

## **Title 15 - Mississippi Department of Health**

### **Part III – Office of Health Protection**

#### **Subpart 72 – Bureau of Public Water Supply**

#### **CHAPTER 02 REGULATION GOVERNING THE CERTIFICATION OF MUNICIPAL AND DOMESTIC WATER SYSTEM OPERATORS**

##### **100 GENERAL PROVISIONS**

100.01 **Legal Authority.** This regulation has been promulgated under the authority of and pursuant to the Municipal and Domestic Water and Wastewater System Operator's Certification Act of 1986, Sections 21-27-201 through 21-27-221, Mississippi Code of 1972. Annotated.

100.02 **Definitions.**

1. **Association** shall mean the Mississippi Water and Pollution Control Operators Association, Inc.
2. **Available** shall mean a certified operator employed by the water system holding an operator's certificate equivalent or higher than the class of the public water system, whose principle residence is no more than fifty (50) miles from the water system. The water system must be able to contact this certified operator at all times by telephone, pager or other reliable mode of communication acceptable to the Mississippi Department of Health to address system needs and problems as they occur.
3. **Board** shall mean the Mississippi State Board of Health.
4. **Bureau** shall mean the Bureau of Public Water Supply of the Mississippi Department of Health.
5. **Community Water System** shall mean any water system serving piped water for human consumption to fifteen (15) or more individual service connections used year-round by consumers or regularly serving twenty-five (25) or more individual consumers year-round, including, but not limited to, any collection, pretreatment, treatment, storage and/or distribution facilities or equipment used primarily as part of, or in connection with such system, regardless of whether or not such components are under the ownership or control of the operator of such system.
6. **Department** shall mean the Mississippi Department of Health.

7. **Director** shall mean the director of the Mississippi Department of Health or his designated representative.
8. **Distribution System** shall mean all water mains, repumping facilities, and appurtenances past treatment.
9. **Non-transient non-community water system** shall mean a public water system that is not a community water system and that regularly serves at least 25 of the same persons.
10. **Operator** shall mean the certified waterworks operator who directly supervises and is personally responsible for the daily operation and maintenance of a community or non-transient non-community public water system.
11. **Part-time operator** shall mean any certified waterworks operator who is employed as the certified waterworks operator for a public water system and is not considered a full-time employee of the public water system. This definition shall include certified waterworks operators who are serving as the certified waterworks operator for public water systems through privately owned operating companies.
12. **Person** shall mean the state or other agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation, or the United States or any officer or employee thereof.
13. **Responsible Charge** shall mean a certified operator, holding a Department waterworks operator's license at a class equivalent to or higher than the class of the water system, who is officially designated by the owner or responsible official of the water system as the operator responsible for making all decisions regarding the daily operational activities of the public water system including all components of the water system such as treatment plants, water wells, distribution systems, etc. Under special circumstances, the Department may authorize a water system to have more than one operator in responsible charge.

#### 100.03 **Certificates.**

Effective July 1, 1987, all municipal and domestic community water systems must be operated by persons who are certified by the Mississippi Department of Health as qualified to operate such facilities. Effective July 1, 1998, all non-transient non-community public water systems must be operated by persons who are certified by the Department to operate such facilities.

1. Certificates of competency will be issued by the Bureau only after the applicant has passed the appropriate examination and has met the minimum requirements as specified in Section 102.01.
2. Certificates issued in accordance with section 21-27-213 (Grandfather Clause) of the Municipal and Domestic Water and Wastewater System Operator's Certification Act of 1986, shall be valid only for the particular public water system operated by the applicant at the time the certificate was issued, and then only so long as the system remains in the same or lower classification as at the time the application was filed.
3. Certificates shall be valid for three (3) years from the date of issuance, unless suspended or revoked for cause.
4. In the event of temporary loss of an operator, notice shall be immediately given to the Bureau and the continued operation of such system, without a certified operator, may proceed on an interim basis for a period not to exceed one hundred eighty (180) days, except for good cause shown upon petition to the Bureau.
5. Certificates may be issued, without examination, in a comparable classification to an operator who holds a certificate in any state, territory, or possession of the United States or any country that has entered into a reciprocity agreement with the Bureau.
6. Any person allowed to actually make physical changes on a public water system that impact water quality or quantity must hold a waterworks operator's license issued by the Bureau at a class equivalent to or higher than the class of the public water system.

## 101 **CLASSIFICATION OF PUBLIC WATER SYSTEMS & OPERATOR IN RESPONSIBLE CHARGE**

### 101.01 **Classes of Water Systems.**

Water systems shall be classified in accordance with criteria outlined below. Special systems which do not fall within these guidelines shall be considered as individual cases and be classified by the Bureau. All public water systems shall be under the direct supervision of a Department licensed waterworks operator who is designated by the owner or responsible official of the system as the operator in responsible charge of the water system. In those situations where a public water system contracts with a private operating company to operate the public water system, the responsible official of the public water system may authorize the private company to designate an operator employed by the company as the operator in responsible charge of the water system. In either case, the water system shall identify, by means of the Public Water System Annual Report submitted each year to the Department, the certified operator in responsible charge of the public water system.

1. **Class E.** Water systems that purchase water only and do not provide additional treatment. This classification shall also apply to waterworks operators whose only job responsibility is the operation and maintenance of distribution system(s). The certified operator in responsible charge shall be available 24 hours a day to address system needs and problems as they occur.
2. **Class D.** Water systems with no treatment other than chlorination and/or fluoridation or direct chemical feed such as polyphosphate. The certified operator in responsible charge shall be available 24 hours per day to address system needs and problems as they occur.
3. **Class C.** Water systems with aeration, pH adjustment, corrosion control or closed pressure filtration treatment facilities including zeolite softening or iron removal. The certified operator in responsible charge shall be available 24 hours per day to address system needs and problems as they occur.
4. **Class B.** Water systems with two (2) or more Class C treatment facilities of different types, or with iron or manganese removal facilities breaking pressure or requiring flocculation and/or sedimentation. The certified operator in responsible charge shall be available 24 hours per day to address system needs and problems as they occur.
5. **Class A.** Systems with surface water treatment, lime softening, or coagulation and filtration for the removal of constituents other than iron or manganese. A licensed class A operator shall be onsite whenever the treatment plant for a Class A public water system treating surface water is in operation. The certified operator in responsible charge shall be available 24 hours per day to address system needs and problems as they occur.

## 102 OPERATOR QUALIFICATIONS

### 102.01 Qualifications for Each Class Operator

1. **Class A.**
  - a. The applicant must have at least a bachelor's degree in engineering or applied sciences from an accredited college or university, at least one year of experience in a Class A water plant, and pass the written examination required by the Bureau, or
  - b. The applicant must be a graduate of an accredited high school or possess an equivalent (GED), have at least six (6) years experience in a Class A or B water plant, of which at least one year must be in a Class A plant, and pass the written examination required by the Bureau.

2. **Class B.** The applicant must have graduated from an accredited high school or possess an equivalent (GED), have at least three (3) years of experience in a Class A, B, or C water plant, of which one year must be in a Class A or B plant, and pass the written examination required by the Bureau.
3. **Class C.** The applicant must have graduated from an accredited high school or possess an equivalent (GED), have at least two (2) years of experience in a Class A, B, C, or D water plant of which one year must be in a Class A, B, or C water plant, and pass the written examination required by the Bureau.
4. **Class D.** The applicant must have graduated from an accredited high school or possess an equivalent (GED), and the applicant must have at least one year of experience in the same class facility as being applied for or a higher level. In addition, the applicant must pass the written examination required by the Bureau.
5. **Class E.** The applicant must have graduated from an accredited high school, or possess an equivalent (GED) and the applicant must have at least one year of experience in the same class facility as being applied for or a higher level. In addition, the applicant must pass the written examination required by the Bureau.

#### 102.02 **General Qualifications for all Certified Waterworks Operators**

1. One year of the required experience must be earned under the direct supervision of a certified waterworks operator who holds a valid non-restricted certificate issued by the Department at a class equivalent to or higher than that for which certification is being requested. The year of supervision must be obtained in a public water system of a class equivalent to or higher than the class certificate being requested. The supervising operator must sign a certification statement verifying the successful completion of the required period of supervision. In addition, two Department certified waterworks operators, other than the operator who provided this supervision, must sign a certification statement recommending the applicant for certification. Under special circumstances, the Department may waive the requirements of this section based upon written evidence of good cause.
2. To be eligible to serve as the certified operator for a community or non-transient non-community public water system, an operator's principal residence must be no more than fifty (50) miles from the system. Under special circumstances, an operator may apply to the Bureau in writing for a waiver of the 50 mile requirement.

3. An individual whose operator's license has been expired for 24 months or less shall be eligible to receive a new waterworks operator's license at a level no higher than the license previously issued by the Bureau if he/she successfully passes the written examination required by the Bureau. To be eligible to retake the examination, the operator must comply with the provisions of section 104.01(6) of this regulation. The provisions of section 102.02(1) of this regulation shall be waived for applications received under this section. Operators whose license has been expired more than 24 months must successfully pass the written examination required by the Bureau and comply fully with the provisions of section 102.02(1).
4. Operators who have received special vocational training, such as special schools, short courses, correspondence courses, etc., may be given credit for some portion of the deficiency in their experience. Special vocational training programs shall be approved in writing and in advance of the training. Approval shall be at the discretion of the Bureau. After a specific program of special vocational training has been approved, the Bureau shall award credit for experience using the following criteria:
  - a. Eight (8) weeks of classroom instruction will be equivalent to one year experience.
  - b. One week of on-the-job training will be equivalent to one week experience.
  - c. Special vocational training programs that have combinations of classroom instruction and on-the-job training will be evaluated by first separating classroom instruction from on-the-job training. Credit will be for experience on the basis of the two previous criteria. The total credit awarded for the program will be the sum of the two parts.
  - d. Each year of college successfully completed in engineering, biological sciences, mathematics, chemistry, or physics will be considered the equivalent of two (2) years experience.
  - e. At least one year of water system experience is required in all classes. This one year of experience cannot be substituted by special vocational training programs or college education.

## 103 APPLICATION AND FEES

### 103.01 Filing Application

1. Applicants for licensure as a certified waterworks operator shall file an application with the Bureau on a form provided by the Bureau.

2. The Bureau will review the application and supporting documents, determine the eligibility of the applicant, and issue a certificate when the applicant meets the minimum requirements of the class requested.

#### 103.02 **Fees**

1. A fee of fifty dollars (\$50.00) shall be charged for initial certification or reactivation of an expired certificate in any classification and must be paid to the Bureau prior to actual issuance of the certificate.
2. A fee of thirty dollars (\$30.00) shall be charged for the renewal of an active certificate and must be paid to the Bureau prior to actual issuance of the renewal certificate.
3. All application fees must be received within *fifteen (15)* days of being invoiced by the Department. Application fees received after *fifteen (15)* days will be returned to the applicant and the applicant must reapply to the Department for certification or renewal.

### 104 **EXAMINATIONS**

#### 104.01 **Written Examinations**

1. The Bureau shall prepare written examinations to be used in determining knowledge, ability, and judgment of operators.
2. Examinations shall be held at places and times set by the Bureau.
3. An individual who passes an examination must be certified within three (3) years following the date the examination was taken. Otherwise, the individual will be required to pass another written examination in order to be certified.
4. Examination papers will not be returned to the individuals.
5. To be eligible to take a written examination, an individual must satisfactorily demonstrate to the Bureau that he/she has attended a Bureau sponsored waterworks operators' short course within the previous 12 months.

### 105 **RENEWAL OF WATERWORKS OPERATOR CERTIFICATES**

#### 105.01 **Requirements and Limitations**

1. Certificates may be renewed without examination. An application for renewal of a waterworks operator's certificate of competency must be physically received by the Bureau within thirty (30) days following the date the certificate expires. This application must be accompanied by

proof of completion of the continuing education requirements found in section 105.01(2). Upon approval of the renewal application, the applicant will be invoiced for the renewal fee of \$30.00. The Bureau must receive this renewal fee prior to issuing the new waterworks operator's certificate of competency. Certified operators who file renewal applications more than thirty (30) days after expiration of their certificate will be denied renewal of their certificate and must pass the appropriate written examination and apply for a new certificate.

2. Operators who have been continuously licensed by the Bureau less than nine (9) years must complete at least forty-eight (48) hours of related continuing education (CEUs) per three (3) year certificate renewal period with at least 12 hours of these CEUs in Bureau approved "Regulation and Compliance" training programs. Operators who have been continuously licensed by the Bureau for nine (9) years or more are required to obtain 24 hours of CEUs in the three year certificate renewal period with at least twelve (12) hours of these CEUs in Bureau approved "Regulation and Compliance" training programs. All continuing education requirements must be met prior to the expiration date of the certificate. These CEUs must be appropriate for the classification held by the operator and may only be obtained by attending training sessions approved by the Bureau. All training, correspondence courses, etc., shall be approved in writing and in advance of the training. Approval shall be strictly at the discretion of the Bureau. Training will be evaluated by the Bureau on an hour for hour basis for continuing education credit.

Mississippi Department of Environmental Quality approved wastewater training programs will be awarded CEU credit by the Bureau at the rate of (1) water CEU hour for every 2 wastewater CEU hours earned.

Each certified operator is responsible for maintaining all necessary records to document the completion of the required hours of continuing education. Original documentation of the completion of the required continuing education must be submitted with the application for renewal of the operator's certificate of competency. Copies of CEU certificates are not acceptable. Any waterworks operator who is issued a restricted (grandfather) license by the Department after May 2000, in order to qualify for renewal of this license, shall attend a Department sponsored short course during the 3 year restricted (grandfather) license period. This short course must be at the level of classification of the water system or higher.

## 106 **CERTIFIED WATERWORKS OPERATOR JOB PERFORMANCE, RECORD KEEPING AND REPORTING REQUIREMENTS**

### 106.01 **Annual Reporting Requirements**



1. Each certified waterworks operator and responsible official shall sign the certification statement on the Public Water System Annual Report for each public water system for which he/she is the designated certified waterworks operator in responsible charge of the public water system as required by Mississippi State Law. If a public water system fails to provide a completed Public Water System Annual Report to the Bureau within 45 days of this Report being mailed to the water system by the Bureau, the Department shall officially declare the public water system to be without a certified waterworks operator and the water system shall be in violation of this regulation and Mississippi State law.
2. Each certified waterworks operator, or his/her representative(s), shall maintain an approved Public Water System Operations Log Book documenting all activities completed on the public water system where he serves as the official certified waterworks operator. This log book must be available for inspection by Bureau staff. The Public Water System Operations Log Book is the property of the public water system and must remain as part of the official records of the Public Water System.

#### 106.02 **Job Performance**

Each certified waterworks operator shall abide by the current edition of the Minimum Job Performance Guidelines booklet published by the Bureau of Public Water Supply. This booklet presents the minimum duties and responsibilities for Department certified waterworks operators in the State of Mississippi.

#### 106.03 **Presence of Certified Waterworks Operator during Sanitary Surveys and Inspections**

The certified waterworks operator for a public water system shall be present for the conduct of sanitary surveys and inspections by Bureau staff when requested by Bureau staff and when provided at least 24 hours notice of the survey or inspection. Under special circumstances, this requirement may be waived provided the certified operator arranges for someone to represent him/her during the survey or inspection.

### 107 **WATERWORKS OPERATOR LICENSURE WAIVERS**

#### 107.01 **Waivers.**

The Director may waive any part or parts of this regulation if the Director determines that such waiver will not potentially jeopardize public health .

### 108 **SUSPENSION AND REVOCATION OF CERTIFICATES**

#### 108.01 **Criteria for Suspension or Revocation of a Waterworks Operator's Certificate**

1. A waterworks operator's certificate of competency may be revoked or suspended by the Department for just cause. Causes include, but are not limited to, the following:
  - a. Fraud or deception;
  - b. Misfeasance, malfeasance or nonfeasance;
  - c. Violation of any provision of the "Mississippi Municipal and Domestic Water and Wastewater System Operators' Certification Law of 1986," or any rule or regulation of the Department promulgated there under;
  - d. Violation of any provision of the Federal Safe Drinking Water Act or the Mississippi Safe Drinking Water Act; or any rule or regulation, federal or state, promulgated under these laws;
  - e. Failure to file any official reports required by the Department;
  - f. Failure to maintain all official records required by the Department;
  - g. Failure to respond to any official correspondence from the Department;
  - h. Failure to obey a lawful order of the Director or any duly appointed Administrative Hearing Officer of the Department;
  - i. Failure to exercise reasonable care or judgment in the operation of a public water supply or in the performance of official duties;
  - j. Failure to comply with the terms of a suspension of certificate issued by the Department;

108.02 No certificate of competency will be suspended or revoked without notice to the waterworks operator and an opportunity for a hearing. Hearings shall be held in conformity with Sections 21-27-219 and 21-27-221 Mississippi Code of 1972 Annotated.

108.03 Notwithstanding the requirement for a hearing, the Department may, if it determines that public health is threatened, issue any such orders as are deemed necessary to protect the public health, including, but not limited to, orders to individual(s) to cease all actions as a certified waterworks operator in the State of Mississippi.

## 109 **ENFORCEMENT AND APPEALS**

### 109.01 **Procedures**

Enforcement and appeals shall be in accordance with the Municipal and Domestic Water and Wastewater System Operator's Certification Act of 1986.

**CERTIFICATION OF REGULATION**

This is to certify that the above **Regulation Governing the Certification of Municipal and Domestic Water System Operators** was adopted by the Mississippi State Board of Health on \_\_\_\_\_ to become effective \_\_\_\_\_.

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Secretary and Executive Officer