



Operator Certification Program Proposed Draft ORO/OIC Guideline

**Wastewater Practitioners Group Meeting
November 29, 2017**

Today's Topic

Overall Responsible Operator (ORO) and Operator-in-Charge (OIC)

Updating the Guideline

Introduction

- The owner or operating authority of a drinking water subsystem or owner of a wastewater facility must designate an operator as Overall Responsible Operator (ORO) to be accountable for the operational and process controls that match the requirements of the subsystem or facility.
- The role of the ORO was established in O. Reg. 128/04 under the Safe Drinking Water Act and O. Reg. 129/04 under the Ontario Water Resources Act, to ensure that the person having responsibility for making operational process decisions in the subsystem or facility at all times has the required:
 - Skills;
 - Training;
 - Knowledge;
 - and experience that are appropriate for that type of subsystem or facility.
- The owner or operating authority, or a person authorized by the owner or operating authority, must also designate one or more operators as operators-in-charge (OIC) of the subsystem/facility who under regulation have duties that are outlined.

Current Overall Responsible Operator Requirements

The owner or operating authority must designate an overall responsible operator (ORO)

- An ORO must be present or able to act
- An ORO must hold a certificate or licence equal to or higher than the class of the facility (for example a Class 3 Water Treatment System must designate an ORO who holds a Class 3 or 4 certificate)
- A back-up one class lower than the facility may be designated for up to 150 days in any 12-month period

There is no requirement to notify the ministry of the designation.

Stakeholder Concerns

- Concerns raised by stakeholders concerning qualifications required to become an ORO:
 - The operating experience requirement for certification was perceived as a barrier for senior level positions
 - It has succession planning implications
 - It limits strike/lockout contingency planning
- Issues identified during stakeholder consultations:
 - Inconsistent interpretation of the regulation and application of the ORO role among municipalities
- Proposed solution by associations and stakeholders:
 - Amend the regulations to allow non-operating experience to be used towards an operators certificate, specifically experience related to engineering or management of a water/wastewater facility OR allow non-certified persons to be the ORO.

Definitions

Drinking Water

- “overall responsible operator” means an operator designated as overall responsible operator of a subsystem under section 23; O.Reg.128/04

Wastewater

- “overall responsible operator” means an operator or professional engineer who is designated as an overall responsible operator of a facility under section 15; O.Reg.129/04

ORO Scope: How narrow? How broad?

- Degree of overall
- Degree of responsibility
- An ORO is an operator and it is reasonable to measure their level of overall responsibility in terms of the operational roles and duties that relate to the requirements of the system or facility in which they work.

The Complexity

- Different classes of subsystems/facilities (Class 1, Class 2, Class 3, Class 4, Limited Systems)
- Different types of subsystem/facility (Water Treatment, Water Distribution/Distribution and Supply, Wastewater Treatment, Wastewater Collection).
- Various system management and operation models.
- Different engineering design requirements with variable operational requirements:
 - Only 1 operator required to operate ranging to 100s.
 - Different Technologies and equipment.

Consultation To-Date

- Operator Certification Working Group has reviewed options around ORO issues and established an ad hoc ORO advisory group.
- MOECC assessed options to determine if short term non-regulatory measures are available with an ORO advisory group.
- No consensus was reached as a wide variety of solutions are needed to meet the wide variety of interests.
- Ministry currently has a full regulatory agenda – amendments to O. Reg. 128/04 and 129/04 are currently not being proposed.

Approach

- The Ministry of the Environment and Climate Change is proposing changes to Guideline 5.1 Overall Responsible Operator vs. Operator-in-Charge. The new guideline:
 - outlines the roles and responsibilities for OROs and OICs which are not currently identified in Ontario Regulations 128/04 and 129/04 or in existing guidance materials; and
 - helps to ensure a common interpretation of the regulations and the consistent application of the ORO and OIC roles.
- The proposed changes would be consistent with the current regulatory requirements.

Relationship between Guidance and Regulatory Requirement

- Guidance is the ministry's interpretation of the regulatory requirements – it does not replace or change regulatory requirements.
- Where a conflict between the regulations and guidance occurs the regulations would prevail.
 - Courts would determine if conflict exists.
- Guidance documents are used by the ministry in implementation of the regulations. For example, the Director under the regulations may base his or her certification decisions on guidance. Likewise enforcement and compliance officers may use guidance in their determination of compliance.

Updates to Guideline 5.1

- Amendments would be consistent with existing regulations and other jurisdictions.
- Basic ORO and OIC requirements/interpretation would still apply:
 - ORO, must hold certificate/licence of the type and at least to the class of the subsystem/facility.
 - One ORO for each system at any given time.
 - Back-up ORO, one holding a certificate one class lower, for up to 150 days in any 12 month period.
 - OIC must hold a Class 1 certificate/licence of the drinking water subsystem or wastewater facility.
 - May designate multiple OICs for a subsystem/facility
 - OITs cannot be designated ORO or OIC.

Guideline Clarification

- The existing guideline differentiates between the positions of the ORO and the OIC, but does not clarify their areas of responsibility.
- The proposed clarification would expressly outline the roles and responsibilities for ORO and OIC which are not currently identified in the regulations or the current guideline, but are consistent with that allowed under the regulation.
- The guideline clarification would also set out ministry benchmarks that will over time harmonize the management practices as they apply to ORO through guidance to owners and inspection oversight.

Operational roles

Overall Responsible Operator:

Describe a single accountable operator for operation decisions made in a subsystem/facility who has appropriate level of knowledge and experience as determined by class of certification.

Operator-In-Charge:

Describe operators responsible for making process control /system integrity decisions which may impact quality of drinking water or effluent; and

Category of operational decision making responsibility which is required to obtain a Class III or IV certificate.

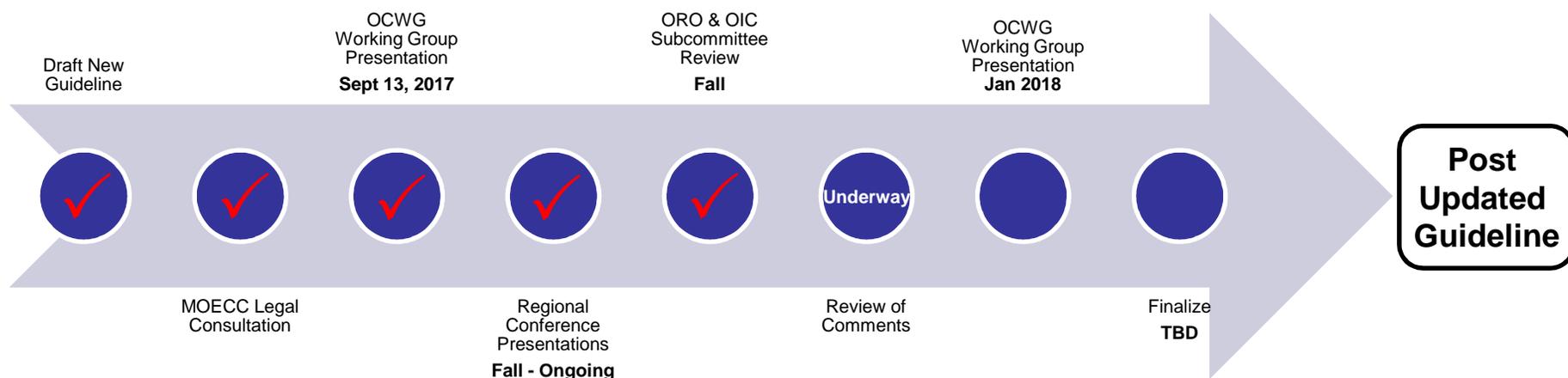
Operator:

A person who conducts operational checks of or who adjusts, inspects/tests or evaluates a process that controls the effectiveness or efficiency of a drinking water system or wastewater facility or a person who adjusts the flow, pressure or quality of drinking water or wastewater in a distribution or collection system.

The New Guide Aims to Clarify

- Added role clarification:
 - Defines the scope and role of an ORO to emphasize operational responsibilities for day-to-day operational duties and decision making.
 - Clarifies and emphasizes that the ORO is an operational role responsible for the day-to-day operational activities within a subsystem or facility, and not necessarily the person with ultimate authority in a system.
 - Emphasizes updated communication and the awareness of the state of subsystem and facility fitness.
 - Emphasizes that the ORO is not required to be in a management or supervisory role.
 - Explains that the ORO is distinct from the OIC and the roles of general operators not designated as ORO or OIC, although all three roles may be performed by the same person.
 - Explains that the ORO provides operational direction to OIC and other operators and that all three roles should be connected through communication.
 - Provides clarification what is meant when an ORO is present or able to act.

Next Steps



Questions/Comments

Contact Information

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