



MAINE CDC DRINKING WATER PROGRAM

Department of Health & Human Services

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POLICY FOR ADMINISTERING THE *MAINE RULES RELATING TO DRINKING WATER* REGARDING A PUBLIC WATER SYSTEM OPERATING WITHOUT A LICENSED OPERATOR

PURPOSE:

This policy is written to provide detail necessary for the consistent administration of the *Maine Rules Relating to Drinking Water* regarding a public water system operating without a licensed water operator.

ORIGINATOR: Nathan Saunders P.E.

OWNER: PWS Inspection Manager

BACKGROUND:

Paraphrased from the *Maine Rules Relating to Drinking Water* [10-144 CMR 231 (1)(C)(1 and 2)]:

All Community and Non-Transient-Non-Community public water systems, and all public water systems (PWS) using surface water as a source must place the direct supervision of their water system under the responsible charge of a licensed water operator.

From the *Maine Rules Relating to Drinking Water* [10-144 CMR 231 (1)(C)(4)] specifically:

“All operating personnel making process control system integrity decisions about water quality or quantity that affect public health must be licensed.”

This rule has been challenging for owners, operators, and regulators to embrace and administer due to the lack of detail on specifically what actions affect water quality and quantity. This policy is written to document the specific activities involved with operating a public water system that are clearly related to water quality and quantity. With this detail, operators and owners are able to develop working relationships and contracts that meet the *Maine Rules Relating to Drinking Water* while enabling the Maine Drinking Water Program to administer the above rule consistently across all public water systems that require a licensed water operator.

POLICY:

A. Owner(s) and Licensed Operator(s) are responsible for water quality and quantity related actions and decisions that include but are not limited to:

1. Adjusting chemical feed pumps;
2. Creating and mixing chemical solutions;
3. Adding chemical(s), when needed;

4. Measuring quantities of chemicals in water (e.g. Cl₂ residual);
5. Changes to piping or equipment involved with drinking water treatment or distribution;
6. Pulling well pumps;
7. Disinfecting wells & water systems;
8. Changes to treatment and/or storage;
9. Connecting a new source to the public water system;
10. Resolving drinking water orders (e.g. Boil Water Order or Do Not Drink Order);
11. Reviewing Monthly Operating Reports;
12. Overseeing all sampling (making sure the actual sampler, if it is not the operator, is trained and taking samples properly);
13. Remaining aware of all sample results (e.g. TC positives, Lead Action Level, et. al.);

The oversight of a licensed operator is required for the above listed activities. The failure to do so may subject the owner to a violation for operating without a licensed operator.

Owners and licensed operators are both responsible for maintaining regulatory compliance and resolving public water system compliance issues.

An owner must designate and clarify the specific areas of operator responsibility in contracts with water system operators.

Activities 1 through 9 along with the act of physically taking samples can be delegated to non-licensed individuals, using **written** procedures for regular activities, but the licensed operator is still responsible for the oversight of and the results of these activities.

B. Specific Examples of Operator-Related Issues Warranting a Notice of Noncompliance (NON) Issued to the PWS are:

Note:

- The term “unlicensed individual” refers to an individual without a water operator’s license.
 - The term “designated operator” means a designated operator for that Public Water System.
1. An unlicensed individual adjusts a chemical feed pump without using a written procedure or training provided by a designated operator.
 2. When an unlicensed individual creates or mixes chemical solutions that will be added to drinking water without using a written procedure or training provided by a designated operator.
 3. When an unlicensed individual adds chemicals to tanks used to provide chemicals to drinking water without using a written procedure or training provided by a designated operator.
 4. When an unlicensed individual measures quantities of chemicals in drinking water (e.g. Cl₂ residual) without using a written procedure or training provided by a designated operator.
 5. When an unlicensed individual changes piping or changes equipment involved with drinking water treatment without the oversight of a designated operator.
 6. When an unlicensed individual pulls a well pump without the oversight of a designated operator.
 7. When an unlicensed individual disinfects a well and/or water system without the oversight of a designated operator.
 8. When an unlicensed individual makes changes to treatment and/or storage of a water system without the oversight of a designated operator.
 9. When an unlicensed individual connects a new source to a public water system without the oversight of a designated operator.

10. When an unlicensed individual resolves/removes a drinking water order (e.g. Boil Water Order, Do Not Drink Order, or Do Not Use Order) without the oversight of a designated operator.
11. When an unlicensed individual makes water quality or quantity related decisions based on Monthly Operating Reports without the oversight of a designated operator.
12. When an unlicensed individual takes compliance water samples without using an SOP created by a designated operator or without training provided by a designated operator.
13. When a designated operator is not aware of all sample results (e.g. Total Coliform positives, Lead Action Levels, etc...).

The issuance of a Notice of Noncompliance by a PWS Inspector to a public water system is influenced by several factors including whether the issue is discovered during a site visit or otherwise.

ASSOCIATED DOCUMENTS: None

SUPERCEDED DOCUMENTS: None

RETENTION: This document is retained per the DWP Documentation Control Procedure.

REVISION LOG:

Section	Page	Revision	Date	Description Of Change	Approved by:
All	All	Original	2/7/08		Roger Crouse
Handout	3	A	2/11/08	Wording improvement	Roger Crouse
All	All	B	5/18/10	Document Format Change	
Policy section B added	2	C	12/26/12	Added specific examples warranting an NON. Removed "Handout"	Nathan Saunders
All	All	D	12/28/16	Changes related to the DWP reorganization: changed the term "Field Inspector" to "PWS Inspector"	Nathan Saunders
Policy A.	2	E	11/20/18	Added instruction that owners and licensed operators are both responsible for resolving compliance issues.	Nathan Saunders
All	All	NA	5/23/2024	Corrected formatting only; no content was revised. -PB	