

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 681
WATER SUPPLY OPERATOR CERTIFICATION

SUBPART A: GENERAL

Section	Purpose
681.100	Purpose
681.105	Definitions
681.110	Fees

SUBPART B: CERTIFIED OPERATOR CLASSIFICATIONS AND REQUIREMENT

Section	Purpose
681.200	Facility Classification
681.205	Certification Classification
681.210	Examination Classification
681.215	Certified Operator Requirement

SUBPART C: EXAMINATION

Section	Purpose
681.300	Water Supply Operator Examination of Competency
681.305	Eligibility
681.310	Examination Request
681.315	Eligibility Determination and Letter of Admission
681.320	Review of Eligibility Determination
681.325	Examination Admission
681.330	Standards for Examination and Grading
681.335	Examination Results
681.340	Six Year Score Validity
681.345	Reexamination

SUBPART D: WATER SUPPLY OPERATOR IN TRAINING

Section	Purpose
681.400	Operator In Training
681.405	Duration
681.410	Limitations

SUBPART E: CERTIFIED OPERATOR

Section

681.500 Standard of Issuance
681.505 Application
681.510 Agency Determination
681.515 Review of Agency Determination

SUBPART F: RECIPROCITY

Section
681.600 Application for Reciprocal Certification
681.605 Reciprocity Determination
681.610 Change in Classification

SUBPART G: SANCTIONS

Section
681.700 Causes
681.705 Citizen Complaints
681.710 Procedures
681.715 Hearing
681.720 Advisory Board
681.725 Director's Decision
681.730 Sanctions
681.735 Appeal
681.740 Ex Parte Communications
681.745 Subpoena

SUBPART H: CERTIFICATE RENEWAL, RESTORATION AND REQUIRED TRAINING

Section
681.800 Certificate Expiration
681.805 Certificate Renewal Application Form
681.810 Restoration of Expired Certificates
681.815 Renewal Training Requirements
681.820 Training Criteria
681.825 Calculation of Training Hours for Certificate Renewal
681.830 Proof of Training Records, Record Keeping, Audits
681.835 Submission of Training Hours
681.840 Waiver of Required Training
681.845 Issuance of Renewed and Restored Certificates
681.850 Contested Renewal, Restoration and Training Determinations

SUBPART I: GRANDPARENTING

Section
681.900 Grandparenting

SUBPART J: CONTRACTUAL OPERATION

Section	
681.1000	Required Contract Provisions
681.1005	Documentation of Contract Provisions
681.1010	Request for Contract Approval
681.1015	Agency Review of the Contract
681.1020	Withdrawal of Approval of the Contract
681.1025	Contract Modifications and Extensions
681.1030	Termination of Contract

681.APPENDIX A Reference to Previous Rules

AUTHORITY: Implementing and authorized by Section 10 of the Public Water Supply Operations Act [415 ILCS 45].

SOURCE: Adopted at 38 Ill. Reg. 7114, effective April 1, 2014; amended at 41 Ill. Reg. 14182, effective November 13, 2017.

SUBPART A: GENERAL

Section 681.100 Purpose

The purpose of this Part is to set forward procedures for the following:

- a) taking the water supply operator examination;
- b) obtaining Operator In Training status;
- c) applying for water supply operator certification;
- d) suspending or revoking water supply operator certification;
- e) renewing the water supply operator certification; and
- f) approving a contract between a community water supply and a contract operator.

Section 681.105 Definitions

In addition to these definitions, all definitions of the Illinois Environmental Protection Act [415 ILCS 5], the Public Water Supply Operations Act [415 ILCS 45], and 35 Ill. Adm. Code 601 and 611 shall apply to this Part. For purposes of this Part:

"Advisory Board" means the Water Supply Operator Advisory Board provided for under Section 11 of the Law.

"Agency" or "IEPA" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Contract Operator" means an individual certified as competent as a water supply operator under the Law who operates or supervises the operation of a community water supply by contractual agreement with the owner.

"Drinking Water Training" means written or practical study done by an operator in the area of water treatment or distribution.

"Equivalent to a High School Education" means a General Education Development (GED) test.

"Examination" means a test, written in English, required to be taken by the applicant for certification.

"Grandparenting" means the exemption for the registered persons in responsible charge of a previously-exempt community water supply, as of July 9, 1999, from meeting the initial education and examination requirements for the class of certification the community water supply has been assigned [415 ILCS 45/9.3].

"Hands-on" or "Necessary Skills, Knowledge, Ability and Judgment" means the knowledge acquired from daily operating experience rather than from text book study or supervisory observation. It means the applicant has actually operated a water plant or water supply or worked on the distribution system and has performed tasks including, but not limited to, routine tests, sample collection, completion of operational reports, calculation of chemical dosages and subsequent adjustment of chemical feeders or backwashed filters.

"Law" means the Public Water Supply Operations Act [415 ILCS 45].

"Quarter Hours/Semester Hours" means the unit of credit assigned for courses offered by colleges and universities.

"Responsible Charge" means active, on-site charge or performance of operation of the treatment plant or distribution system of a public water supply or comparable water supply.

"Water Supply Operator" means any individual trained in the treatment or distribution of water who has practical working knowledge of the chemical, biological, and physical sciences essential to the practical mechanics of water treatment or distribution and who is capable of conducting and maintaining the water treatment or distribution processes in a manner which will provide safe, potable water for human consumption [415 ILCS 45/4].

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.110 Fees

All fees collected by the Agency under this Part shall be deposited into the Environmental Protection Permit and Inspection Fund in accordance with Section 22.8 of the Environmental Protection Act. Fees paid pursuant to this Part are not refundable. The fees required by Section 22 of the Law and this Part are as follows:

- a) *The fee to be paid by an applicant for an Illinois certificate of competency is \$30. [415 ILCS 45/22(a)]*
- b) *The fee to be paid by an applicant for the examination to determine fitness to receive a certificate of competency is \$10. [415 ILCS 45/22(b)(1)]*
- c) *The fee to be paid by an applicant for the issuance of a reciprocal certificate of competency is \$10. [415 ILCS 45/22(b)(2)]*
- d) *The fee to be paid by an applicant for the renewal of a certificate of competency is \$10. [415 ILCS 45/22(b)(4)]*
- e) *The fee to be paid by an applicant for the restoration of a certificate of competency is \$10. [415 ILCS 45/22(b)(5)]* The restoration fee must be paid in addition to the \$10 renewal fee.
- f) *The fee to be paid by an applicant for the issuance of a duplicate certificate of competency is \$10. [415 ILCS 45/22(b)(6)]*

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

SUBPART B: CERTIFIED OPERATOR CLASSIFICATIONS AND REQUIREMENT

Section 681.200 Facility Classification

Community water supply facilities are classified as follows:

- a) *A Class A community water supply means any surface water community water supply and any community water supply that includes coagulation, lime softening, ultraviolet disinfection, membrane filtration (including reverse osmosis), or sedimentation as part of its primary treatment. [415 ILCS 45/5.1]*
- b) *A Class B community water supply means any community water supply that includes filtration (other than membrane filtration), aeration and filtration (other than membrane filtration), or ion exchange equipment as a part of its primary treatment, and is not a Class A community water supply. [415 ILCS 45/5.1]*

Facilities with aeration but without filtration or ion exchange are not considered Class B facilities.

- c) *A Class C community water supply means any community water supply that uses chemical feeding, and is not a Class A or Class B community water supply. [415 ILCS 45/5.1]*
- d) *A Class D community water supply means any community water supply that has pumpage, storage, or distribution facilities, and is not a Class A, Class B or Class C community water supply. [415 ILCS 45/5.1]*

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.205 Certification Classification

- a) The Agency may issue a Certificate of Competency for any of the four classes of certification specified in this Section.
- b) For each class of certification, the water supply operator must demonstrate the necessary skills, knowledge, ability and judgment of the chemical, biological and physical sciences essential to the practical mechanics of the following:
 - 1) Class A Certification: coagulation, lime softening, ultraviolet disinfection, membrane filtration, sedimentation, filtration, aeration and filtration, ion exchange, chemical feeding and calculation of dosage, pumpage, storage and distribution.
 - 2) Class B Certification: filtration (other than membrane filtration), aeration and filtration (other than membrane filtration), ion exchange systems, chemical feeding and calculation of dosage, pumpage, storage and distribution.
 - 3) Class C Certification: chemical feeding and calculation of dosage, pumpage, storage and distribution.
 - 4) Class D Certification: pumpage, storage and distribution.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.210 Examination Classification

Separate examinations shall be administered for each class of certification listed in Section 681.205 of this Part. The four corresponding examination classifications are: Class A, Class B, Class C and Class D.

Section 681.215 Certified Operator Requirement

- a) *Every community water supply shall employ on its operational staff at least one natural person certified as competent as a water supply operator under the provisions of the Law and this Part. [415 ILCS 45/1]*
- b) *All portions of a community water supply system shall be under the direct supervision of a properly certified community water supply operator. [415 ILCS 45/1]*
- c) Certified operators must be of the required class or higher:
 - 1) A Class A facility must employ and be supervised by a Class A certified operator.
 - 2) A Class B facility must employ and be supervised by either a Class A or Class B certified operator.
 - 3) A Class C facility must employ and be supervised by a Class A, Class B or Class C certified operator.
 - 4) A Class D facility must employ and be supervised a certified operator of any class.
- d) A community water supply that meets all of the following is exempt from the requirements of this Section:
 - 1) *consists only of distribution and storage facilities and does not have any collection and treatment facilities;*
 - 2) *obtains all of its water from, but is not owned or operated by, a community water supply that is required to employ a Class A, Class B, Class C, or Class D community water supply operator;*
 - 3) *does not sell water to any person; and*
 - 4) *is not a carrier that conveys passengers in interstate commerce. [415 ILCS 45/9.1]*
- e) *A community water supply may satisfy the requirements of this Section by contracting the services of a properly qualified certified operator. [415 ILCS 45/1(3)]* The contract between the community water supply and the contract operator must be approved by the Agency and meet the requirements of Subpart J and the Law.

SUBPART C: EXAMINATION

Section 681.300 Water Supply Operator Examination of Competency

- a) The purpose of the water supply operator examination of competency is to test a person's skills, knowledge, ability and judgment of the chemical, biological and physical sciences essential to the treatment of drinking water, as well as the person's ability to read and write English.
- b) The Agency or its designee shall administer water supply operator examinations at times and locations throughout the State as determined by the Agency.
- c) No person shall take the water supply operator examination more than four times in one calendar year unless the person has passed any water supply operator examination during that calendar year.
- d) The maximum time allowed for any person taking a water supply operator examination of competency shall be five hours, unless a request for a reasonable accommodation has been received and approved by the Agency in writing prior to the beginning of the examination.
- e) Any person may submit a request for a reasonable accommodation for an eligible disability under the Americans With Disabilities Act (42 USC 12101 et seq.) and the Illinois Human Rights Act [775 ILCS 5].

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.305 Eligibility

- a) Unless otherwise provided by this Section, any person who meets the following requirements shall be eligible to take a water supply operator examination:
 - 1) the applicant is able to read and write English;
 - 2) the applicant has submitted evidence of his or her character; and
 - 3) the applicant has paid the required \$10 examination fee.
- b) Any person who has had or has been exposed to typhoid fever or amoebic dysentery will be required to demonstrate that the person is not a carrier. If the person is a carrier, that person will not be allowed to take the water supply operator examination.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.310 Examination Request

- a) Any person who wishes to take the water supply operator examination must submit an examination request to the Agency. The examination request shall set

forth how the person meets the eligibility requirements in Section 681.305 of this Part, shall be on forms prescribed by the Agency, and must be submitted to the Agency at least 30 days prior to the examination date. Examination requests must be complete before any decision regarding eligibility will be issued.

- b) The examination request shall specify the examination classification set forth in Section 681.210 of this Part.
- c) The examination request must be accompanied by the non-refundable exam fee of \$10, as required by Section 681.110 of this Part, before Agency review of the examination request will be initiated.

Section 681.315 Eligibility Determination and Letter of Admission

- a) The Agency shall review an examination request and shall determine a person's eligibility on the basis of the information contained in the request within 30 days after receipt of the request, unless that deadline is waived by the applicant.
- b) If the Agency determines a person is eligible to take the water supply operator examination, the Agency will send the person a Letter of Admission.
 - 1) Each Letter of Admission shall be valid for one examination conducted up to one year after the date of issuance.
 - 2) In the event of expiration of the Letter of Admission, an applicant must submit an examination fee of \$10, as required by Section 681.110 of this Part, to the Agency, and the Agency will issue a new Letter of Admission.
- c) If the Agency determines a person is not eligible to take the water supply operator examination, the Agency will send written notice explaining the Agency's decision.

Section 681.320 Review of Eligibility Determination

Any person who does not agree with the Agency's determination of his or her eligibility to take the water supply operator examination may make a written request to the Agency that the Advisory Board review the Agency's eligibility determination. The Advisory Board shall review the examination request and shall make a recommendation to the Agency for reconsideration or confirmation of the Agency determination.

Section 681.325 Examination Admission

- a) A person who has submitted an examination request and received a Letter of Admission must schedule the examination at least seven days prior to the examination. The Agency shall provide instructions for scheduling the examination with the Letter of Admission.

- b) Each person with a Letter of Admission will be admitted to one water supply operator examination.
- c) The Letter of Admission and one state government issued photo identification must be presented to the examination proctor to take the examination.
- d) Any person seeking to take a water supply operator examination for more than one class of certification must obtain a Letter of Admission for each water supply operator examination. A separate examination request and fee must be provided to the Agency for each examination before the Agency will issue Letters of Admission.
- e) Notwithstanding subsections (a) through (d), no person, unless previously approved by the Agency, will be allowed to take the water supply operator examination with any of the following items in his or her possession:
 - 1) a cellular phone, computer or tablet;
 - 2) any recording device or device with a camera;
 - 3) a radio or any other communication device;
 - 4) books, notes or other papers not provided by the Agency;
 - 5) any weapon; or
 - 6) any technology that the exam proctor determines compromises the security of the examination.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.330 Standards for Examination and Grading

- a) Examinations shall be valid and reliable in accordance with professional standards outlined by the American Psychological Association Standards for Educational and Psychological Tests and the Equal Employment Opportunity Commission Guidelines.
- b) The passing score for each examination shall be 70 percent of the points available.

Section 681.335 Examination Results

The Agency shall send each person who takes the water supply examination notification of whether the person obtained a passing score.

Section 681.340 Six Year Score Validity

Passing test scores shall be valid for six years from the date of Agency notification of examination results. The Agency shall not issue a Certificate of Competency to any person whose most recent qualifying examination scores are older than six years.

Section 681.345 Reexamination

- a) An individual who fails a written examination must resubmit an examination request, pay the examination fee, and obtain a new Letter of Admission before retaking the examination.
- b) The Agency will issue a Letter of Admission for an examination if the examination request and examination fee of \$10 is received at least 30 days prior to the examination date.

SUBPART D: WATER SUPPLY OPERATOR IN TRAINING

Section 681.400 Operator In Training

- a) Any person who passes the water supply operator examination shall be considered an Operator In Training for the class of examination passed.
- b) The Agency's notification of a passing score on a water supply operator examination shall constitute evidence that the person is an Operator In Training.
- c) A person may hold a Certificate of Competency for one class of certification and be an Operator In Training for a higher class of certification.
- d) An Operator In Training who does not hold a Certificate of Competency for any classification listed in Section 681.205 of this Part is exempt from renewal training requirements under Section 681.815 of this Part.

Section 681.405 Duration

- a) A person will be considered an Operator In Training while his or her water supply operation examination results are valid. Pursuant to Section 681.340 of this Part, examination results are valid for six years.
- b) An Operator In Training who successfully obtains a Certificate of Competency in the class for which he or she is in training will no longer be considered an Operator In Training for that class.

Section 681.410 Limitations

A community water supply cannot fulfill its obligations under the Law, Board rules, or this Part

by employing an Operator In Training who lacks the required Certificate of Competency.

SUBPART E: CERTIFIED OPERATOR

Section 681.500 Standard of Issuance

A water supply operator becomes certified upon the Agency's issuance of a Certificate of Competency to the operator. The Agency shall issue a Certificate of Competency when the applicant demonstrates all the following:

- a) The applicant *is capable of performing his or her duties without endangering the health and well being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care.* [415 ILCS 45/14]
- b) The applicant *is capable of conducting and maintaining the water treatment or distribution processes in a manner which will provide safe, potable water for human consumption.* [415 ILCS 45/4]
- c) The applicant *has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.* [415 ILCS 45/14]
- d) The applicant *has submitted evidence of his or her character.* [415 ILCS 45/14]
The Agency shall consider the following as evidence of poor character:
 - 1) The applicant has been sanctioned pursuant to Subpart G of this Part or had his or her certificate of competency revoked or suspended; or
 - 2) The applicant has been convicted of violating any of the following statutes:
 - A) Section 44 of the Illinois Environmental Protection Act [415 ILCS 5/44] (Violations of the Illinois Environmental Protection Act);
 - B) Section 29D-14.9 of the Criminal Code of 2012 [720 ILCS 5/29D-14.9] (Terrorism);
 - C) Section 29D-15.1 of the Criminal Code of 2012 [720 ILCS 5/29D-15.1] (Causing a Catastrophe); or
 - D) Section 29D-20 of the Criminal Code of 2012 [720 ILCS 5/29D-20] (Making a Terrorist Threat).
- e) The applicant has paid the fee or fees required by Section 681.110 of this Part.

f) For Class A Certification:

- 1) The applicant has the knowledge, skills, ability and judgment specified in Section 681.205(b)(1) of this Part;
- 2) The applicant has a valid passing score on the Class A water supply operator examination; and
- 3) The applicant has at least 5340 hours of study, training and hands-on experience in water supply operation or management of a Class A facility.
 - A) A minimum of 2670 hours of experience, calculated pursuant to Section 681.510(c), must be hands-on in the following areas: coagulation, lime softening, ultraviolet disinfection, membrane filtration, or sedimentation.
 - B) The Agency will grant up to 1780 hours of credit for non-college educational endeavors pursuant to Section 681.510(d)(2).
 - C) The Agency will grant up to 2670 hours of credit for college educational endeavors pursuant to Section 681.510(d)(1).

g) For Class B Certification:

- 1) The applicant has the knowledge, skills, ability and judgment specified in Section 681.205(b)(2) of this Part;
- 2) The applicant has a valid passing score on the Class A or Class B water supply operator examination; and
- 3) The applicant has at least 5340 hours of study, training and hands-on experience in water supply operation or management of a Class B facility.
 - A) A minimum of 2670 hours of experience, calculated pursuant to Section 681.510(c), must be hands-on in the following areas: filtration, aeration and filtration, or ion exchange.
 - B) The Agency will grant up to 1780 hours of credit for non-college educational endeavors pursuant to Section 681.510(d)(2).
 - C) The Agency will grant up to 2670 hours of credit for college educational endeavors pursuant to Section 681.510(d)(1).

h) For Class C Certification:

- 1) The applicant has the knowledge, skills, ability and judgment specified in

Section 681.205(b)(3) of this Part;

- 2) The applicant has a valid passing score on the Class A, Class B or Class C water supply operator examination; and
 - 3) The applicant has at least 1780 hours of study, training and hands-on experience in water supply operation or management of a Class C facility.
 - A) A minimum of 890 hours of experience, calculated pursuant to Section 681.510(c), must be hands-on in the following areas: chemical feeding and calculation of dosage.
 - B) The Agency will grant up to 890 hours of credit for college or non-college educational endeavors pursuant to Section 681.510(d).
- i) For Class D Certification:
- 1) The applicant has the knowledge, skills, ability and judgment specified in Section 681.205(b)(4);
 - 2) The applicant has a valid passing score on any water supply operator examination; and
 - 3) The applicant has at least 890 hours of study, training and hands-on experience in water supply operation or management of a Class D facility.
 - A) A minimum of 445 hours of experience, calculated pursuant to Section 681.510(c), must be hands-on in the following areas: pumpage, storage and distribution.
 - B) The Agency will grant up to 445 hours of credit for college or non-college educational endeavors.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.505 Application

- a) Any individual who seeks to obtain a Certificate of Competency must file an application on forms prescribed by the Agency. All applications must be in English and must contain:
 - 1) a statement specifying the class of certification sought by the applicant;
 - 2) statements showing the applicant's level of education and experience;
 - A) The applicant must specify the number of hours per week, and the

number of weeks, he or she has operated the following at a drinking water treatment plant: coagulation, lime softening, ultraviolet disinfection, membrane filtration, sedimentation, filtration, aeration and filtration, ion exchange, chemical feeding and calculation of dosage, pumpage, storage and distribution.

- B) For college-credit educational endeavors, the applicant must submit his or her college transcript.
 - C) For non-college-credit educational endeavors, the applicant must submit the name of the drinking water course work or other training, the provider that offered the drinking water course work or other training, and proof of completion of drinking water course work or other training;
- 3) at least three references;
 - 4) evidence that the applicant has a valid passing score on the water supply operator examination, including but not limited to test dates and scores;
 - 5) the signature of the applicant; and
 - 6) the \$30 fee required by Section 681.110.
- b) Information required in an application must be complete and accurate.
 - c) Falsification of any information in the application will result in denial of the application and be grounds for sanctions of current certificates held by the applicant.
 - d) Applications must be submitted to the Agency at the following address:

Illinois Environmental Protection Agency
Drinking Water Compliance Assurance Section #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.510 Agency Determination

- a) Upon receipt of a complete application, the Agency shall review the application and determine whether the applicant has made an adequate demonstration pursuant to the standards of issuance specified in Section 681.500 of this Part.

- b) The Agency shall deny incomplete applications.
- c) Hands-on Experience. Hands-on credit shall be awarded for each hour of work or experience at a community water supply on coagulation, lime softening, ultraviolet disinfection, membrane filtration, sedimentation, filtration, aeration and filtration, ion exchange, chemical feeding, calculation of dosages, pumpage, storage and distribution.
- d) Educational Credit. The Agency shall grant appropriate credit according to the following guidelines:
 - 1) College-credit educational endeavors. The Agency shall grant 60 hours of appropriate credit for each college credit hour earned in the following coursework:
 - A) chemistry;
 - B) geology;
 - C) biology;
 - D) physics;
 - E) engineering;
 - F) mathematics; or
 - G) drinking water treatment or distribution.
 - 2) Non-college-credit educational endeavors
 - A) Environmental Resource Training Center. For each completed drinking water treatment course offered by the Environmental Resource Training Center, the Agency shall grant 180 hours of appropriate credit.
 - B) Other Drinking Water Course Work
 - i) The Agency shall grant 1 hour of appropriate credit for each hour of attendance at an Agency approved drinking water treatment course, seminar, workshop or other training.
 - ii) The maximum credit the Agency may grant to a drinking water course, seminar, workshop or other training is 180 hours per course.

- iii) Any training used for educational credit under this subsection (d)(2)(B) shall not be used for certificate renewal pursuant to Section 681.815.
 - iv) The Agency may approve a drinking water course before or after it has been completed.
- e) When the Agency determines an applicant has met the requirements of the Law and Section 681.500 of this Part, the Agency shall award a Certificate of Competency to the applicant for the class of certification specified in the application.
- f) The Agency shall notify the applicant in writing of the Agency's decision within 45 days after the receipt of the complete application.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.515 Review of Agency Determination

- a) Any applicant who disagrees with the Agency's denial of the certification application may request that the application be presented to the Advisory Board for its review and recommendation. Any request pursuant to this subsection must be made within 35 days after the date the Agency issued its determination.
- b) The Advisory Board shall review the application and determine if the applicant meets the requirements of this Part. Upon completion of its review, the Advisory Board shall make a recommendation to the Agency for reconsideration or confirmation of the Agency's determination.
- c) The Agency shall consider the Advisory Board's recommendation and notify the applicant in writing of the Agency's final decision within 45 days after the receipt of the Advisory Board's recommendation. This decision is appealable to the Illinois Pollution Control Board pursuant to Section 12 of the Law.

SUBPART F: RECIPROCITY

Section 681.600 Application for Reciprocal Certification

- a) The Agency may grant water supply operators certified by another state, territory or possession of the United States, or any other country, reciprocal certification in Illinois without examination. A water supply operator seeking reciprocity under this subsection must submit the following:
 - 1) the application for reciprocal certification on forms prescribed by the Agency;

- 2) evidence that the certificate issued by the other certifying jurisdiction is in good standing and has not expired; and
 - 3) authorization from the applicant for the State of Illinois to contact the other certifying jurisdiction that issued the applicant's certificate to enable Illinois to verify information submitted in the application.
- b) The Agency may grant reciprocal certification to a water supply operator trained by the United States as a member of the United States Air Force, Army, Coast Guard, Marine Corps or Navy (U.S. Armed Forces) without examination.
- 1) A water supply operator seeking reciprocity under this subsection (b) must submit the following:
 - A) the Illinois application requirements found in Section 681.505, except Section 681.505(a)(4);
 - B) a detailed description of the qualifications, training and jobs performed while in the U.S. Armed Forces;
 - C) a copy of his or her military training, qualifications and performance records; and
 - D) a letter of authorization from the applicant authorizing the State of Illinois to contact the U.S. Armed Forces to enable Illinois to verify information submitted in the application.
 - 2) The water supply operator must have the following hands-on experience for the level of certification sought:
 - A) three years of hands-on experience for a Class A certification;
 - B) three years of hands-on experience for a Class B certification;
 - C) one year of hands-on experience for a Class C certification; or
 - D) six months of hands-on experience for a Class D certification.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.605 Reciprocity Determination

- a) An applicant for a Certificate of Competency who possesses a valid drinking water treatment certificate or license issued under the laws of another certifying jurisdiction, or was trained as water supply operator by the United States as a

member of the Air Force, Army, Coast Guard, Marine Corps or Navy, will be issued an Illinois Certificate of Competency, without examination, provided:

- 1) The Agency determines by reviewing the other certifying jurisdiction's requirements that the applicant has met minimum standards equivalent to or more stringent than the standards specified in the Law and Section 681.500 and Section 681.600;
 - 2) The other certifying jurisdiction that issued the certificate to the applicant accepts, by reciprocity, certificates issued by the Agency;
 - 3) The applicant resides in Illinois or is employed at a public water supply in Illinois; and
 - 4) The applicant has paid the fee or fees required by Section 681.110 of this Part.
- b) An applicant satisfying subsections (a)(1) and (a)(2), but failing to meet the residency requirements of subsection (a)(3), shall be issued a notice of intent to grant reciprocity. The applicant must submit proof of Illinois residency or employment at a public water supply in Illinois within 90 days after the issuance of the notice of intent. Upon receipt of that proof, the Agency shall issue an Illinois Certificate of Competency. Should the applicant fail to submit proof of the requirements in subsection (a)(3) within 90 days after issuance of the notice, the notice of intent shall become void.
- c) Applications for reciprocity described in Section 681.600 shall be reviewed by the Agency as follows:
- 1) The Agency shall review each applicant's education and experience to determine the levels of certification for which the applicant is eligible pursuant to Subpart E;
 - 2) The Agency shall contact the certifying officials from the other certifying jurisdiction to determine the level of certification of the applicant for reciprocity and whether the certificate is currently valid;
 - 3) The Agency shall compare the applicant's qualifications and the other certifying jurisdiction's eligibility requirements for certification with those described in Subpart E; and
 - 4) If the Agency determines the requirements of subsection (a) are fulfilled, the Agency shall grant reciprocity at the appropriate level.
- d) If a Certificate of Competency issued by the State of Illinois through reciprocity is suspended or revoked pursuant to Subpart G, the Agency shall notify a certifying

official from the other certifying jurisdiction.

- e) An applicant who is denied reciprocity or who is given a lower level of certification than the one requested shall have an opportunity for a hearing with the Advisory Board. The Advisory Board shall review the determination and provide a recommendation to the Agency.
- f) The Agency shall consider the Advisory Board's recommendation and notify the applicant in writing of the Agency's final decision within 45 days after the receipt of the Advisory Board's recommendation. This decision is appealable to the Illinois Pollution Control Board pursuant to Section 12 of the Law.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.610 Change in Classification

An applicant for reciprocity whose accrued experience entitles admission to a higher level of Illinois certification, but whose previous classification and examination entitles the applicant to a lower level of reciprocal certification, will receive reciprocal certification at the lower level unless the applicant passes the Illinois water supply operator examination for the higher classification.

SUBPART G: SANCTIONS

Section 681.700 Causes

Certificates of Competency shall be subject to sanctions of revocation or suspension upon a showing of cause by a preponderance of the evidence. The sanctions shall not be a bar to any civil or criminal proceedings. Causes for sanction shall include, but are not limited to:

- a) having obtained, renewed or restored, or attempted to obtain, renew or restore, a Certificate of Competency by fraud or deceit;
- b) any gross negligence, misconduct or incompetency in the operation of a public water supply;
- c) falsification of reports required to be submitted to the Agency;
- d) willful violation of the Environmental Protection Act or any rules under that Act;
or
- e) a final judgment in a civil action or a conviction in a criminal action that the operator has performed any of the acts listed in this Section.

Section 681.705 Citizen Complaints

Any person may file with the Agency a written complaint regarding the conduct of a water supply operator certified under this Part. The complaint shall state the name and address of the complainant, the name of the operator and all information that supports the complaint.

Section 681.710 Procedures

- a) **Filing of Documents.** All documents filed in a sanctions proceeding under this Subpart shall be filed with the Docket Clerk, Division of Legal Counsel, Illinois EPA. Filing by electronic transmission or facsimile will only be allowed with the prior approval of the Docket Clerk or hearing officer assigned to the proceeding.
- b) **Complaint**
 - 1) The Agency may initiate sanction proceedings on the basis of any written complaint or on its own motion.
 - 2) To initiate a sanction proceeding, the Agency shall prepare and serve the following documents on the operator by certified mail or personal delivery:
 - A) A Complaint for Sanctions that states the alleged causes for sanctions and sets forth facts that constitute alleged violations of a statute, Board rules or Agency rules.
 - B) A Notice to Operator that informs the operator of commencement of the sanction proceedings, the right to be represented by an attorney, the right to request a hearing, and the consequences for failing to respond to the Complaint for Sanctions.
- c) **Response**
 - 1) A written response to the Complaint for Sanctions may be filed by the operator and must be served on all parties within 21 days after receipt of the Complaint for Sanctions.
 - 2) Within 21 days after receipt of the Complaint for Sanctions, the operator may request a hearing by filing a written request.
 - 3) If an operator fails to file a written response or a hearing request within 21 days from receipt of the Complaint for Sanctions, all facts alleged in the Complaint for Sanctions shall be deemed to have been admitted.
- d) **Service**
 - 1) All documents filed in the sanction proceedings must be served on the hearing officer, the Agency and the operator.

- 2) Except for service upon the water supply operator of the Complaint for Sanctions, the Notice to Operator, and Director's decision, service may be effectuated by U.S. Mail or other mail delivery service, in person, by messenger, or as otherwise approved by the hearing officer.
 - 3) An affidavit of service or certificate of service must accompany all filings.
- e) Except as otherwise provided by this Part, the procedures for contested case hearings in 35 Ill. Adm. Code 168 shall apply to sanction proceedings.

Section 681.715 Hearing

- a) If the operator files a hearing request, the hearing officer shall set a time and place for the hearing, not more than 180 days after the service of the Complaint, and provide notice of the hearing to the Agency and the operator. The Hearing Notice shall contain:
- 1) A statement of the nature of the hearing, including a reference to the particular law or regulation involved;
 - 2) A statement that the hearing will be held in accordance with the Law and this Part; and
 - 3) A statement of the date, time and place of the hearing and, if a pre-hearing conference is scheduled by the hearing officer, the date, time and place of that conference.
- b) In addition to the service requirements in Section 681.710, the hearing officer shall serve the Hearing Notice on the Advisory Board.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.720 Advisory Board

- a) Within 30 days after the conclusion of a hearing, the hearing officer shall provide a copy of the following to the Advisory Board:
- 1) hearing transcript;
 - 2) hearing exhibits; and
 - 3) instructions on how the Advisory Board can file a recommendation, including the name and mailing address of the Docket Clerk and any person who must be sent a copy of the Advisory Board's recommendation.

- b) The Advisory Board may make a recommendation in writing on the basis of the hearing transcript whether a sanction is appropriate and, if a sanction is appropriate, the suspension or revocation period.
- c) The rules of evidence specified in 35 Ill. Adm. Code 168.270 shall not apply to the Advisory Board's recommendation.
- d) The Advisory Board recommendation shall be submitted in writing to the Docket Clerk within 30 days after receipt of transcripts and shall include a statement of reasons for the Advisory Board's actions.
- e) If the Advisory Board makes a recommendation, the Advisory Board shall send a copy of the recommendation to the hearing officer, the Agency and the operator.
- f) The Agency may issue a decision without the Advisory Board's recommendation if the Advisory Board fails to submit its recommendation within 30 days after its receipt of the hearing transcript.
- g) The Advisory Board's recommendation is not binding on the Director.
- h) The Agency or the operator may file a response to the Advisory Board's recommendation within 15 days after the day the Advisory Board files its recommendation with the Docket Clerk.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.725 Director's Decision

- a) Proposal for Decision
 - 1) When a hearing is held pursuant to Section 681.715, the hearing officer shall file with the Director or the Director's designee, and serve upon the Agency and operator, a proposal for decision within 120 days from the date of the hearing.
 - 2) If a hearing is not held, the hearing officer shall file with the Director or the Director's designee, and serve upon the Agency and operator, a proposal for decision within 45 days from the service of the Complaint.
- b) Within 21 days after service of the proposal for decision, the Agency or the operator may file with the Director exceptions, proposed findings of fact, or a brief.
- c) Director's Decision
 - 1) The Director shall make a decision on the basis of the contested case

record.

- 2) If the operator does not request a hearing, the Director shall issue a decision within 90 days after the service of the Complaint for Sanctions.
- 3) If the operator requests a hearing, the Director shall issue a decision within 1 year after the service of the Complaint for Sanctions.
- 4) If the Director determines a sanction is appropriate, the decision must state the suspension or revocation period.
- 5) The Director shall give written notice of the decision and the reasons for the decision to the operator by certified mail.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.730 Sanctions

- a) The decision between revocation and suspension shall be based on the following:
 - 1) The severity of the violations that led to the sanction, including, but not limited to:
 - A) The frequency or duration of the violations; and
 - B) The impact on the public water supply's ability to provide water that is assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption;
 - 2) The recalcitrance of the operator in preventing the recurrence of the violations; and
 - 3) Any other mitigating or aggravating factors.
- b) If a Certificate of Competency is suspended, it shall be considered void for a period of time determined by the Director not to exceed 1½ years. The Director shall set the suspension period according to the factors listed in subsection (a). Experience obtained during the period of suspension shall not be credited towards meeting the requirements of Section 681.500 of this Part. At the end of this period, the suspended certificate shall be considered valid until its expiration.
- c) If a Certificate of Competency is revoked, the operator cannot reapply for a new Certificate of Competency for a period of not less than 1½ years but not more than four years, as determined by the Director. The Director shall set the revocation period according to the factors listed in subsection (a).

- d) After a Certificate of Competency is revoked, an operator cannot be granted a new certificate until after the period set pursuant to subsection (c) has elapsed. In order to obtain a new certificate, the operator must successfully complete a written examination for the class of certificate, sought and meet the requirements of Subpart E. Experience gained prior to revocation shall be credited towards meeting the requirements described in Section 681.500 of this Part. However, any experience obtained during the period set pursuant to subsection (c) will not be credited towards certification.

Section 681.735 Appeal

Within 35 days after receipt of the Director's final decision, the operator may appeal the decision to the Pollution Control Board. The suspension/revocation of the operator's Certificate of Competency shall be stayed pending a final decision on the appeal by the Pollution Control Board.

Section 681.740 Ex Parte Communications

- a) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the hearing officer and the Director shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, including the Advisory Board, except upon notice and opportunity for all the parties to participate.
- b) Communications regarding procedure, including but not limited to format of pleadings, number of copies required, manner of service, status of proceedings and continuances, are not considered to be ex parte communications.

(Source: Added at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.745 Subpoena

- a) Issuance of Subpoenas. Upon written request by a party, the Hearing Officer will issue a subpoena for attendance of a witness or production of books, papers, documents or other tangible things at a hearing or deposition if the party shows good cause as to why the testimony and/or books, papers, documents or other tangible things cannot otherwise be obtained and states the reasons why the testimony and/or books, papers, documents or other tangible things are necessary and relevant.
- b) Witness and Mileage Fees. The cost of service and witness and mileage fees shall be borne by the person requesting the subpoena. Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois.
- c) Service and Contents. The person requesting a subpoena shall be responsible for

its service. A subpoena shall be served reasonably in advance of its return date. The subpoena shall state the phone number and address of the person initiating its issuance and shall identify the person or evidence subpoenaed and the person to whom, and the place, date and time at which, it is returnable.

- d) **Petition to Quash or Modify.** Within 5 days after service of a subpoena on any person, that person may file a petition to quash or modify the subpoena, stating reasons in support of the relief. Whenever a petition to quash a subpoena is properly filed under this Section, the petitioner shall not be required to respond to the subpoena until the petition has been ruled upon.
- e) **Witness Attendance.** Any witness subpoenaed for a deposition may be required to attend only in the county in which he or she resides or maintains an office address, or in any other place ordered by the Hearing Officer.

(Source: Added at 41 Ill. Reg. 14182, effective November 13, 2017)

SUBPART H: CERTIFICATE RENEWAL, RESTORATION AND REQUIRED TRAINING

Section 681.800 Certificate Expiration

Public water supply operator Certificates of Competency must be issued with the expiration date being 3 years from July 1 of the calendar year in which the certificate is issued. Expired certificates shall have no validity.

Section 681.805 Certificate Renewal Application Form

- a) By May 31 of the year a certificate is due to expire, the Agency shall mail a renewal application form to the operator at the most recent address the Agency has on file for the operator.
- b) The renewal application form shall be completed by the operator and shall:
 - 1) specify the current certificate's expiration date, fees due, training requirements for certificate renewal, and number of hours of completed training since the current certificate was issued;
 - 2) contain a statement signed by the operator certifying that all information provided in the renewal application form is true and complete; and
 - 3) be submitted to the Agency, with the \$10 renewal fee required by Section 681.110(d), on or before July 1 of the year in which the certificate expires.
- c) The Agency will not process incomplete renewal application forms or applications without the water supply operator's signature.

- d) In addition to any other law or regulation that may apply, falsification of a renewal application form shall result in denial of certificate renewal and may result in certificate suspension or revocation.
- e) A grace period for the renewal application form and fees will be granted until August 1 of the year the certificate is due to expire before the restoration fee is assessed. No renewal shall be issued by the Agency after August 1.
- f) Failure to receive the renewal application form does not exempt a certified water supply operator from meeting the renewal deadline.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.810 Restoration of Expired Certificates

- a) An individual who fails to renew before August 1 of the expiration year, but whose certificate has been expired for less than 2 years, may have the certificate restored only upon payment of the \$10 restoration fee required by Section 681.110(e), and a demonstration that the renewal training required by Section 681.815 has been completed.
- b) An individual seeking restoration of his or her expired certificate must also complete a renewal application form as required by Section 681.805 and pay the \$10 renewal fee.
- c) A restored certificate expires on the same date the certificate would have expired if it was timely renewed.
- d) An individual whose certificate has been expired for 2 or more years must retake the water supply operator examination of competency, obtain a passing score on an examination, and submit a new application for a Certificate of Competency in order to be certified as a water supply operator.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.815 Renewal Training Requirements

- a) Until July 1, 2017, certified drinking water operators are required to obtain the following training in order to qualify for certificate renewal:
 - 1) Class A and Class B operators are required to obtain 30 hours of training during the 3 year certificate period before the certificate expiration date.
 - 2) Class C and Class D operators are required to obtain 15 hours of training during the 3 year certificate period before the certificate expiration date.

- b) After July 1, 2017, certified drinking water operators are required to obtain the following specified amount of training in order to qualify for certificate renewal:
- 1) Class A and Class B operators are required to obtain 30 hours of training before the certificate expiration date. A minimum of 20 hours of training must relate to the technical aspects of water treatment and distribution. The Agency will accept a maximum of 10 hours of training relating to the professional responsibilities of the operator and to safety.
 - 2) Class C and Class D operators are required to obtain 15 hours of training before the certificate expiration date. A minimum of 10 hours of training must relate to the technical aspects of water treatment and distribution. The Agency will accept a maximum of 5 hours of training relating to the professional responsibilities of the operator and to safety.
- c) A Class A or Class B operator who fails to complete the renewal training required by subsection (a)(1) or (b)(1), but completes the renewal training required in subsection (a)(2) or (b)(2) may not be granted a renewal Certificate of Competency as a Class C or D operator.

Section 681.820 Training Criteria

- a) The Agency will accept training for certificate renewal if the training directly relates to water distribution, water treatment, or the professional responsibilities of the operator.
- 1) Allowable training topics relating to potable water treatment and distribution include, but are not limited to:
 - Coagulation and Flocculation
 - Corrosion Control
 - Demineralization
 - Disinfection
 - Distribution System
 - Distribution System Facilities
 - Drinking Water Permits, Laws, Rules and Regulations
 - Drinking Water Related Computer Courses
 - Electrical Maintenance
 - Filtration
 - Fluoridation
 - Ground Water Protection
 - Ground Water Treatment
 - Instrumentation
 - Iron and Manganese Control
 - Laboratory Procedures
 - Membrane Technology

Process Waste Handling and Disposal
Pumps and Hydraulics
Reservoir Management and Intake Structures
Reverse Osmosis
Sampling and Operating Reports
SCADA Training
Sedimentation
Surface Water Protection
Surface Water Treatment
Taste and Odor Control
Trihalomethanes
Water Quality
Water Softening
Water Sources & Treatment
Water Storage Facilities
Water Supply Math and Chemistry Calculations
Water Supply Operation and Maintenance
Wells

- 2) Allowable training topics relating to the professional responsibilities of the operator and safety include, but are not limited to:

Computer Workshops
Emergency Planning and Preparation
First Aid
Safety
Utility Administration Management

- b) Training Exclusions. Types of training activities that do not directly relate to water distribution, water treatment, or the professional responsibilities of the operator shall not be accepted as renewal training credit. The following are not considered training for the purpose of meeting the certificate renewal training requirements:

- 1) Entertainment or recreational activities;
- 2) On the job work or apprenticeships;
- 3) Personal self-improvement courses;
- 4) Plant tours (unless drinking water related training is integrated into the tour);
- 5) Portions of meetings and conferences when drinking water related training is not provided (i.e., business session, lunch, breaks, etc.);

- 6) Time spent viewing conference/meeting exhibits; and
 - 7) Travel time to and from training activities.
- c) Training may be provided by any of the variety of organizations equipped to provide that training, such as colleges and universities, technical institutes, educational units of governmental or industrial agencies, professional operator organizations, and equipment suppliers and manufacturers. Training that meets the criteria, regardless of the location of the training or the location of the training provider, is allowed for renewal training credit. For example, drinking water related training from another state will be allowed for credit provided the criteria is met. In-house training programs provided at drinking water supplies are also acceptable for training credit provided all training criteria are met and proof of training documentation is provided to the trainees.
 - d) Acceptable training formats include classroom courses, teleconferences, courses offered via the Internet, workshops, seminars, correspondence courses, in-house training programs, and drinking water related training sessions at conferences/meetings of professional operator organizations.
 - e) Training must be approved by the Agency or its designee. Training providers or sponsors must request approval of training from the Agency before the training is offered. A training approved by the Agency will be assigned an Agency course number.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.825 Calculation of Training Hours

- a) One training hour shall equal 60 minutes of training.
- b) For the purpose of calculating actual classroom hours for renewal training credit, the following conversions should be used:
 - 1) 1 Semester Hour = 15 hours of training credit.
 - 2) 1 Quarter Hour = 10 hours of training credit.
- c) Credit will only be given when the water operator has obtained proof of attendance documentation from the training providers or sponsors.
- d) Credit will only be given for courses approved by the Agency or its designee.
- e) Training credit is also allowed for teachers or presenters of training for the first time a course is taught or a drinking water related presentation is made.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.830 Proof of Training Records, Record Keeping, Audits

Certified water supply operators are required to maintain their own proof of training records for a period of six years from the date of the training. The Agency may audit proof of training records by random selection or when additional information is required. Failure to provide proof of training documentation when specifically requested by the Agency may result in denial of certificate renewal, denial of certificate restoration, or certificate revocation. Proof of training records must include:

- a) Records showing the name of the course or training activity, Agency assigned course number, name of the training provider, the instructor's or speaker's name, the location of training, the dates of training, and the total training hours completed (specified actual hours, CEUs, or Quarter Hours/Semester Hours);
- b) A program/course outline, conference/meeting agenda, or narrative summary of training; and
- c) Attendance verification records, such as completion certificates, diplomas, grade slips, registration payment receipts, or other documents to verify attendance for training when official documents are provided by the training provider, or name, address and telephone number of the training provider when official documents are not provided.

Section 681.835 Submission of Training Hours

- a) Operators must submit to the Agency, prior to certification renewal, a record of completed training hours for renewal credit.
- b) The record of completed training hours must contain the following information for each completed training activity:
 - 1) Training provider name, including the organization and instructor;
 - 2) Name of course or training event;
 - 3) Agency assigned course number;
 - 4) Training description or course content summary;
 - 5) Location of training;
 - 6) Dates of training (beginning and ending); and
 - 7) Training hours completed.

- c) The Agency may prescribe a form for the written record of completed training and the manner of submission, including but not limited to electronic submission.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.840 Waiver of Required Training

In an extreme hardship case, and upon recommendation of the Advisory Board, the Agency may grant a waiver from the renewal training requirement when it is demonstrated and documented that it was impossible for an operator to obtain the required training. Examples of extreme hardship may include serious medical conditions or extended military service. Individuals applying for a training waiver must provide the Agency with a written request for an Advisory Board review within 2 years after the certificate expiration date.

Section 681.845 Issuance of Renewed and Restored Certificates

The Agency will renew or restore a water supply operator's Certificate of Competency when the Agency has determined that the applicant has satisfied all applicable certification requirements and has paid all applicable fees.

Section 681.850 Contested Renewal, Restoration and Training Determinations

- a) Any water supply operator who disagrees with the Agency's decision regarding renewal or restoration may seek review of the Agency's decision, as provided in Section 681.515 of this Part.
- b) Operators, training providers, and training sponsors may contest Agency determinations regarding denial of training credit, and determinations regarding the amount of training credit to be awarded for a specific training event. Individuals contesting an Agency determination must provide the Agency with a written request for an Advisory Board review within 30 days after the Agency's determination. The written request shall state the name and address of the individual, the Agency determination being contested, and all information to support the individual's position. The Advisory Board shall review the Agency determination and shall recommend to the Agency reconsideration or confirmation of the Agency's decision. The Agency shall consider the Advisory Board's recommendation and notify the individual of the Agency's final decision within 45 days of the receipt after the Advisory Board's recommendation.

SUBPART I: GRANDPARENTING

Section 681.900 Grandparenting

- a) *The registered person in responsible charge of a previously-exempt community water supply on July 9, 1999 may be issued a certificate of competency, with no*

fee required, after July 9, 1999 for the community water supply for which the individual is registered. The community water supply owner must make application for grandparenting of the operators in responsible charge within 2 years after July 9, 1999. This certificate is non-transferable and site specific, and is not valid if the water system is reclassified to a higher level. [415 ILCS 45/19]

- b) An operator who obtained a Certificate of Competency pursuant to subsection (a) must follow the renewal and training procedures set forth in Subpart H of this Part.

SUBPART J: CONTRACTUAL OPERATION

Section 681.1000 Required Contract Provisions

When a community water supply fulfills the certified operator requirement set forth in the Law and Section 681.215 by contracting the services of a properly qualified certified operator, the contract between the community water supply and the contract operator must delegate responsibility and authority for the operation of the community water supply to the contract operator. The contract must include the following:

- a) The parties involved, including names, addresses and phone numbers of each;
- b) The specific starting and expiration dates of the contract;
- c) The minimum number of visits the contract operator must make each week to the community water supply;
- d) The contract operator shall be responsible for *submitting, in accordance with Board rules, consumer confidence reports, monthly operating reports, and drinking water compliance monitoring results, such as corrosion control reports and monitoring results* [415 ILCS 45/1.1];
- e) The duties and responsibilities of each party involved, including, at a minimum, the party responsible for:
 - 1) proper operation of the community water supply;
 - 2) compliance with all construction and operating permit requirements;
 - 3) compliance with all NPDES permit effluent requirements;
 - 4) compliance with this Subtitle F (Public Water Supplies), including but not limited to the following:
 - A) Design, Operation and Maintenance Criteria (35 Ill. Adm. Code 653);

- B) Raw and Finished Water Quality and Quantity (35 Ill. Adm. Code 654);
 - C) Primary Drinking Water Standards (35 Ill. Adm. Code 611);
 - D) Permits (35 Ill. Adm. Code 652); and
 - E) Emergency operation requirements found in 35 Ill. Adm. Code 607.103;
- 5) daily equipment checks;
 - 6) collection of required samples and submission of these samples to a certified laboratory;
 - 7) maintaining booster pump stations and high service pumps;
 - 8) maintaining spare parts inventory;
 - 9) providing labor and materials for correcting any maintenance and operational problems;
 - 10) maintaining and implementing emergency operating plans;
 - 11) performing preventive maintenance on equipment as recommended by the manufacturer;
 - 12) performing routine operational control testing as recommended by the Agency;
 - 13) issuing public notices when required by 35 Ill. Adm. Code 653.403;
 - 14) issuing boil orders to the public and contacting the regional office and local health department whenever boil orders are issued; and
 - 15) responding to Agency requests for information or site visits;
- f) The signatures of the contract operator and the owner or official custodian of the community water supply.

(Source: Amended at 41 Ill. Reg. 14182, effective November 13, 2017)

Section 681.1005 Documentation of Contract Provisions

The contract operator must maintain records to document that all contract provisions are being met for five years following generation of the data. The contract operator's records must be made available to the Agency upon request for inspection and photocopying during normal business hours.

Section 681.1010 Request for Contract Approval

- a) The owner of the community water supply must submit the contract delegating responsibility and authority to the contract operator to the Agency for approval within 30 days following the execution of the contract.
- b) The request for approval shall be sent to the following address:

Illinois Environmental Protection Agency
Drinking Water Compliance Assurance Section #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

Section 681.1015 Agency Review of the Contract

- a) The Agency shall approve a contract if:
 - 1) the contract operator is properly certified;
 - 2) the provisions of this Subpart are satisfied; and
 - 3) the contract provisions assure proper operation of the community water supply.
- b) The Agency shall, not later than 45 days following the receipt of the contract, provide written notice to the community water supply of its decision to approve or disapprove the contract.

Section 681.1020 Withdrawal of Approval of the Contract

The Agency shall withdraw an approval of a contract if the Agency determines that the contract provisions are not being met or are inadequate to assure proper operation of the community water supply. The Agency shall provide written notice to the owner of the community water supply of its decision to withdraw approval.

Section 681.1025 Contract Modifications and Extensions

The owners of a community water supply must submit all modifications or extensions to contracts to the Agency for approval as a new contract.

Section 681.1030 Termination of Contract

If any contract approved by the Agency pursuant to this Subpart J is terminated before the expiration date in the contract, the owner of the community water supply and the contract operator must provide written notice to the Agency no less than 15 days before the contract is terminated.

Section 681.APPENDIX A Reference to Previous Rules

Part 680	Part 681
680.101	681.100
680.102	681.105
680.103	681.105
680.104	681.105
680.105	681.105
680.106	681.105
680.107	681.105
680.108	681.105, 681.825
680.109	681.105, 681.825
680.110	681.105
680.111	681.105
680.201	681.300
680.202	681.325
680.203	681.300
680.301	681.305
680.302	681.310
680.303	681.315
680.304	681.320
680.305	681.325
680.306	681.315
680.401	681.210
680.402	681.335
680.403	
680.501	681.345
680.502(repealed)	
680.503	681.345
680.601	681.600
680.602	681.600
680.603(repealed)	
680.604	681.605

680.605	681.610
680.701	681.700
680.702	681.705, 681.710
680.703	681.715, 681.120, 681.725
680.704	681.730
680.705	681.735
680.801	681.800
680.802	681.805
680.803	681.805, 681.800
680.804	681.815
680.805	681.810
680.806	681.820
680.807	681.830
680.808	681.820
680.809	
680.810	681.835
680.811	681.840
680.812	681.845
680.813	681.850
680.901	681.900
680.1000	681.105
680.1005	681.215
680.1010	681.1000
680.1015	681.1005
680.1020	681.1010
680.1025	681.1015
680.1030	681.1020
680.1035	681.1025
680.1040	681.1030