

3745-7-02

Certified professional operators of record.

(A) Responsibilities.

- (1) Each person owning or operating a public water system, ~~except as provided for in paragraph (B) of this rule~~ classified in accordance with rule 3745-7-03 of the Administrative Code, shall designate one or more professional operators of record to oversee the technical operation of the public water system or each water treatment plant and distribution system within the public water system. Each professional operator of record shall have a valid certification of a class equal to or greater than the classification of the public water system, distribution system or water treatment plant except as provided for in paragraphs ~~(E)(D)~~ to ~~(G)(F)~~ of this rule.
 - (a) The owner, ~~and~~ professional operator of record and contract operating company of a public water system shall notify the director of the identity of a professional operator of record upon initiation or termination of service or upon request by the director.
 - (b) Notification shall be made on a form acceptable to the director within three days of initiation or termination of service or a request by the director.
- (2) Each person owning or operating a treatment works or public sewerage system classified in accordance with rule 3745-7-04 of the Ohio Administrative Code shall designate one or more professional operator of record to oversee the technical operation of the treatment works, sewerage system, or each wastewater treatment facility. Except as provided for in paragraphs ~~(E)(D)~~ to ~~(G)(F)~~ of this rule, each professional operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works, sewerage system, or wastewater treatment facility.
 - (a) The owner ~~and~~, professional operator of record and contract operating company of a treatment works or sewerage system shall notify the director of the identity of a professional operator of record upon initiation or termination of service or upon request by the director.
 - (b) Notification shall be made on a form acceptable to the director within three days of initiation or termination of service or a request by the director.
- (3) Each person owning or operating a private sewerage system that has been classified by the director in accordance paragraph ~~(B)(1)(d)~~ (B)(1)(f) of rule 3745-7-04 of the Administrative Code, shall designate one or more

professional ~~operator~~operators of record to oversee the technical operation of the private sewerage system. Except as provided for in paragraphs ~~(E)~~(D) to ~~(G)~~(F) of this rule, each professional operator of record shall have a valid certification of a class equal to or greater than the classification of the private sewerage system.

- (a) The owner and professional operator of record of a private sewerage system shall notify the director of the identity of a professional operator of record upon initiation or termination of service or upon request by the director.
- (b) Notification shall be made on a form acceptable to the director within three days of initiation or termination of service or a request by the director.

~~(B) Transient noncommunity ground water public water systems without treatment for arsenic, nitrate or 4-log removal of viruses, serving populations of two hundred fifty or fewer, are not required to place the technical operation of such a public water system under a professional operator of record unless the director determines that a professional operator of record is necessary.~~

~~(E)~~(B) The certified professional operator of record required by paragraph (A) ~~or (B)~~ of this rule shall be an employee of the person owning or operating the public water system, treatment works, or sewerage system, except as provided in paragraph ~~(D)~~(C) of this rule.

~~(D)~~(C) Owners of public water systems, sewerage systems, or treatment works may enter into a contract with an approved contracted professional operator or contract operations company for the services of one or more appropriately certified professional operators to serve as the professional operator of record provided the following:

- (1) The contract requires that the certified professional operator of record be available to respond to emergencies and provide the services necessary to maintain the reliable operation of the system.
- (2) The contract clearly defines the responsibilities of the owner and the professional operator of record.
- (3) The contract complies with the staffing requirements of paragraphs (C) to (E) of rule 3745-7-03 of the Administrative Code and paragraphs (C) to (D) of rule 3745-7-04 of the Administrative Code.

- (4) The contracted professional operator of record shall perform duties as identified in rule 3745-7-09 of the Administrative Code.

~~(E)~~(D) The director may approve a professional operator with a valid class III certificate to be the professional operator of record for a class IV public water system or class IV treatment works for a period no longer than two years, if the class III professional operator has applied for and received approval to take a class IV examination in accordance with rule 3745-7-06 of the Administrative Code and maintains a valid class III certificate for the duration of time for which the director grants approval in accordance with this paragraph. A public water system or wastewater treatment works may only use this exemption for a total of thirty months within a five-year period.

~~(E)~~(E) Upon request, the director may approve an individual who passes the class I water supply examination, but does not have the necessary experience, to be the professional operator of record for a class I public water system with a population of less than two hundred fifty, provided the following conditions are met:

- (1) The professional operator holds a valid class A certificate.
- (2) The professional operator is a full time (forty hours per week) employee of the facility where the public water system is located and has provided assistance in the operation of the treatment system to the class I professional operator of record for at least one year.
- (3) The professional operator completes at least three hours of training specific to the type of treatment being used by the public water system and submits verification with the request.
- (4) The public water system does not have an active enforcement action or violations related to maximum contaminant levels, treatment techniques, and monitoring or reporting within the last five years.
- (5) The professional operator is prohibited from operating any other public water system.
- (6) The professional operator remains a full time employee of the facility during the time of the exemption.
- (7) The professional operator complies with the class I minimum staffing requirements.

- (8) The professional operator obtains twelve contact hours every two years. At least six of those contact hours ~~must~~shall be related to operation and maintenance, ~~and~~with at least three of those six hours ~~must be~~ related to the specific treatment in operation at the public water system.

The director shall withdraw the exemption if the public water system or professional operator does not comply with requirements in paragraphs ~~(F)(1)~~(E)(1) to ~~(F)(8)~~(E)(8) of this rule.

~~(G) Upon request, the director may approve an individual who passes the class I water supply examination, but does not have the necessary experience, to be the professional operator of record for a health care facility that purchases water from a public water system and adds treatment for the control of Legionella provided the following conditions have been met:~~

- ~~(1) The professional operator holds a valid class A certificate.~~
- ~~(2) The professional operator is a full time (forty hours per week) employee of the facility where the public water system is located and has provided assistance in the operation of the treatment system to the class I professional operator of record for at least one year.~~
- ~~(3) The professional operator completes at least three hours of training specific to the type of treatment being used by the public water system and submits verification with the request.~~
- ~~(4) The public water system does not have an active enforcement action or violations related to maximum contaminant levels, treatment techniques, and monitoring or reporting within the last five years.~~
- ~~(5) The professional operator is prohibited from operating any other public water system.~~
- ~~(6) The professional operator remains a full time employee of the facility during the time of the exemption.~~
- ~~(7) The professional operator complies with the class I minimum staffing requirements.~~
- ~~(8) The professional operator obtains twelve contact hours every two years. At least six of those contact hours must be related to operation and maintenance, and at least three of those six hours must be related to the specific treatment in operation at the public water system.~~

~~The director shall withdraw the exemption if the public water system or the~~

~~professional operator does not comply with requirements in paragraphs (G)(1) to (G)(8) of this rule.~~

~~(H)~~(F) Nothing in this rule shall preclude the director from initiating action in accordance with paragraph (E) of rule 3745-7-03 of the Administrative Code or paragraph (D) of rule 3745-7-04 of the Administrative Code.