

Recommendations for Hiring a Contract Operator

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



**State of Idaho
Department of Environmental Quality**

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1 Introduction

Owners of regulated small public water or wastewater systems are required to meet operator licensure requirements prescribed in the [Idaho Rules for Public Drinking Water Systems](#) (IDAPA 58.01.08) or the [Wastewater Rules](#) (IDAPA 58.01.16). Owners may opt to hire outside contractual operating services to comply with these requirements. Regardless of whether a water or wastewater system hires a contract operator, however, the owner of the system is ultimately responsible for complying with all aspects of the rules and ensuring that the system is properly operated and maintained and either distributes safe, potable water to every user or collects wastewater in a manner that ensures protection of public health and the environment.

This document is designed to assist owners and contract operators in understanding the contract hiring process and their roles and responsibilities. This document is advisory and is not intended to provide legal advice or answer legal questions that might arise for every public water or public wastewater system or in every contract situation.

2 Operator for Hire Database

The Idaho Department of Environmental Quality (DEQ) has developed an Operator for Hire Database where operators may register if interested in providing their services as a contractor and water and wastewater system owners may search for licensed operators.

- Register as an operator here: www.deq.idaho.gov/water/OpForHire/*
- Search for an operator here: www.deq.idaho.gov/water/OpForHire/Search

Note: Names of individuals appearing in the Operator for Hire Database are provided solely as a courtesy. The database is not all-inclusive as some operators may choose not to register. Listing in the database does not imply endorsement of any operator by DEQ, the Idaho Bureau of Occupational Licenses (IBOL) or the Idaho Board of Drinking Water and Wastewater Professional Board (WWP Board). System owners are advised to 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>.

* Operators who sign up and then decide at some point to no longer provide contract services are advised to remove their names from DEQ's Operator for Hire Database.

3 Issues to Consider When Hiring a Contract Operator

DEQ recommends that owners obtain and discuss the following information 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 water system classifications are available on DEQ's website:

- Public Wastewater System Classifications:
www.deq.idaho.gov/media/762684-ww_system_certification_class.pdf
- Public Drinking Water System Classifications:
www.deq.idaho.gov/media/757208-dw_system_certification_classification_classes.pdf

System classification information may also be obtained from drinking water staff in DEQ Regional Offices or District Health Departments.

The candidate should provide a photocopy of his/her current license. Each operator's license must be renewed annually on his/her birthday to be current or valid. To verify whether a license is current, visit the IBOL Operator Database at <https://secure.ibol.idaho.gov/eIBOLPublic/LPRBrowser.aspx> or contact IBOL at (208) 334-3233 or wwp@ibol.idaho.gov.

3.2 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 possess the correct licensure level and not possess experience compatible with the type of system. For instance, a Class II operator may be experienced with ground water systems but not surface water systems or vice versa.

3.3 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 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.

3.4 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 duties) to be performed by the candidate and their frequency 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, and so forth.

A sample list of duties is provided on the following page. The sample list may be modified as necessary to meet the specific operational needs of the water or wastewater system.

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.

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 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 the contract:

Duties and/or Responsibilities of All Parties

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 as prescribed by [Idaho Rules for Public Drinking Water Systems](#) (IDAPA 58.01.08) or the [Wastewater Rules](#) (IDAPA 58.01.16); and
 - 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 Water Systems](#) (IDAPA 58.01.08). 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.
10. Maintenance and, if necessary, implementation of an emergency operating plan.
11. Performance of preventive maintenance on equipment as recommended by the manufacturer.
12. 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.
13. 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.)
14. 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.).

15. 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.
16. Adequate training provided for the operator and owner as a result of equipment upgrades, changes in treatment processes or rule changes.

5 Contract Specifications

Once the decision to contract has been made and a candidate found who seems to be a good fit for the system, the owner is 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 the specific public water or wastewater system:

5.1 Duration

The contract duration should include the effective starting and termination dates. The contract should have an agreement of termination (by either party) 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 operator must 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 the system (30 minutes to 2 hours).

5.4 Operator Responsibilities

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 his/her 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.

5.5 Owner Responsibilities

All responsibilities 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 must 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.

6 Completion of the Contract

In summary, the 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 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 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. Reporting forms are available on DEQ's website:

- Public Wastewater System Operator Licensure Record Form:
www.deq.idaho.gov/media/762680-ww-licensure-record.pdf
- Public Drinking Water System Responsible Charge Operator Report:
www.deq.idaho.gov/media/759767-dw_responsible_charge_form.pdf

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 ensure the contract operator is performing all required duties.