

Massachusetts Board of Certification of Operators of Drinking Water Supply Facilities

Massachusetts Contract Operator Licensing Policy

Purpose

This policy provides guidance for contract operators operating public water systems who are seeking to apply for certification as described in 236 CMR 4.01. For the purposes of this policy, a contract operator is a Massachusetts certified drinking water operator who is under contract with a public water system (PWS) classified as a Grade 2 or less to provide onsite management, operations, or maintenance services to that PWS. A contract operator may serve more than one individual PWS. This policy is intended to describe the exceptional circumstances in which a contract operator may be able to apply for certification and to standardize the process for applying for these licenses.

Background

Many of Massachusetts' smaller-sized PWS contract with certified drinking water operators to operate their systems. Contract operations is defined in 236 CMR 2.03 as "the operation, and/or management and/or maintenance of a public water system by someone other than the official purveyor of water." These systems tend to have the following characteristics:

- Be classified as a very small system (VSS) up to a Distribution Grade 2 (D2) system.
- Provide no water treatment or basic water treatment classified as up to a Treatment Grade 2 (T2) system.
- Have operators on site infrequently (e.g., one day a week or once a month).
- Be classified as a small community (COM), transient non-community (TNC), or non-transient non-community (NTNC) system. Small COM includes condominium associations, TNCs include restaurants and campgrounds, and NTNCs includes schools, hospitals, and office buildings.

While these characteristics might be different from larger systems, operators of these systems must still uphold the required standards within the Massachusetts Drinking Water Regulations.

However, the provisions of 236 CMR 4.01(3-10) require operators applying for licenses to have a specified number of years of experience working "full-time" for a public water system. "Full-time" as described in 236 CMR 4.01(11)(c) is based on a "2,000-hour work year" (i.e., 40 hours of work per week). Many contract operators at smaller-sized PWS do not work "full-time" at one particular water system and therefore would need to work for much longer durations to meet the years of experience requirements for each license. Even though contract operators may not work "full-time" at any one system, their experience is nonetheless valuable and applicable to the operation of drinking water distribution and/or treatment systems.

Under 236 CMR 4.01(13), the Board of Certification of Operators of Drinking Water Supply Facilities (Board) “may waive education and/or experience requirements in exceptional situations as determined by the Board”. Guidance is needed to describe what may be considered “exceptional situations” in which a contract operator may be eligible to receive certification without the education and/or experience requirements listed in 236 CMR 4.01(3)-(10).

Guidelines

The information below describes the “exceptional situations” in which a contract operator working in one or more VSS, D1, D2, T1, or T2 **may** be eligible to receive certification without the continuous full-time experience requirements listed in 236 CMR 4.01(3)-(10). The following situations apply to contract operators that perform a combination of administrative, management, operations, and maintenance services, to one or several PWS on a contract basis. If multiple facilities are visited in the same day, no more than 8 hours or 1 day of experience can be accrued for that day.

Experience in VSS: The regulations allow for “six calendar months of acceptable experience” operating a VSS and make no mention of “full-time” experience (236 CMR 4.01(2)(a). “Acceptable experience” can include at least one hour of work per day for 180 days in one or more VSS.

Experience in D1 or T1 systems: The regulations allow for special provisions for small system operators such that operators who routinely perform both distribution and treatment duties can combine the experience to meet the experience requirements (236 CMR 4.01(14)(a). Specifically, operators must meet the following conditions: the educational requirements for the D1 or T1 system, work in a Class I PWS, and routinely perform distribution duties for any part of a day for 500 days and treatment for any part of a day for 500 days (250 days with a one year certificate or one year of acceptable college). This provision may be applied to contract operators.

Experience in D2 or T2 systems: The regulations allow for special provisions for small system operators such that operators who routinely perform both distribution and treatment duties can combine the experience to meet the experience requirements (236 CMR 4.01(14)(b). Specifically, operators must meet the following conditions: the educational requirements for the D2 or T2 system, work in a Class II PWS, and routinely perform distribution duties for any part of a day for 750 days and treatment for any part of a day for 750 days (500 days with a one year certificate or one year of acceptable college; 250 days with two years of acceptable college or an Associate’s of Science Degree). This provision may be applied to contract operators.

Application

In addition to the standard license application materials, in order for the Board to understand and calculate experience, contract operators must provide the following information for each PWS

they provide operator services now or in the past by completing and submitting the [Contract Operator Experience form](#).

- The PWS name, city/town, and MassDEP PWS ID# and system classifications;
- An itemized list of hours/days spent performing operator activities; and
- The list of treatment and/or distribution activities regularly performed by the contract operator at each PWS.

In addition, the operator must provide written verification (letter, etc.) from the supervisor, if available, of the contract operator of hours worked and duties performed.

If pursuing a VSS license, the operator must list the total number of days performing at least an hour of drinking water duties at each PWS

The Board will use the information provided by the contract operator to evaluate if they are eligible to receive certification under the “exceptional situations” listed above. The Board reserves the right to deny the request for certification if the information provided does not meet the standards set forth in the existing regulations and these and other guidelines and policies.

Contract operators should refer to the following regulations, guidelines, and policies as they prepare their license applications to demonstrate that their work experience meets all relevant requirements.

- *310 CMR 22.11B*
- [236 CMR 4.00](#)
- *MassDEP Drinking Water Program Policy 06-01*

Approved by Board on 7/19/2024