

Appendix E

Chapter 14 Operator Certification Contract Operator Requirements

A Community Water Supply (CWS) may satisfy operator certification requirements by contracting the services of a properly qualified certified operator of the required class (or higher). A CWS that employs a contract operator must have a written contract delegating joint responsibility and authority between the owner and the contract operator. In addition to the already required Notification of Ownership and Responsible Operational Personnel form, the owner of the CWS must submit the contract delegating joint responsibility and authority between the owner and the contract operator to the Illinois EPA within 30 days following the execution of the contract.

The Illinois EPA has 45 days to review and approve or disapprove any new or modified contract. At times, this may cause an overlap from the date a contract starts to the date the Illinois EPA has approved it. It is very important that a CWS have a properly credentialed certified operator **at all times.** With that in mind, a CWS should go forward with the contractual agreement even if the Illinois EPA has not yet approved it. The CWS will be considered in compliance with the operator certification requirements during the contract review process.

If a contract that has been previously approved by the Illinois EPA is terminated by the CWS before the expiration date written in the contract, the CWS must provide written notice to the Illinois EPA no less than 15 days before the contract is terminated. If any contract approved by the Illinois EPA is terminated by the certified operator before the expiration date in the contract, the operator must notify both the Illinois EPA and the CWS. The CWS will have to obtain the services of another properly qualified operator and submit a new contract for review as soon as possible. Remember, a CWS should always have a designated operator in charge. Therefore, in an ideal situation, when one contract ends, another should immediately begin. However, when an operator abruptly quits or develops medical conditions in which he can no longer provide his services, the CWS should immediately contact the Illinois EPA and obtain an interim or permanent operator within 15 days.

If a CWS modifies or extends an existing contract, it is treated as if it's a new contract and must be submitted within 30 days following the execution of the revised/extended contract to the Illinois EPA for review.

New contracts, and any existing contracts that are extended or modified, must be submitted to the following address for approval:

Illinois EPA – Operator Certification
BOW/CAS #19
1021 North Grand Avenue East
Springfield, IL 62702

Contract Requirements

The contract between the community water supply and the contract operator must delegate joint responsibility and authority between the contract operator and the designated owner. The contract must include all of the following five elements:

1. The parties involved (owner and operator), including names, addresses and phone numbers of each;
2. The specific starting and expiration dates of the contract;
3. The minimum number of site visits the contract operator must make each week to the community water supply (*see next page for details*);
4. The duties and responsibilities, when applicable, of each party involved including, at a minimum, the party responsible for:
 - proper operation of the community water supply;
 - compliance with all construction and operating permit requirements;
 - compliance with all NPDES permit effluent requirements;
 - compliance with Subtitle F: Public Water Supplies of Title 35 of the Illinois Administrative Code: Environmental Protection, including but not limited to the following:
 - Design, Operation and Maintenance Criteria, 35 Ill. Adm. Code 604
 - Raw and Finished Water Quality and Quantity, 35 Ill Adm. Code 604 Subpart B
 - Primary Drinking Water Standards, 35 Ill. Adm. Code 611
 - Permits, 35 Ill. Adm. Code 602
 - Emergency Operation Requirements found in 35 Ill. Adm. Code 604.135(c)
 - daily equipment checks;
 - collection of required samples and submission of these samples to a certified laboratory;
 - maintaining booster pump stations and high service pumps;
 - maintaining spare parts inventory;
 - providing labor and materials for correcting any maintenance and operational problems;
 - maintaining and implementing emergency operating plans;
 - performing preventive maintenance on equipment as recommended by the manufacturer;
 - performing routine operational control testing as recommended by the Agency;
 - issuing public notices when required by 35 Ill. Adm. Code 611.901;
 - issuing boil orders to the public, and contacting the regional office and local health department whenever boil orders are issued; and
 - responding to Agency requests for information or site visits;
5. The signatures of the contract operator and the owner or official custodian of the community water supply.

Minimum Number of Visits

Several factors need to be considered when determining an adequate minimum number of site visits needed to ensure that the water system is properly functioning. Such factors would include, but are not limited to, type/complexity of water treatment, size/complexity of the distribution system, number of full/part time staff available at the CWS location around the clock, and “availability” of the contract operator in charge to the CWS in conjunction with the availability of full and part time staff.

The availability of the contract operator to the CWS officials and on-site staff should be 24 hours/seven days a week in the event of an emergency. Likewise, CWS officials and on-site staff availability to the contract operator should be 24 hours/seven days a week in the event of an emergency. A satisfactory contract should include this availability requirement and contact information to access one another during the off-hours should be provided.

The capabilities and water supply experience of existing on-site staff is also very important to consider when determining the minimum number of visits the contract operator must make. **It is the responsibility of the certified contract operator and owner to oversee on-site staff and insure they have been properly trained in the necessary/designated job duties.** The contract operator must sign off on all operational documents which should provide for a minimum of one visit to the CWS each month. For example, when deciding how often to visit the CWS, the contract operator and owner should consider:

- Is current on-site staff certified by the Illinois EPA?
- How familiar is on-site staff with the treatment process/equipment?
- Can on-site staff recognize early signs of trouble, such as loss of pressure or low chlorine residuals and take appropriate corrective action?
- Will on-site staff hesitate to call the contract operator at any time if they feel something may be wrong?
- How responsible is current on-site staff?

If the contract operator and CWS owner are confident with current on-site staff, then less frequent visits will be needed. However, if either party does not have that level of confidence, more frequent visits should be made. Always remember, it’s the contract operator’s and the CWS owner’s responsibility to be confident of the on-site staff’s capabilities of ensuring the safety of the public water supply when neither party is present.

The Illinois EPA does not require a specific number of visits; however, it is the responsibility of the CWS owner and the contract operator to evaluate all the factors above and determine what the appropriate number of site visits should be to ensure a properly functioning/safe community water supply. As already mentioned, regulations now require that a specific minimum number of site visits be included in the contract.

Illinois EPA Review of Contract

The owner of the CWS must submit the new contract to the Illinois EPA within 30 days following the execution of the contract. Once the contract is received, the Illinois EPA will have 45 days to provide written notice to the CWS of its decision to approve or disapprove the contract.

The Illinois EPA will approve the contract agreement when:

1. the contractual operator is properly certified;
2. all the provisions listed on the previous page under “**Contract Requirements**” are satisfied; and
3. the contract provisions assure proper operation and oversight of the CWS.

The Illinois EPA will withdraw an approval of the contract at anytime when it is determined that the contract provisions are not being met or are found to be inadequate to assure proper operation of the community water supply. The Illinois EPA shall provide written notice to the CWS of its decision to withdraw approval.

Failure to have an Illinois EPA approved contractual agreement will result in a Non-Compliance Advisory to the CWS resulting in possible enforcement action.

Contract Example

The Illinois Rural Water Association (IRWA) has posted a template of a “Certified Water System Operator Contract” at:

https://www.ilrwa.org/Downloads/Certified%20Water%20Plant%20Operator%20Contract_REVISED_4_2020.doc