

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 372

Environment & Natural Resources Committee Substitute Adopted 4/27/89

Short Title: Certify Operators of Sewage Systems.

(Public)

Sponsors:

Referred to:

March 8, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CERTIFICATION OF OPERATORS OF SANITARY SEWAGE SYSTEMS UNDER THE JURISDICTION OF THE DEPARTMENT OF HUMAN RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90A-35 reads as rewritten:

"§ 90A-35. 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 Environmental Management Commission; to protect the public investment in wastewater treatment ~~facilities;~~ facilities and sanitary sewage systems; to provide for the classifying of wastewater treatment ~~plants;~~ plants and sanitary sewage systems; to require the examination of wastewater treatment plant operators and sanitary sewage system operators and the certification of their competency to supervise the operation of such ~~facilities;~~ facilities and systems; and to establish procedures for such classification and certification."

Sec. 2. G.S. 90A-37 reads as rewritten:

"§ 90A-37. Classification of wastewater treatment ~~facilities.~~ facilities and sanitary sewage systems.

The Wastewater Treatment Plant Operators Certification Commission, with the advice and assistance of the Secretary of Natural Resources and Community ~~Development,~~ Development and the Secretary of the Department of Human Resources, shall classify all wastewater treatment facilities under the jurisdiction of the North

1 Carolina Environmental Management Commission, as provided in G.S. 143-215.1,
2 sanitary sewage systems under the jurisdiction of the Division of Health Services of the
3 Department of Human Resources, and those operated by institutions and agencies of the
4 State of North Carolina. In making the classification, the Wastewater Treatment Plant
5 Operators Certification Commission shall give due regard, among other factors, to the
6 size of the ~~facility,~~ facility or system, the nature of the wastes to be treated or removed
7 from the wastewater, the treatment process to be employed, and the degrees of skill,
8 knowledge and experience that the operator of the wastewater treatment facility or
9 sanitary sewage system must have to supervise the operation of the facility or system so
10 as to adequately protect the public health and maintain the water quality standards in the
11 receiving waters as assigned by the North Carolina Environmental Management
12 Commission."

13 Sec. 3. G.S. 90A-38 reads as rewritten:

14 **"§ 90A-38. Grades of certificates.**

15 (a) The Wastewater Treatment Plant Operators Certification Commission, with
16 the advice and assistance of the Secretary of Natural Resources and Community
17 ~~Development,~~ Development and the Secretary of the Department of Human Resources,
18 shall establish grades of certification for wastewater treatment plant and sanitary sewage
19 system operators corresponding to the classification of wastewater treatment ~~facilities.~~
20 facilities and sanitary sewage systems. The grades of certification shall be ranked so that
21 a person holding a certification in the highest grade is thereby affirmed competent to
22 operate wastewater treatment facilities or sanitary sewage systems in the highest
23 classification and any treatment facility or system in a lower classification; a person
24 holding a certification in the next highest grade is affirmed as competent to operate
25 wastewater treatment facilities or systems in the next-to-the-highest classification and
26 any lower classification; and in a like manner through the range of grades of
27 certification and classification of wastewater treatment ~~facilities.~~ facilities and sanitary
28 sewage systems.

29 (b) No certificate shall be required under this Article to operate a conventional
30 septic tank system. For purposes of this section, 'conventional septic tank system'
31 means a subsurface sanitary sewage system consisting of a settling tank and a
32 subsurface disposal field without a pump or other appurtenances."

33 Sec. 4. G.S. 90A-39 reads as rewritten:

34 **"§ 90A-39. Operator qualifications and examination.**

35 The Wastewater Treatment Plant Operators Certification Commission, with the
36 advice and assistance of the Secretary of Natural Resources and Community
37 ~~Development,~~ Development and Secretary of the Department of Human Resources, shall
38 establish minimum requirements of education, experience and knowledge for each
39 grade of certification for wastewater treatment plant and sanitary sewage system
40 operators, and shall establish procedures for receiving applications for certification,
41 conducting examinations, and making investigations of applicants as may be necessary
42 and appropriate to the end that prompt and fair consideration be given every application
43 and the wastewater treatment facilities and sanitary sewage systems within the State
44 may be adequately supervised by certified operators."

1 Sec. 5. G.S. 90A-40 reads as rewritten:

2 **"§ 90A-40. Issuance of certificates.**

3 (a) An applicant, upon meeting satisfactorily the appropriate requirements, shall
4 be issued a suitable certificate by the Wastewater Treatment Plant Operators
5 Certification Commission designating the level of his competency. Certificates shall be
6 permanent unless revoked for cause or replaced by one of a higher grade.

7 (b) A certificate may be issued in an appropriate grade without examination to
8 any person who is properly registered on the "National Association of Boards of
9 Certification" reciprocal registry who meets all other requirements of rules adopted
10 under this Article.

11 (c) Repealed by Session Laws 1987, c. 582, s. 2.

12 (d) Certificates in an appropriate grade will be issued without examination to any
13 person or persons certified by the governing board in the case of a city, town, county,
14 sanitary district, or other political subdivision, or by the owner in the case of a private
15 utility or industry, to have been in responsible charge of its wastewater treatment
16 facilities on the date the Wastewater Treatment Plant Operators Certification
17 Commission notifies the governing board, or owner, of the classification of its treatment
18 facility, and if the application for such certification is made within one year of the date
19 of notification. A certificate so issued will be valid for use by the holder only in the
20 treatment facility for which he had responsible charge at the time of his certification.
21 Provided: that no certification shall be issued under this subsection after July 1, 1979.
22 Operators of these facilities receiving initial notification of classification after July 1,
23 1979, shall be eligible for a temporary certificate to be valid as provided in subsection
24 (e).

25 (e) Temporary certificates, in any grade and without examination, may be issued
26 to any person employed as a wastewater treatment plant operator or sanitary sewage
27 system operator when the Wastewater Treatment Plant Operators Certification
28 Commission finds that the supply of certified operators, or persons with training and
29 experience necessary to certification, is inadequate or when certificates without
30 examination would formerly have been granted under subsection (d) of this section.
31 Temporary certificates shall be valid for only one year, but may be renewed. Temporary
32 certificates may be issued with such special conditions or requirements relating to the
33 place of employment of the person holding the certificate, his supervision on a
34 consulting or advisory basis, or other matters as the Wastewater Treatment Plant
35 Operators Certification Commission may deem necessary to protect the public health
36 and maintain the water quality standards in the receiving waters as assigned by the
37 North Carolina Environmental Management Commission.

38 (f) Certificates in an appropriate grade will be issued without examination to any
39 person or persons certified by the governing board in the case of a city, town, county,
40 sanitary district, or other political subdivision, or by the owner in the case of a private
41 utility or industry, to have been in responsible charge of its sanitary sewage system on
42 the date the Wastewater Treatment Plant Operators Certification Commission notifies
43 the governing board, or owner, of the classification of its sanitary sewage system, and if
44 the application for such certification is made within one year of the date of notification.

1 A certificate so issued will be valid for use by the holder only in the treatment facility
2 for which he had responsible charge at the time of his certification.

3 (g) Certificates in the appropriate grade will be issued, without examination, to
4 sanitary sewage system operators who, on 1 January 1990, hold certificates of
5 competency issued under the voluntary certification program now being administered
6 through the North Carolina Water Pollution Control Association."

7 Sec. 6. G.S. 90A-41 reads as rewritten:

8 **"§ 90A-41. Revocation of certificate.**

9 The Wastewater Treatment Plant Operators Certification Commission, in accordance
10 with the procedure set forth in Chapter ~~150A~~-150B of the General Statutes of North
11 Carolina, may suspend or revoke the certificate of an operator or may issue a written
12 reprimand to an operator when it ~~is found~~-finds that the operator has practiced fraud or
13 deception; that reasonable care, judgment, or the application of his knowledge or ability
14 was not used in the performance of his duties; or that the operator is incompetent or
15 unable to properly perform his duties."

16 Sec. 7. G.S. 90A-42(10) reads as rewritten:

17 "(10) Mailing List Charges—The Wastewater Treatment Plant Operators
18 Certification Commission may provide mailing lists of certified
19 wastewater treatment plant and sanitary sewage system operators and
20 of wastewater treatment plants and sanitary sewage systems to persons
21 who request such lists. The charge for such lists shall be five dollars
22 (\$5.00) per 100 names of certified operators or treatment ~~plants,~~ plants
23 and systems, with a minimum charge of fifty dollars (\$50.00)."

24 Sec. 8. G.S. 90A-43 reads as rewritten:

25 **"§ 90A-43. Promotion of training and other powers.**

26 The Wastewater Treatment Plant Operators Certification Commission and the
27 Secretary of Natural Resources and Community Development and the Secretary of the
28 Department of Human Resources are authorized to take all necessary and appropriate
29 steps in order to effectively and fairly achieve the purposes of this Article, including,
30 but not limited to, the providing of training for operators and cooperating with
31 educational institutions and private and public ~~associations,~~ associations, persons, or
32 corporations in the promotion of training for wastewater treatment and sanitary sewage
33 personnel."

34 Sec. 9. G.S. 90A-45 reads as rewritten:

35 **"§ 90A-45. Commercial wastewater treatment and sanitary sewage operation**
36 **firms.**

37 (a) Every person, firm, or corporation, municipal or private, owning or having
38 control of a wastewater treatment works or a sanitary sewage system may contract with
39 a responsible commercial wastewater treatment works operation firm for operational
40 and other services of that firm, and that firm shall designate an employee as the operator
41 in responsible charge. Such designee and other licensed employees of the firm shall be
42 responsible for the total operation and maintenance of the wastewater treatment ~~works.~~
43 works or sanitary sewage system. Contractual firms shall not be limited as to the
44 number of facilities, distance between facilities, location of office or residence,

1 frequency of visits, utilization of local persons who are not certified, or other internal
2 management procedures.

3 (b) Any employee designated by the firm as operator in responsible charge must
4 obtain certification from the Wastewater Treatment Plant Operators Certification
5 Commission and must comply with all of the requirements specified in Chapter 90A
6 and the rules and reasonable standards of the Commission, applicable to all operators in
7 responsible charge, designed to assure satisfactory operation of wastewater and sanitary
8 sewage facilities."

9 Sec. 10. G.S. 143B-301 reads as rewritten:

10 "**§ 143B-301. Wastewater Treatment Plant Operators Certification Commission –**
11 **members; selection; removal; compensation; quorum; services.**

12 (a) The Wastewater Treatment Plant Operators Certification Commission of the
13 Department of Natural Resources and Community Development shall consist of ~~seven~~
14 nine members appointed by the Secretary of Natural Resources and Community
15 Development with the approval of the Environmental Management Commission with
16 the following qualifications:

17 (1) Two members shall be currently employed as wastewater treatment
18 plant operators, wastewater plant superintendents, water and sewer
19 superintendents, or equivalent positions with a North Carolina
20 municipality;

21 (2) One member shall be manager of a North Carolina municipality
22 having a population of more than 10,000 as of the most recent federal
23 census;

24 (3) One member shall be manager of a North Carolina municipality
25 having a population of less than 10,000 as of the most recent federal
26 census;

27 (4) One member shall be employed by a private industry and shall be
28 responsible for supervising the treatment or pretreatment of industrial
29 wastewater;

30 (5) One member who is a faculty member of a four-year college or
31 university and whose major field is related to wastewater treatment;
32 ~~and~~

33 (6) One member who is employed by the Department of Natural
34 Resources and Community Development and works in the field of
35 water pollution control, who shall serve as chairman of the
36 Certification ~~Commission.~~ Commission; and

37 (7) Two members shall be currently employed as sanitary sewage system
38 operators, wastewater collection system superintendents, water and
39 sewer department directors, or equivalent positions with a North
40 Carolina municipality.

41 (b) The initial members of the Commission shall be the members of the
42 Wastewater Treatment Plant Operators Board of Certification who shall serve for a
43 period equal to the remainder of their current terms on the Wastewater Treatment Plant
44 Operators Board of Certification. At the end of the respective terms of office of the

1 initial members of the Commission, their successors shall be appointed for staggered
2 terms of three years and until their successors are appointed and qualify.

3 (c) The chairman of the Wastewater Treatment Plant Operators Certification
4 Commission shall serve at the pleasure of the Secretary of Natural Resources and
5 Community Development.

6 (d) Any appointment to fill a vacancy on the Commission created by the
7 resignation, dismissal, death or disability of a member shall be for the balance of the
8 unexpired term.

9 (e) The Governor shall have the power to remove any member of the
10 Commission from office for misfeasance, malfeasance, and nonfeasance according to
11 the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.

12 (f) The members of the Commission shall receive per diem and necessary travel
13 and subsistence expenses in accordance with the provisions of G.S. 138-5 and G.S.
14 143B-15 of the Executive Organization Act of 1973.

15 (g) A majority of the Commission shall constitute a quorum for the transaction of
16 business.

17 (h) All clerical and other services required by the Commission shall be supplied
18 by the Secretary of the Department."

19 Sec. 11. This act shall become effective 1 July 1990, except that
20 authorization of the Wastewater Treatment Plant Operators Certification Commission to
21 adopt rules necessary to implement this act is effective upon ratification. Rules adopted
22 by the Wastewater Treatment Plant Operators Certification Commission shall become
23 effective 1 July 1990.