

**RECOMMENDATIONS FOR HIRING A
CONTRACT OPERATOR**

**For Idaho Public Drinking Water and Public Wastewater
Systems**

May 2006

Recommendations for Hiring a Contract Operator For Idaho Public Water and Public Wastewater Systems

This document is strictly a recommendation document and is not intended to provide legal advice or answer all legal questions that might arise for every public water or public wastewater system or in every contract situation. This document has been created for two target audiences - the operators desiring to provide services in a contract capacity to operate public water and/or wastewater systems; and the water and wastewater system owners needing to find and hire qualified independent licensed operators.

The Department of Environmental Quality (DEQ) has developed a contract operator database where operators may sign up if interested in providing their services as a contractor. This database also assists water and wastewater system owners in finding and hiring licensed operators. Names of individuals appearing in the Contract Operator database are provided solely as a courtesy and does not imply DEQ, Idaho Bureau of Occupational Licenses (IBOL) or the Idaho Board of Drinking Water and Wastewater Professional Board (WWP Board) approval of any operator. A system owner should verify that an operator's license is current before contracting services by checking the IBOL operator database at <https://secure.ibol.idaho.gov/eIBOLPublic/LPRBrowser.aspx>.

Are you are interested in providing your services as a contract operator? If so and you want your contact information to appear on the Contract Operator database list, go to <http://www.deq.idaho.gov/Applications/WWDWOper/WWDWOperatorAcceptDisclaimer.cfm> and sign up. If you sign up and then decide at some point that you no longer want to provide contract services, please remove your name from the contract operator database.

Remember, the contract operator database is just one tool to use to find appropriately licensed operators. Some operators may offer their services and choose to not include their contact information in the contract operator database. A list of the licensed operators interested in contracting their services and who have signed up on the contract operator database is available electronically or in hard copy.

Electronic copies:

- The Department of Environmental Quality (DEQ) Web site at <http://www.deq.idaho.gov/Applications/WWDWOper/WWDWSearchContractOperatorInfo.cfm>;
- The DEQ hosted Water & Wastewater System Classification and Operator Licensure Web site at http://www.idahocertificationtraining.com/ww_hiring.htm#search.

Hard copies:

- Belinda McFarland, DEQ State Office (Boise), belinda.mcfarland@deq.idaho.gov, 208-373-0487; or

- The DEQ Regional Office or District Health Department serving your county. See the Table below for the appropriate contact for your county.

DEQ Regional Offices & District Health Depts Grouped by Counties

| COUNTY | DISTRICT HEALTH DEPARTMENT | DEQ REGIONAL OFFICE |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------|
| Kootenai, Shoshone, Bonner, Benewah & Boundary | Panhandle District Health Department 208-415-5200-Coeur d'Alene 208-265-6384 -Sandpoint | Coeur d'Alene Regional Office 208-769-1422 |
| Nez Perce, Latah, Clearwater, Idaho & Lewis | North Central District Health Department 208-799-3100 | Lewiston Regional Office 208-799-4370 |
| Canyon, Owyhee, Gem, Washington, Adams & Payette | Southwest District Health Department 208-455-5400 | Boise Regional Office 208-373-0550 |
| Ada, Boise, Elmore & Valley | Central District Health Department 208-327-7499 | |
| Twin Falls, Cassia, Minidoka, Jerome, Blaine, Gooding, Camas & Lincoln | South Central District Health Department 208-734-5900 | Twin Falls Regional Office 208-736-2190 |
| Bannock, Power, Bingham, Butte*, Franklin, Oneida, Bear Lake & Caribou | Southeast District Health Department 208-239-5270 | Pocatello Regional Office 208-236-6160 |
| Bonneville, Jefferson, Lemhi, Custer, Madison, Fremont, Clark & Teton | District Seven Health Department 208-523-5382 | Idaho Falls Regional Office 208-528-2600* |

- Butte County is served by the DEQ Idaho Falls Regional Office and the Southeast District Health Dept.

Issues to Consider When Hiring Contractual Operators For Public Drinking Water or Public Wastewater Systems

Owners of regulated small public water or wastewater systems may opt to hire outside contractual operating services to comply with the operator licensure requirement in the Idaho Rules for Public Drinking Water Systems or the Wastewater Rules. Irrespective of whether your system hires a contract operator or not, the owner of the water or wastewater system has ultimate responsibility for complying with all aspects of the rules and to ensure that their water or wastewater system receives proper operation and maintenance, and either distributes safe, potable water to every user or collects wastewater in a manner that ensure protection of public health and the environment.

It is recommended that the following information should be obtained and discussed when interviewing potential contract operator candidates:

1. *Does the candidate possess the required level of license of competency?* The contractual operator must possess the required level of licensure for your particular class system and should have experience operating similar types of treatment or transport processes. The candidate should provide you with a photocopy of their current license. Each operator's license must be renewed annually on their birthday to be current or valid. If you have questions regarding the level or type (treatment or transport) of licensure required for your particular system go to the DEQ hosted Water/Wastewater System web site at http://www.idahocertificationtraining.com/ww_class.htm#current to view the current system classification ratings or, contact your local drinking water staff contact at the DEQ Regional Office or District Health Department or the state wastewater system classification coordinator at nancy.bowser@deq.idaho.gov or 208-373-0406.

If you are unsure whether an operator's license is current, go to the IBOL operator database at <https://secure.ibol.idaho.gov/eIBOLPublic/LPRBrowser.aspx> or contact the IBOL water/wastewater staff member at 208-334-3233 or wwp@ibol.idaho.gov.

2. *Does the candidate have experience operating your type and size of system (treatment components) and transport (distribution or collection) system?* An operator may possess the correct licensure level and not possess experience compatible with your particular type of system. For instance, a Class II operator may be experienced with ground water systems but not surface water systems or visa versa.
3. *How many years of operating experience does the candidate possess?*
4. *Does the candidate have references?* Ask for and verify all references.
5. Can the candidate perform minor repairs, required operational testing and basic system troubleshooting? Is the candidate willing to perform this work as part of the contractual agreement? *It is desirable for the contract operator to be capable of performing operational testing and routine mechanical and electrical maintenance. This may provide cost savings versus hiring additional commercial services for testing and maintenance. However, commercial services and/or consulting engineering services may be required for maintenance that is more complex or operating problems.*
6. Does the candidate carry adequate contractors' liability insurance? *This helps protect the owner from potential suits in case the contractor or a contractor's employee is injured. It also provides protection in the event of contractor damage to the owner's equipment.*
7. Is the contract operator willing to turn over all system records to the owner of the system at the time of contract termination?
8. What are the minimum duties (both required and expected duties) to be completed by the candidate? *A list of the duties which, at a minimum, **must** be completed and the frequency each duty **must** be performed should be included in the contract. Duties that are not required but may be needed or expected to be done to carry out required duties*

are typically system specific and could include duties such as weed and trash removal to maintain access to a well house, storage tank, lagoons, or surface water system intake, vector control in a well house or electrical room to prevent destruction of electrical wiring or insulation of pressure tanks, etc. and so forth. A sample list of duties is provided in the table below. The sample list may be modified, as necessary, to meet the specific operational needs of your water or wastewater system.

Duties and/or Responsibilities of All Parties

The contract should describe the duties and responsibilities of the contract operator and the water or wastewater system owner. The contract should make clear that the appropriate authority to implement, perform or complete a duty is part of the assignment of the duty. At a minimum, the following items should be considered and the party responsible for the duty identified as part of your contract:

1. *Proper operation of the water/wastewater treatment plant including assurance that
 - a) *required construction permits have been obtained prior to the start of construction; Water Systems (IDAPA 58.01.08.009, .050, and .100) or Idaho Wastewater Rules*
 - b) *operating permits have been obtained prior to start of operation; and*
 - c) *special or required reports are filed with the appropriate parties.**
2. *Sample collection is completed pursuant to Idaho Rules for Public Drinking (IDAPA 58.01.16.010 & 202-204). Timely collection and submission of samples for laboratory analyses will be performed with follow-up as needed when results indicate violations or a trend toward violation.*
3. *Preparation and submittal of monthly operational reports. Identify if reports are to be in electronic or hard copy format or both.*
4. *Analyses for operational controls such as chlorine residual, BOD, COD, turbidity, hardness, jar testing and other related activities are performed as required or recommended. This includes maintenance of operational records.*
5. *Maintenance of pumps and pump stations.*
6. *Maintenance of the transport (distribution or collection) system and what this maintenance includes.*
7. *Maintenance of spare parts inventories. If spare parts are not kept on-site or an inventory of spare parts is not kept by the contract operator, then spare, part supplier telephone numbers are needed for the contract operator and the owner.*
8. *Maintenance of required operating records and reports.*
9. *Securing labor and ordering materials for correcting any maintenance and operational problems.*

| <i>Duties and/or Responsibilities of All Parties</i> | |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10. | <i>Maintenance and, if necessary, implementation of an emergency operating plan.</i> |
| 11. | <i>Performance of preventive maintenance on equipment as recommended by the manufacturer.</i> |
| 12. | <i>Performance of routine operational control testing as required or recommended by EPA, DEQ or the District Health Department. A listing of process control tests to be performed, and a monthly process control operational report form to be maintained, should be included as part of this contract.</i> |
| 13. | <i>Prompt reporting of deficiencies in any of the twelve items above to the owner. (Owner and contract operator to agree upon a time frame to meet the prompt reporting requirement).</i> |
| 14. | <i>Reporting to water or wastewater system regulator (EPA, DEQ or District Health Department) when required (i.e. when a boil order is issued, when an untreated release of wastewater occurs to surface waters, when a maximum contaminant level (MCL) is exceeded, when an emergency condition occurs, etc.)</i> |
| 15. | <i>Being available during an emergency to work with the Idaho DEQ or District Health Department or other federal, state or local agencies until the problem is resolved and the supply is returned to normal operation.</i> |
| 16. | <i>Adequate training provided for the operator and owner as a result of equipment upgrades, changes in treatment processes or rule changes.</i> |

If You Decide Contract Hiring Is Right For You

Once you've made the decision to contract and found a candidate that seems to be a good fit for your system, you're ready to address additional details such as the contract duration, compensation, operator time and responsibilities and owner responsibilities. It is recommended that the following aspects of each contract-related item be considered and addressed as appropriate for your specific public water or wastewater system.

Contract Duration. *The contract duration should include the effective starting date and effective termination date. The contract should have an agreement of termination (by either party) by advance, written notice of a specified number of days.*

Compensation. *Compensation covers items such as wages, health benefits, workman's compensation, vacation, sick time, disability, holiday time and paid paternity or maternity leave.*

Operator Time. *The owner and operator shall jointly designate the number of routine visits and the minimum number of hours spent per day, per week or per month at the water system. The*

owner and operator shall also jointly determine the maximum acceptable response time when responding to an emergency or to troubleshoot operational problems. The acceptable response time may vary depending on the treatment components and distribution system of the particular water system, closeness versus remoteness of system, and the nature and severity of the problem. In no instance, should the response time for an emergency or problem that could result in public health impacts be longer than a designated specific time appropriate for your system (2 hrs, 30 minutes, ½ day, 12 hours?).

Operator Responsibility. *As the designated responsible-in-charge operator, the contractual operator is responsible for maintaining a valid license that is equal to or greater than the classification of the particular water or wastewater treatment system and/or transport (distribution or collection) system being served. The contractual operator should annually send a photocopy of their renewed operator's license to the owner of the public water system. The contract operator is also responsible for providing a licensed substitute responsible-in-charge operator during those times when the system is in operation and he/she is not available or is inaccessible.*

Owner Responsibility. *All responsibility retained by the owner must be clearly documented in the contract. It is the responsibility of the owner to notify the operator of any emergencies and/or operational problems for which the operator is responsible that arise in the operator's absence. The owner and contract operator shall jointly determine a maximum response time within which the owner will notify the contract operator after the owner or a water system user experiences or recognizes an operational problem or emergency. The owner is responsible for having telephone numbers, pager numbers or other relevant means of communication for both the designated responsible-in-charge and substitute responsible-in-charge contract operators. The owner may choose to post contact numbers for the contract operator in a visible location for anyone needing to reach the contract operator. The contract operator will provide a list of routine operational checks to be made by the water or wastewater system owner.*

Completing The Contract

In summary, your final contract should include the contract duration, compensation for the contract operator, minimum and maximum contract operator time spent with the system, operator responsibilities, owner responsibilities, and the list of duties and the frequency that each duty is to be performed by the contract operator. The contract should also include the predetermined time frames for owner notification and operator response to operational problems and/or emergencies, a photocopy of the contract operator's licensure and the backup operator's licensure, the contract operator's references, and a copy of the contract operators liability insurance coverage.

The contract must be signed by all parties: the owner, the contract operator, and, in cases where the contractor is a firm or company, an official of the firm or company employing the licensed operator must also sign the contract.

*All participants should retain a copy of the final contractual agreement, signed by all parties. The owner of the public water or wastewater system is **then required** to report the name and*

license number of the contract responsible charge operator and substitute responsible charge operator to DEQ on the appropriate drinking water system or wastewater system operator licensure record form. Copies of the drinking water and wastewater record form are available by going to <http://www.idahocertificationtraining.com/forms.htm> and looking under Drinking Water Forms or Wastewater Forms. Keep in mind that for public wastewater systems, the system owner is required to notify DEQ within ten (10) days of a change in the responsible charge or substitute responsible charge operator through submission of an updated record form.

The contract operator is responsible for maintaining adequate records to document that all contract provisions are being met and to assure that the agreed upon duties are performed. The owner should also retain contract copies and routinely review operations to assure the contract operator is performing all of the required duties.