



Ohio Administrative Code

Rule 3745-7-21 Contract operations companies and contracted professional operators.

Effective: August 15, 2018

(A) Within thirty days of the effective date of this rule, any person acting as a contracted professional operator or contract operations company shall apply for approval as a contracted professional operator on a form provided by the director prior to providing any professional operator services. A person seeking to become a contracted professional operator or contract operations company shall apply for approval at least thirty days prior to initiating contract operations.

A sample contract which is representative of the type of contracts that would be executed with facilities shall be provided as part of the approval process. Contracts should include language which at a minimum, addresses who is responsible and the minimum expectations for all of the following:

- (1) Operation of the facility.
- (2) Minimum staffing hours.
- (3) Emergency operations.
- (4) Maintenance (routine and preventative).
- (5) Ensuring the operators comply with the responsibilities of a professional operator in accordance with this chapter.
- (6) Sharing of correspondence from the agency including compliance letters, NPDES permits and public water system monitoring schedules between the facility owner and the contracted professional operator.
- (7) Conducting all sampling for the facility.

(B) All approved contract operations companies or contracted professional operators shall comply



with the following:

- (1) Ensure that certified professional operators under their employment comply with provisions of Chapters 3745., 6111., and 6109. of the Revised Code and the rules promulgated thereunder.
- (2) If required by the facility owner or agency, respond to emergencies within one hour of being notified.
- (3) Provide an appropriately certified operator when the operator of record listed for the facility is unavailable.
- (4) In a format approved by the director, provide a report of the facilities that are contracted to be operated by June thirtieth of each year. The report shall include the following information:
 - (a) Name of facility.
 - (b) Public water system identification number or NPDES permit number.
 - (c) Classification of facility.
 - (d) Name and certification numbers of the certified professional operators assigned to the facility differentiating the professional operator of record and backup operators.
 - (e) The minimum amount of time and days spent at each facility.
- (5) Maintain a copy of the contracts onsite at the public water system or wastewater works for inspection by Ohio EPA. Copies of contract kept onsite may have monetary compensation redacted or as an attachment to the contract which does not need to be available for review.
- (6) Maintain a copy of the contract for a period of three years after the end date of the contract.
- (7) Provide a copy of the contract within five days of a request by Ohio EPA. Copies of the contract provided to Ohio EPA may have monetary compensation redacted or as an attachment to the contract



which does not need to be provided.

(8) Ensure that all relevant personnel including but not limited to the owner and other professional operators associated with a facility, are notified of written correspondence from or to the Ohio EPA.

(C) The director may hold a contract operations company or contract professional operator jointly and severally liable with a certified professional operator in its employ if the certified professional operator violates Chapters 3745., 6111. and 6109. of the Revised Code and the rules promulgated thereunder and the director determines one or more of the following:

(1) The contract operations company or contract professional operator fails to take reasonable steps to comply with paragraph (B)(1) of this rule or the contract operations company's or contract professional operator's negligence or incompetence results in a violation of paragraph (B)(1) of this rule. In making this determination, the director may consider the following factors:

(a) Repeated violations by one or more of the certified professional operators in the employ of the contract operations company or contract professional operator.

(b) Patterns of violation.

(c) Any efforts to counsel, discipline, or adjust policies or procedures to address any violations.

(d) Any other relevant factors.

(2) The contract operations company or contract professional operator knew or should have known of a certified professional operator violation and failed to take reasonable steps to require the certified professional operator correct the violation within a reasonable timeframe or failed to take reasonable steps to ensure the violation does not occur again in the future.

(D) Failure of the contract operations company or contract operator to comply with or ensure their employees comply with the provisions of Chapters 6111. and 6109. of the Revised Code and the rules promulgated thereunder may result in the withdrawal of the director's approval.