

## Revocation of Treatment Licenses

The Operator Certification Board has revoked the certification of a number of water and wastewater operators across the State. There appears to be a "tightening of the requirements" by the Certification Board. A number of cities have lost their operators and some are faced with heavy penalties due to poor operator performance. We just wanted to give you some basic information about the issue.

### Requirements:

Tennessee Department of Environment and Conservation (TDEC) Rule # 1200-5-3-.04 requires: "Each person in direct charge at a water treatment plant, wastewater treatment plant, a water distribution system or a wastewater collection system shall hold a certificate in a grade equal or higher than the grade of the treatment plant, distribution system or collection system." All operating personnel making process control/system integrity decisions about water quality or quantity that affect public health must be certified. A designated certified operator must be available for each operating shift."

Each water supply system and wastewater system are required to have a certified operator notify the perspective TDEC division in writing the operator in direct charge. The system must notify TDEC within 30 days in writing of its loss of the services of the operator in direct charge.

### Revocation of Certificate:

The Commissioner of TDEC can revoke the license of an operator for a variety of reasons. TDEC Rule # 1200-5--3-.11 lists the reasons for revocation. These reasons are based on the fact the operator did not use responsible care, judgment or application of knowledge in the performance of his duties. This can be demonstrated by:

- a. Intentional or negligent failure to operate a system as designed.
- b. Failure to comply with monitoring, sampling, analysis or reporting requirements.
- c. Unlawful discharge of wastes.
- d. Failure to notify TDEC of problems which would affect the quality of the water being produced, possible pollution into Tennessee waters or the violation of a water quality standard.
- e. Incompetence by the operator
- f. Fraud or deceit either in obtaining a license or in operation of the plant or system.
- g. By producing inaccurate or false laboratory data.

TDEC Rule 1200-5-3-.12 states that the Commissioner may assess a civil penalty against the municipality, if the competency of the person in direct charge has not been certified.

TCA 68-221-904 states that any municipality that violates the operator certification rule commits a class C misdemeanor and each day represents a separate violation. The fine can be up to \$10,000 per day.

TCA 69-221-912 states that the board may allow up to 6 months for a system to replace a certified operator. The board may also grant 30-day extensions up to a total of 180 additional days, if deemed necessary by the board.

The system must notify the board in writing within 30 days of the loss of the certified operator.

During this time the system must make arrangements to temporarily obtain a certified operator to act as the operator in direct charge. Just because a system has lost the certified staff member does not allow them to operate without a certified operator in direct charge. This is why Bill, Brett, and I suggest multiple licensed staff for a system.