

Guidance for Hiring a Contract Operator

For Idaho Public Drinking Water and Public Wastewater Systems



State of Idaho

Department of Environmental Quality



November 2023

Table of Contents

1	Introduction	3
2	Operator for Hire Database	3
3	Issues to Consider When Hiring a Contract Operator	4
3.1	Level of Licensure	4
3.2	Duties and Responsibilities	4
3.3	Related Experience	4
3.4	Maintenance Capabilities	5
3.5	Liability Insurance	5
3.6	References	5
3.7	Ownership of System Records	5
4	Sample List of Duties	6
5	Contract Specifications	7
5.1	Duration	7
5.2	Operator Compensation	7
5.3	Response Time	7
5.4	Operator Licensure	7
5.5	Owner Responsibilities	8
6	Completion of the Contract	8

1 Introduction

Owners of regulated public drinking water or wastewater systems must place their facilities under the direct supervision of licensed operator as required in the [Idaho Rules for Public Drinking Water Systems](#) (IDAPA 58.01.08) or the [Wastewater Rules](#) (IDAPA 58.01.16). Owners may hire contractual operating services to help comply with these requirements. Regardless of contract operator status, system owners are ultimately responsible for complying with all rules, properly operating and maintaining the system, as well as ensuring the system either distributes safe, potable water to every user or collects wastewater in a manner that protects public health and the environment.

This document helps system owners and contract operators understand the contract hiring process and the related roles and responsibilities. This document is purely advisory and does not provide legal advice related to public drinking water or public wastewater systems.

2 Operator for Hire Database

The Idaho Department of Environmental Quality (DEQ) maintains an Operator for Hire Database where operators interested in providing their services may register as a contractor. Drinking water and wastewater system owners may use it to find licensed operators.

- Become an Operator for Hire:
www2.deq.idaho.gov/water/OpForHire/Registration/Disclaimer
- Search for an Operator:
www2.deq.idaho.gov/water/OpForHire/Search

The Operator for Hire Database is solely provided as a courtesy. The database is not all-inclusive as some operators may choose not to register. Appearing in the database does not imply endorsement by DEQ, the Idaho Division of Occupational and Professional Licenses (DOPL), or the Idaho Board of Drinking Water and Wastewater Professionals (WWP Board). Before entering into any agreements, system owners are advised to verify an operator's license status via the DOPL Operator Database at <https://apps.dopl.idaho.gov/DOPLPublic/LPRBrowser.aspx> or by contacting DOPL at (208) 334-3233 or wwp@dopl.idaho.gov.

Operators that no longer wish to provide contract services are advised to remove their names from the Operator for Hire Database.

3 Issues to Consider When Hiring a Contract Operator

This section provides information for system owners to consider, discuss, and obtain when interviewing potential contract operator candidates.

3.1 Level of Licensure

Does the contract operator possess the required level of licensure for the system class?

Current wastewater and drinking water system classifications and associated operator requirements are available on DEQ's website:

- Public Wastewater System Classifications:
www.deq.idaho.gov/water-quality/wastewater/wastewater-treatment-and-collections/
- Public Drinking Water System Classifications:
www.deq.idaho.gov/water-quality/drinking-water/public-water-system-switchboard/system-classification-and-supervision-requirements/

System classification information may also be obtained from drinking water staff in DEQ Regional Offices or from Idaho Public Health Districts.

Candidates should provide photocopies of their current licenses. Licenses must be renewed annually. To verify whether a license is current, visit the DOPL Operator Database at: apps.dopl.idaho.gov/DOPLPublic/LPRBrowser.aspx or contact DOPL at (208) 334-3233 or wwp@dopl.idaho.gov.

3.2 Duties and Responsibilities

What are the required and expected duties to be performed by the candidate and how frequently must they be performed?

Include a list of the minimum duties (both required and expected), and their frequency, to be performed by the candidate in the contract. Some duties may not be explicitly required by rules and regulations, but still considered necessary or expected as part of maintaining or operating the system (e.g., weed and trash removal to maintain access to well house, storage tank, lagoon, 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). A more robust sample list of duties is provided in Section 4.

3.3 Related Experience

How many years of operating experience does the candidate possess? Is the experience with systems of similar type and size (treatment components) and transport (distribution or collection)?

An operator may have the correct licensure level, but not possess experience compatible with the owner's system type. For instance, a Class II operator may be experienced with ground water systems, but not surface water systems or vice versa.

3.4 Maintenance Capabilities

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 by avoiding hiring of additional commercial services for testing and maintenance. However, commercial services and/or consulting engineering services may still be required for more complex maintenance or operating problems.

3.5 Liability Insurance

Does the candidate possess adequate contractor's liability insurance?

Insurance 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. It is recommended that system owners evaluate their own need for liability insurance independent from that of the contract operator.

3.6 References

Does the candidate have references?

Ask for and verify all references.

3.7 Ownership of System Records

Is the contract operator willing to turn over all system records to the owner of the system at the time of contract termination?

4 Sample List of Duties

The contract should describe the duties and responsibilities of the contract operator. The contract should make clear the appropriate authority to implement, perform, or complete a duty. The provided list below is not exhaustive and should be amended to fit the specific needs of the system. At a minimum, the following items, and the party responsible for them, should be identified and considered when preparing the contract:

Duties and/or Responsibilities of All Parties

1. Operation of the drinking water/wastewater treatment plant, including assurance that:
 - a. required construction permits and approvals have been obtained before the start of construction as prescribed by [Idaho Rules for Public Drinking Water Systems](#) (IDAPA 58.01.08) or the [Wastewater Rules](#) (IDAPA 58.01.16)
 - b. operating permits have been obtained before start of operation
 - c. special or required reports are filed with the appropriate parties
2. Sampling pursuant to [Idaho Rules for Public Drinking Water Systems](#) (IDAPA 58.01.08), the [Wastewater Rules](#) (IDAPA 58.01.16), or Rules Regulating the Idaho Pollutant Discharge Elimination System Program (IDAPA 58.01.25). 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 the preferred method for receiving reports (i.e., electronic, hard copy, or both).
4. Analyses for operational controls (e.g., chlorine residual, BOD, COD, turbidity, hardness, jar testing) and other related activities are performed as required. This includes maintenance of operational records.
5. Maintenance of pumps and pump stations.
6. Maintenance of the transport (distribution or collection) system and what that entails such as exercising valves
7. Maintenance of spare parts inventories. In the absence of spare parts and/or inventory, identify a spare part supplier to use and provide their contact information.
8. Maintenance of required operating records and reports.
9. Securing labor and ordering materials to correct maintenance and operational issues.
10. Maintenance and, if necessary, implementation of an emergency operating plan.
11. Performance of manufacturer-recommended preventive maintenance on equipment.
12. Performance of routine operational control testing as required or recommended by the Environmental Protection Agency (EPA), DEQ, or the Public Health District. Include a list of process control tests to be performed and a monthly process control operational report form to be maintained.
13. Promptly reporting deficiencies in any of the items above to the owner (agree upon a time frame to meet the prompt reporting requirement).

14. Reporting to drinking water or wastewater system regulator (DEQ or Public Health District) when required (e.g., when a boil order is issued, when an untreated release of wastewater occurs to surface waters, when a maximum contaminant level is exceeded, when an emergency condition occurs).
15. Availability during an emergency to work with DEQ, the Public Health District, or other federal, state, or local agencies until the problem is resolved and the system is returned to normal operation.
16. Providing adequate training for the contract operator and system owner because of equipment upgrades, changes in treatment processes, or permit and/or rule changes.

5 Contract Specifications

Once the decision to contract has been made and a fitting candidate is found, the owner should be ready to address additional details (e.g., contract duration, compensation, operator time, owner/operator responsibilities). This section provides informational aspects of each contract-related item that should be considered and addressed as appropriate for each specified system.

5.1 Duration

The contract duration should include the effective starting and termination dates. The contract should have a termination agreement (by either party) in place, usually communicated by advance, written notice of a specified number of days.

5.2 Operator Compensation

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

5.3 Response Time

The owner and contract operator must jointly determine the minimum acceptable response time when responding to an emergency or troubleshooting operational problems that could impact public health. The acceptable response time may vary depending on the treatment components and distribution system of the particular system, closeness versus remoteness of system, and the nature and severity of the problem.

5.4 Operator Licensure

Contract operators must maintain a valid license that is of equal or greater classification than the system they are contracted to operate. Contract operators should send a photocopy of all renewed licenses to the system owner annually. If a contract operator would be unavailable or inaccessible while the system is in operation, the owner must provide a licensed substitute responsible-in-charge operator during their absence.

5.5 Owner Responsibilities

All duties retained by owners must be clearly documented in contracts. The owner may choose to post contact information in a visible location for anyone needing to reach the contract operator. Owners must notify contract operators of any emergencies and/or operational problems, for which the operator is responsible for. The owner and contract operator must jointly determine a minimum response time within which the owner will notify the contract operator after the owner or a drinking water system user experience or recognizes an operational problem or emergency. The owner must have phone numbers or other relevant means of communication for any designated responsible-in-charge and substitute responsible-in-charge contract operators.

Ultimately, the owner is responsible for compliance with the [Idaho Rules for Public Drinking Water Systems](#) (IDAPA 58.01.08) or the [Wastewater Rules](#) (IDAPA 58.01.16).

6 Completion of the Contract

The final contract should include duration, compensation for the contract operator, minimum and maximum contract operator time spent with the system, operator responsibilities, owner responsibilities, and a list of duties and their performance frequency. 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, and a copy of the contract operator's 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 signed contractual agreement. The system owner is then required to report the name and license number of the contract responsible charge operator and substitute responsible charge operator to DEQ. Reporting is available on DEQ's website:

- Public Wastewater System Operator Licensure Record Form:
www2.deq.idaho.gov/admin/LEIA/api/document/download/5966
- Public Drinking Water "Change Water System Information":
www2.deq.idaho.gov/water/dwcontacts

For public wastewater systems, the system owner is required to notify DEQ within 30 days of a change in the responsible charge or substitute responsible charge operator (IDAPA 58.01.16.203.01). 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 ensure the contract operator is performing all required duties.