



Department of Health  
and Human Services

Maine People Living  
Safe, Healthy and Productive Lives

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## LICENSED OPERATOR MINIMUM REQUIREMENTS FOR PUBLIC WATER SYSTEMS

**PURPOSE:** This policy is written to specify designated operator requirements for public water systems (PWS). These requirements also describe how a designated operator is required to oversee all quality and quantity decisions related to operating a public water system.

**SCOPE:** This policy applies to all public water systems that are required to have a licensed water operator which includes all Community PWS, all Non-Community-Non-Transient PWS, and all Transient PWS using surface water as a source.

**ORIGINATOR:** Roger Crouse

**OWNER:** PWS Inspection Team Manager

### DEFINITIONS:

**Available Operator:** Based on the system size, complexity, and source water quality, a licensed operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner. From the Maine Rules Relating to Drinking Water, all operating personnel making process control system integrity decisions about water quality and quantity must be licensed.

**Designated Operator (DO):** A designated operator's current water operator's license shall be equal to or exceed the classification of the PWS she/he operates. A designated operator must sign a "Designated Operator Form" (DWP0156) and along with the PWS, submit the Designated Operator Form to the DWP for approval and record keeping. A designated operator is identified as "DO" in SDWIS.

**Operator (OP):** An Operator is an individual who operates a public water system and does not have a water operator's license, or an individual who does not have a water operator's license of the proper treatment or distribution classification for the PWS involved, or an individual who holds the appropriate water operator's license but has not been identified as a Designated Operator. An individual who operates a PWS that is not required to be operated by a licensed operator (a Transient PWS using ground water as source) is identified as an "Operator". An operator is identified as "OP" in SDWIS.

**Primary Designated Operator (PO):** A PWS that is required to have a licensed Designated Operator (DO) must identify one "Primary" Designated Operator (PO). If a PWS has only one Designated Operator, this operator must meet the qualifications of a Primary Designated Operator and will be identified as the Primary Designated Operator. A Primary Designated Operator (PO)

must be a Designated Operator (DO) whose current water operator's license equals or exceeds (for both treatment and distribution) the classification of the PWS she/he operates. The Primary Designated Operator is identified as "PO" in SDWIS.

**SDWIS:** The Safe Drinking Water Information System is the database used by the Drinking Water Program to capture PWS information and data.

## **RESPONSIBILITIES:**

- Public Water Systems are responsible for following the Maine Rules Relating to Drinking Water and this policy regarding operator minimum requirements.
- The Maine Drinking Water Program (DWP) PWS Inspection Team is responsible for making sure Public Water Systems that are required to have a licensed operator have a designated operator with a valid water operator's license with classification equal to or greater than the classification of the treatment facility or distribution system that they operate. All letters written to a PWS relating to the PWS meeting operator requirements come from the PWS Inspector.
- The DWP Operator Licensing Officer (Data Management) and Board Clerk are responsible for working with operators regarding licensure and license renewal. All letters to operators about meeting operator licensing requirements come from the Operator Licensing Officer (Data Management) or Board Clerk.

## **POLICY & PROCEDURE:**

Pursuant to 10-144 CMR Chapter 231 *et seq*, the [State of Maine Rules Relating to Drinking Water](#), all Community and Non-Transient, Non-Community Public Water Systems and all Public Water Systems utilizing surface water must place the operation of their water system under the responsible charge of an operator holding a valid license as described below.

If you have questions about this material, please contact the Drinking Water Program (DWP) at (207) 287-2070.

## **I. REGULATORY REQUIREMENTS**

The Rules Relating to Drinking Water require the following:

### LICENSED WATER OPERATORS

1. Owners of all Community and Non-Transient Non-Community water systems must place the direct supervision of their water system, including each treatment facility and/or distribution system, under the responsible charge of an operator holding a valid license with classification equal to or greater than the classification of the treatment facility and/or distribution system.
2. Owners of all water systems that use surface water as a source must place the direct supervision of their water system, including each treatment facility and/or distribution system, under the responsible charge of an operator holding a valid license equal to or greater than the classification of the treatment facility and/or distribution system.

3. The operator in responsible charge must hold a valid license equal to or greater than the classification of their water system, including each treatment facility and distribution system as determined by the State.
4. The operator in responsible charge shall ensure that adequate operational and emergency response procedures are in place to enable licensed operating personnel to make appropriate process control system integrity decisions about water quality and quantity.
5. All operating personnel making process control system integrity decisions about water quality or quantity that affect public health must be licensed.
6. A designated licensed operator must be available for each operating shift.

The word "Available" is defined in the Maine Rules Relating to Drinking Water as follows: Based on the system size, complexity, and source water quality, a licensed operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner. See 5. above.

7. Those water systems not required to employ licensed operators will employ or designate individuals responsible for their operation. Such individuals are responsible for proper record-keeping and sample collection as stated in these rules.

## **II. PUBLIC WATER SYSTEM CLASSIFICATION**

1. Both a distribution and treatment classification will be assigned to each public water system. The lowest numerical classification for either treatment or distribution is Class I. The very small water system (VSWS) is both a treatment and distribution classification.
2. System classification will be based upon 90-429 Chapter 1 et seq, Rules Relating to the Licensure of Water Treatment Plant and Distribution System Operators.

## **III. REQUIREMENT FOR RETAINING A LICENSED OPERATOR**

At all times a PWS that is required to have a licensed operator shall have all water quality and quantity decisions made under the oversight of a licensed operator. See DWP0075, "Procedure" section, regarding a PWS retaining a licensed operator. Previously State licensed facilities are provided an alternative timeline for obtaining a licensed operator (See DWP0068 – New Systems or Well Approval Policy and Procedure)

## **IV. REQUIREMENT FOR BECOMING A DESIGNATED OPERATOR:**

To become a designated operator, a licensed water operator with proper license classification must sign a "Designated Operator Form" (DWP0156) and along with the PWS that she/he will be operating, must submit the designated operator form to the DWP for approval and record keeping.

## **V. NUMBER OF OPERATORS REQUIRED**

1. All Community PWS, all Non-Community-Non-Transient PWS, and all Transient PWS using surface water as a source, are required to have at least one designated operator on record with the DWP
2. All designated operators must have a license equal to or greater than the classification of the system.
3. To ensure compliance with these requirements a public water system may need one or more additional licensed operators and/or designated licensed operators.

## **VI. THE PRIMARY DESIGNATED OPERATOR**

1. If a PWS has only one designated operator (DO), then that DO is also the Primary Designated Operator (PO) and must have a valid operator's license with classification for both treatment and distribution that is equal to or greater than the classification of the PWS they are operating.
2. If a PWS has more than one designated operator (DO), the PWS must identify one DO as the Primary Designated Operator (PO).
3. The Primary Designated Operator must be identified by an individual's name; the Primary Designated Operator cannot be identified with the name of a business.
4. See DWP0075 for further description.

## **VII. OPERATOR AVAILABILITY**

A public water system licensed operator must meet the definition of "available" in this document. From the Maine Rules Relating to Drinking Water, all operating personnel making process control system integrity decision about water quality and quantity must be licensed.

## **VIII. NOTICE OF NONCOMPLIANCE**

1. A public water system may receive a Notice of Non-Compliance for the time period that the system is without an available designated operator.
2. If a designated operator terminates services with a public water system and the PWS is operating without a designated operator, the PWS has met the criteria for a Notice of Noncompliance.
3. A public water system that fails to have a designated operator "available" (see definition this policy) during all operating shifts has met the criteria for a Notice of Non-Compliance for the time period the system was without an available operator.
4. The process for reviewing the need for and issuing related Notices of Noncompliance is documented in [DWP0075 - Procedure for Ensuring Public Water System \(PWS\) Compliance to Requirements for Having Designated Operators](#) and [DWP0071 Policy for Administering the Maine Rules Relating to Drinking Water Regarding a Public Water System Operating without a Licensed Operator](#).

5. Noncompliance may also result in the assessment of administrative penalties. These penalties are up to \$1,500 per day per violation for systems with population over 10,000 and up to \$350 per day per violation for systems with population under 10,000.

## **IX. UPGRADING SYSTEM CLASSIFICATION**

When treatment is added to a system or the population served increases, the respective system classification may increase. If, as a result of a classification increase, a designated operator no longer has the necessary qualifications, then that operator's designation shall be changed from Designated Operator (DO) to Operator (OP) in the DWP records database. In addition, the PWS will be allowed 90 days to obtain a properly licensed designated operator or to have the license of their existing operator upgraded to match the new water system classification (See Operator Rules for details).

## **X. DOWNGRADING SYSTEM CLASSIFICATION**

If as a result of an inspection performed by DWP personnel a PWS's classification is determined to be less than their classification currently recorded in SDWIS, the PWS's classification can be downgraded. A PUC regulated system cannot downgrade lower than 1T1D.

## **XI. OPERATIONAL PROCEDURES**

When on-site tasks are identified to be performed by personnel other than the designated operator (e.g., taking water samples, filling chemical tanks, taking residual readings, entering data on monthly operating reports, etc.)

- Individuals who will perform certain tasks shall be identified and known by the designated operator
- The designated operator shall provide written standard operating procedures for individuals performing these tasks
- The designated operator shall train the individuals to perform the on-site tasks
- Although trained, on-site individuals may perform certain tasks instead of the designated operator, the designated operator remains responsible for all decisions regarding water quality and quantity.

If the designated operator does perform all on-site tasks, it is strongly recommended that written standard operating procedures be created for regular tasks to ensure the streamlined transition of tasks to alternate individuals as needed (see next section, emergency response procedures).

## **XII. EMERGENCY RESPONSE PROCEDURES**

To manage emergencies effectively while ensuring safe water for consumers, public water systems are required to develop emergency response procedures. These procedures will be reviewed on-site during a routine sanitary survey of the PWS. Emergency procedures need to include at minimum:

- Emergency contact phone numbers for necessary, anticipated emergency services such as a plumber, electrician, equipment suppliers, excavator, water treatment company, police, fire, etc.

- Procedures for obtaining necessary treatment chemicals
- Plans for dealing with power outages
- Instructions for placing and communication drinking water orders such as a Boil Water Order, a Do Not Drink Order, or a Do Not Use Order (refer to the [Maine Drinking Water Program Drinking Water Orders Policy and Procedure \[DWP0061\]](#) available on the DWP website [www.medwp.com](http://www.medwp.com))

Refer to the DWP website [www.medwp.com](http://www.medwp.com) or contact the DWP for template emergency response procedures available for large or small PWSs.

#### **ASSOCIATED DOCUMENTS:**

[Procedure for Ensuring PWS Compliance to Requirements for Having a Designated Operator \(DWP0075\)](#)  
[Policy for Administering the Maine Rules relating to Drinking Water Regarding a Public Water System Operating Without a Licensed Operator \(DWP0071\)](#)  
[New System or Well Approval Policy and Procedure \(DWP0068\)](#)  
[Drinking Water Orders Policy and Procedure \(DWP0061\)](#)  
[Designated Operator Form \(DWP0156\)](#)  
[Maine Rules Relating to Drinking Water](#)  
[Rules Relating to the Licensure of Water System Operators](#)

**SUPERCEDED DOCUMENTS:** None

#### **RETENTION:**

1. This document is retained per the DWP Record Retention Schedules.

## REVISION LOG

Section	Page	Rev.	Date	Description Of Change	Approved by:
		A	5-7-02	First version available	
		B	4/25/05		Nancy Beardsley
All	All	C	10/25/12	Policy name modified. Changes related to rule change requiring one DO only. Removed outdated requirements related to grandfathering and timeline for obtaining an operator. Included policy for PWS classification upgrade and downgrade. Modified violations to NONs and added policy detail. Added sections on required SOPs and emergency response procedures.	Roger Crouse
Several	Several	D	4/25/13	The term "Primary Designated Operator" replaces the term "Primary Operator". Document reference changed in section VIII.	Nathan Saunders for Roger Crouse
All	All	E	12/28/16	Changes related to the DWP reorganization: changed the term "Field Inspector" to "PWS Inspector"	Nathan Saunders