within the State Board of Health a Water Treatment
23 Facility Operators Board of Certification (hereinafter termed the 'Board of Certification')
24 composed of seven (7) members to be appointed by the State Health Director as follows:

- 25 (1) One member who is currently employed as a water treatment facility
26 operator;
27 (2) One member who is manager of a North Carolina municipality using a
28 surface water supply;
29 (3) One member who is manager of a North Carolina municipality using a
30 treated ground water supply;
31 (4) One member who is employed as a director of utilities, water superintendent,
32 or equivalent position with a North Carolina municipality.
33 (5) One member employed by a private water utility or private industry and who
34 is responsible for the operation or supervision of a water supply and
35 treatment facility;
36 (6) One member who is a faculty member of a four-year college or university
37 whose major field is related to water supply; and
38 (7) One member employed by the State Board of Health and working in the
39 field of water supply who shall serve as chairman of the Board of
40 Certification.

41 (b) Terms of Office. The chairman of the Board of Certification shall serve at the
42 pleasure of the State Health Director. All other members shall serve terms of three years,
43 except that the State Health Director shall make initial appointments for terms of one year for

two members, two years for two members, and three years for two members in order that terms of the members will be staggered. Appointments to fill a vacancy during the term of a member shall be for the unexpired term only. Any member may be appointed for more than one term in the discretion of the State Health Director.

(c) Powers and responsibilities. The Board of Certification shall establish all rules, regulations and procedures with respect to the certification program and advise and assist the State Health Director in its administration.

(d) Compensation. Members of the Board of Certification shall receive ten dollars (\$10.00) per day for each day actually spent in the performance of their duties, plus actual travel expenses incurred in connection with the performance of their duties as provided by law for members of state boards and commissions generally.

"Sec. 90A-27. Classification of water treatment facilities. The Board of Certification, with the advice and assistance of the State Health Director, shall classify all surface water treatment facilities and all facilities for treating ground water supplies that are used, or intended for use, as part of a public water supply system with due regard for the size of the facility, its type, character of water to be treated, other physical conditions affecting the treatment of the water, and with respect to the degree of skill, knowledge, and experience that the operator responsible for the water treatment facility must have to supervise successfully the operation of the facilities so as to adequately protect the public health.

"Sec. 90A-28. Grades of certificates. The Board of Certification, with the advice and assistance of the State Health Director, shall establish grades of certification for water treatment facility operators corresponding to the classification of water treatment facilities. The grades of certification shall be ranked so that a person holding a certification in the highest grade is thereby affirmed competent to operate water treatment facilities in the highest classification and any water treatment facility in a lower classification; a person holding a certification in the next highest grade is affirmed as competent to operate water treatment facilities in the next highest classification and any lower classification; and in a like manner through the range of grades of certification and classification of water treatment facilities.

"Sec. 90A-29. Operator qualifications and examination. The Board of Certification, with the advice and assistance of the State Health Director, shall establish minimum requirements of education, experience and knowledge for each grade of certification for water treatment facility operators, and shall establish procedures for receiving applications for certification, conducting examinations and making investigations of applicants as may be necessary and appropriate to the end that prompt and fair consideration be given every application and the water treatment facilities of the State may be adequately supervised by certified operators.

"Sec. 90A-30. Issuance of certificates. (a) An applicant, upon meeting satisfactorily the appropriate requirements shall be issued a suitable certificate by the Board of Certification designating the level of his competency. Certificates shall be permanent unless revoked for cause or replaced by one of a higher grade.

(b) Certificates may be issued, without examination, in a comparable grade to any person who holds a certificate in any state, territory or possession of the United States, if in the judgment of the Board of Certification the requirements for operators under which the person's certificate was issued do not conflict with the provisions of this Article, and are of a standard not lower than that specified under rules and regulations adopted under this Article.

(c) Certificates in an appropriate grade will be issued to operators who, on July 1, 1969, hold certificates of competency issued under the voluntary certification program now being administered through the Division of Sanitary Engineering of the State Board of Health with the cooperation of the North Carolina Water Works Operators Association, the North Carolina Section of the American Water Works Association, and the North Carolina League of Municipalities.

(d) Certificates in an appropriate grade will be issued without examination to any person or persons certified by the governing board in the case of a city, town, county, sanitary district, or other political subdivision, or by the owner in the case of a private utility or industry, to have been in responsible charge of its water treatment facilities on the date the Board of Certification notifies the governing board, or owner, of the classification of its water treatment facility, and if the application for such certification is made within one year of the date of notification. A certificate so issued will be valid for use by the holder only in the water treatment facility in which he was employed at the time of his certification.

(e) Temporary certificates in any grade may be issued without examination to any person employed as a water treatment facility operator when the Board of Certification finds that the supply of certified operators, or persons with training necessary to certification, is inadequate. Temporary certificates shall be valid for only one year but may be renewed. Temporary certificates may be issued with such special conditions or requirements relating to the place of employment of the person holding the certificate, his supervision on a consulting or advisory basis, or other matters as the Board of Certification may deem necessary to protect the public health.

"Sec. 90A-31. Revocation of certificate. The Board of Certification, in accordance with the procedure set forth in Chapter 150 of the General Statutes of North Carolina, may revoke the certificate of an operator when it is found that the operator has practiced fraud or deception; that reasonable care, judgment, or the application of his knowledge or ability was not used in the performance of his duties; or that the operator is incompetent or unable to properly perform his duties.

"Sec. 90A-32. Application fee. The Board of Certification, in establishing procedures for receiving applications for certification, shall impose fees, or schedules of fees, adequate to meet the anticipated costs of administering the classification and certification programs.

"Sec. 90A-33. Promotion of training and other powers. The Board of Certification and the State Health Director are authorized to take all necessary and appropriate steps in order to effectively and fairly achieve the purposes of this Article, including, but not limited to, the providing of training for operators and cooperating with educational institutions and private and public associations, persons, or corporations in the promotion of training for water treatment facility personnel.

"Sec. 90A-34. Certified Operators Required. On and after July 1, 1971, every person, firm, or corporation, municipal or private, owning or having control of a water treatment facility shall have the obligation of assuring that the operator in responsible charge of such facility is duly certified by the Board of Certification under the provisions of this Article. No person, after July 1, 1971, shall perform the duties of an operator, in responsible charge of a water treatment facility, without being duly certified under the provisions of this Article."

Sec. 3. Chapter 90A of the General Statutes of North Carolina is hereby amended further by adding thereto a new Article 3 to read as follows:

"Article 3

"Certification of Wastewater Treatment Plant Operators

"Sec. 90A-50. Purpose. It is the purpose of this Article to protect the public health and to conserve and protect the quality of the water resources of the State and maintain the quality of receiving streams as assigned by the North Carolina Board of Water and Air Resources; to protect the public investment in wastewater treatment facilities; to provide for the classifying of wastewater treatment plants; to require the examination of wastewater treatment plant operators and the certification of their competency to supervise the operation of such facilities; and to establish procedures for such classification and certification.

"Sec. 90A-51. Wastewater Treatment Plant Operators Board of Certification. (a) Board membership. There is hereby established within the Department of Water and Air Resources a Wastewater Treatment Plant Operators Board of Certification (hereinafter termed the 'Board of

Certification') composed of seven members to be appointed by the Assistant Director of the Department of Water and Air Resources, with the approval of the Board of Water and Air Resources, as follows:

- (1) Two persons who are currently employed as wastewater treatment plant operators, wastewater plant superintendents, water and sewer superintendents, or equivalent positions with a North Carolina municipality;
- (2) One member who is manager of a North Carolina municipality having a population of more than 10,000 as of the most recent federal census;
- (3) One member who is manager of a North Carolina municipality having a population of less than 10,000 as of the most recent federal census;
- (4) One member employed by a private industry and who is responsible for supervising the treatment or pre-treatment of industrial wastewater;
- (5) One member who is a faculty member of a four-year college or university, whose major field is related to wastewater treatment; and
- (6) One member who is employed by the Department of Water and Air Resources and works in the field of water pollution control, who shall serve as chairman of the Board of Certification.

(b) Terms of office. The Chairman of the Board of Certification shall serve at the pleasure of the Assistant Director of the Department of Water and Air Resources. All other members shall serve terms of three years, except that the Assistant Director of the Department of Water and Air Resources shall make initial appointments for terms of one year for two members, two years for two members, and three years for two members in order that terms of the members will be staggered. Appointments to fill a vacancy during the term of a member shall be for the unexpired term only. Any member may be appointed for more than one term in the discretion of the Assistant Director.

(c) Powers and responsibilities. The Board of Certification shall establish all rules, regulations, and procedures necessary with respect to the certification program and advise and assist the Assistant Director of the Department of Water and Air Resources in its administration.

(d) Compensation. Members of the Board of Certification shall receive ten dollars (\$10.00) per day for each day actually spent in the performance of their duties, plus actual travel expenses incurred in connection with the performance of their duties as provided by law for members of state boards and commissions generally.

"Sec. 90A-52. Classification of wastewater treatment facilities. The Board of Certification, with the advice and assistance of the Assistant Director of the Department of Water and Air Resources, shall classify all wastewater treatment facilities under the jurisdiction of the North Carolina Board of Water and Air Resources, as provided in G.S. 130-161, and those operated by institutions and agencies of the State of North Carolina. In making the classification, the Board of Certification shall give due regard, among other factors, to the size of the facility, the nature of the wastes to be treated or removed from the wastewater, the treatment process to be employed, and the degrees of skill, knowledge and experience that the operator of the wastewater treatment facility must have to supervise the operation of the facility so as to adequately protect the public health and maintain the water quality standards in the receiving waters as assigned by the North Carolina Board of Water and Air Resources.

"Sec. 90A-53. Grades of certificates. The Board of Certification, with the advice and assistance of the Assistant Director of the Department of Water and Air Resources, shall establish grades of certification for wastewater treatment plant operators corresponding to the classification of wastewater treatment facilities. The grades of certification shall be ranked so that a person holding a certification in the highest grade is thereby affirmed competent to operate wastewater treatment facilities in the highest classification and any treatment facility in a lower classification; a person holding a certification in the next highest grade is affirmed as

competent to operate wastewater treatment facilities in the next-to-the-highest classification and any lower classification; and in a like manner through the range of grades of certification and classification of wastewater treatment facilities.

"Sec. 90A-54. Operator qualifications and examination. The Board of Certification, with the advice and assistance of the Assistant Director of the Department of Water and Air Resources, shall establish minimum requirements of education, experience and knowledge for each grade of certification for wastewater treatment plant operators, and shall establish procedures for receiving applications for certification, conducting examinations, and making investigations of applicants as may be necessary and appropriate to the end that prompt and fair consideration be given every application and the wastewater treatment facilities within the State may be adequately supervised by certified operators.

"Sec. 90A-55. Issuance of certificates. (a) An applicant, upon meeting satisfactorily the appropriate requirements, shall be issued a suitable certificate by the Board of Certification designating the level of his competency. Certificates shall be permanent unless revoked for cause or replaced by one of a higher grade.

(b) Certificates may be issued, without examination, in a comparable grade to any person who holds a certificate in any state, territory or possession of the United States, if in the judgment of the Board of Certification the requirements for operators under which the person's certificate was issued do not conflict with the provisions of this Article, and are of a standard not lower than that specified under rules and regulations adopted under this Article.

(c) Certificates in the appropriate grade will be issued, without examination, to operators who, on July 1, 1969, hold certificates of competency issued under the voluntary certification program now being administered through the Department of Water and Air Resources, with the cooperation of the Sanitary Engineering Division of the State Board of Health, the North Carolina League of Municipalities, and the North Carolina Water Pollution Control Association.

(d) Certificates in an appropriate grade will be issued without examination to any person or persons certified by the governing board in the case of a city, town, county, sanitary district, or other political subdivision, or by the owner in the case of a private utility or industry, to have been in responsible charge of its wastewater treatment facilities on the date the Board of Certification notifies the governing board, or owner, of the classification of its treatment facility, and if the application for such certification is made within one year of the date of notification. A certificate so issued will be valid for use by the holder only in the treatment facility for which he had responsible charge at the time of his certification.

(e) Temporary certificates, in any grade and without examination, may be issued to any person employed as a wastewater treatment plant operator when the Board of Certification finds that the supply of certified operators, or persons with training and experience necessary to certification, is inadequate. Temporary certificates shall be valid for only one year, but may be renewed. Temporary certificates may be issued with such special conditions or requirements relating to the place of employment of the person holding the certificate, his supervision on a consulting or advisory basis, or other matters as the Board of Certification may deem necessary to protect the public health and maintain the water quality standards in the receiving waters as assigned by the North Carolina Board of Water and Air Resources.

"Sec. 90A-56. Revocation of certificate. The Board of Certification, in accordance with the procedure set forth in Chapter 150 of the General Statutes of North Carolina, may revoke the certificate of an operator when it is found that the operator has practiced fraud or deception; that reasonable care, judgment, or the application of his knowledge or ability was not used in the performance of his duties; or that the operator is incompetent or unable to properly perform his duties.

1 "Sec. 90A-57. **Application fee.** The Board of Certification, in establishing procedures for
2 receiving applications for certification, shall impose fees, or schedules of fees, adequate to meet
3 the anticipated costs of administering the classification and certification programs.

4 "Sec 90A-58. **Promotion of training and other powers.** The Board of Certification and the
5 Assistant Director of the Department of Water and Air Resources are authorized to take all
6 necessary and appropriate steps in order to effectively and fairly achieve the purposes of this
7 Article, including, but not limited to, the providing of training for operators and cooperating
8 with educational institutions and private and public associations, persons, or corporations in the
9 promotion of training for wastewater treatment personnel.

10 "Sec. 90A-59. **Certified Operators Required.** On and after July 1, 1971, every person, firm,
11 or corporation, municipal or private, owning or having control of a wastewater treatment works
12 shall have the obligation of assuring that the operator in responsible charge of such plant is duly
13 certified by the Board of Certification under the provisions of this Article. No person, after July
14 1, 1971, shall perform the duties of an operator, in responsible charge of a wastewater treatment
15 works, without being duly certified under the provisions of this Article."

16 **Sec. 4.** G.S. 150-9 as the same appears in the 1967 Supplement to Replacement
17 Volume 3C is hereby amended by adding to the last line thereof the words: "the Water
18 Treatment Facility Operators Board of Certification and the Wastewater Treatment Plant
19 Operators Board of Certification".

20 **Sec. 5.** All laws and clauses of laws in conflict with this Act are repealed.

21 **Sec. 6.** This Act shall be in full force and effect from and after July 1, 1969.

22 In the General Assembly read three times and ratified, this the 27th day of June,
23 1969.