

**DRAFT GUIDELINE TITLE: OVERALL RESPONSIBLE OPERATOR
AND OPERATOR-IN-CHARGE ROLES AND RESPONSIBILITIES****PURPOSE**

This certification guide provides information to help ensure a common understanding and application of the roles and responsibilities of Overall Responsible Operators and Operators-In-Charge regulated under Certification of Drinking Water System Operators and Water Quality Analysts Regulation, O. Reg. 128/04, made under the Safe Drinking Water Act, 2002 and Licensing of Sewage Works Operators, O. Reg. 129/04, made under the Ontario Water Resources Act.

This guide should not be considered legal advice. In the event of a conflict between this guide and the requirements of the legislation, the legislation shall govern. Owners, operating authorities and operators should refer to O. Reg. 128/04, the Safe Drinking Water Act, 2002, O. Reg. 129/04 and the Ontario Water Resources Act for a complete understanding of their legal responsibilities, and certification compliance requirements.

CONTEXT

Under Section 15 of O. Reg. 129/04 and Section 23 of O. Reg. 128/04 an owner or operating authority shall designate as overall responsible operator (ORO) an operator who holds a licence or certificate that is the same class or higher than the class of the facility/subsystem.

An ORO is accountable and responsible for day-to-day operational and process control decisions within the subsystem or facility during the period they are designated. This includes operational decisions made by him or herself, an operator-in-charge (OIC) or other operators performing duties under the direction of an operator-in-charge.

- For municipal residential drinking water subsystems, the ORO must be designated by the owner or operating authority;
- For wastewater facilities, the owner must designate the ORO.

- One or more operators must be designated as the OIC, to make day-to-day operating decisions and instruct other operators on operational procedures. An OIC would operate under the general guidance of the ORO.
 - For municipal residential drinking water subsystems, the OIC must be designated by the owner, operating authority or a person authorized the owner or operating authority;
 - For wastewater facilities, the owner or a person authorized the owner must designate the OIC.

The role of the ORO was established to ensure that the person who is accountable for all operational and process control decisions in the subsystem or facility is certified or licensed at a level reflecting the necessary skills, knowledge and experience appropriate for that type of subsystem or facility.

The regulations outline who may be designated as an ORO or OIC, provided the person(s) meet the certification requirements for the subsystem or facility in question. For the purposes of this guide, operators who are not designated as an ORO or OIC will be referred to as non-designated operators.

ROLE CLARIFICATION: RESPONSIBILITIES AND ACCOUNTABILITY

Within a drinking water subsystem or a wastewater facility there legally defined roles that are undertaken by the designated ORO and OIC(s). The ORO role is distinct from the OIC and non-designated operator roles although all three functions may be performed by the same person if no other operator is present.

The ORO is the designated operator who is responsible/accountable for:

- all day-to-day operational and process control decisions within the subsystem or facility that affect the operations with the aim of protecting human health and the natural environment;
- assessing the operational status, and providing analysis, advice or recommendations to management related to the operation of the subsystem or facility; and
- providing operational direction to OICs and other operators, as appropriate.

In addition to having overall responsibility for day-to-day operations, in the event of an adverse operational condition an ORO is accountable for ensuring that corrective actions within his or her control are made to protect human health and the natural environment. Where corrective actions are not within the control of the ORO, he or she must ensure that the person(s) with that authority are notified of the adverse operational condition.

The ORO is an operational role. An ORO may or may not have final decision making authority for certain aspects of a subsystem or facility, such as resource allocation, approval of long-term capital projects, shift scheduling, human resource matters, or planning. These decisions may be the responsibility of other supervisory or management staff who may not be certified operators.

Certified/licensed persons in engineering, managerial and administrative position may be designated as an ORO, provided that they also fulfil a day-to-day operational oversight role.

More than one person may be designated as an ORO. For example, each shift may have a different ORO or different OROs may rotate through on-call shifts. However, there should only be one ORO designated at a given time in a facility or sub-system.

An operator may be designated as ORO for more than one facility or subsystem at a time. It is incumbent on the owner or operator authority to ensure that the ORO is able to perform his or her duties as an ORO to the extent required for each of the systems designated. See the section entitled Present or Able to Act for more information.

The OIC is the operator designated to be responsible for performing the following duties:

An OIC is authorized to:

- set operational parameters for the facility or subsystem or for a process that controls the effectiveness or efficiency of the subsystem or facility; and
- direct or instruct¹ other operators in the subsystem or facility to set such operational parameters

In addition and OIC shall:

- taking all steps reasonably necessary to operate the processes within his or her responsibility in a safe and efficient manner in accordance with the relevant operations manuals;

¹ In this context “instruct” means to directing or commanding a person to do something.

- ensuring that the processes within his or her responsibility are measured, monitored, sampled and tested in a manner that permits them to be adjusted when necessary;
- ensuring that records are maintained of all adjustments made to the processes within his or her responsibility; and
- ensuring that all equipment used in the processes within his or her responsibility is properly monitored, inspected, tested and evaluated and that records of equipment operating status are prepared and available at the end of every operating shift.

An operator designated as an ORO is also considered to be an OIC.

Present or Able to Act

The Ministry's expectation is that – at all times – the ORO must either be physically present at the subsystem or facility or be able to act to make the necessary operational and process control decisions and oversee day-to-day operations.

Generally, there are three common situations where an ORO may not be physically present:

- 1) The ORO is attending other subsystems or facilities he or she is responsible for or is attending other business away from the subsystem or facility;
- 2) The ORO is on-call;
- 3) The subsystem or facility is not routinely staffed.

If the ORO is not physically present in the subsystem or facility, in the Ministry's view it is acceptable for him or her to use information and communications technology, for example telephone or emails, to fulfil his or her responsibilities (e.g. to instruct other operators by phone or email).

Similarly, an ORO may be "on-call" (i.e., not physically present at the subsystem or facility, but available to respond and attend on-site when called upon). Typically, an ORO would only be on-call during periods where there are no operators present on-site or during periods of minimal operational requirements, or when an ORO designated during a day-shift also assumes the role of ORO during other shift periods (e.g. weekends or night shifts).

Where a facility or subsystem is not regularly staffed the ORO may perform his or her duties remotely provided he or she visits the facility or subsystem on a routine basis to review operational and maintenance status. The frequency of the visits shall be documented and be

based on, for example the operational complexity of the system, presence of remote monitoring capabilities and other factors which impact the risk to public health or the natural environment.

In the event of an operational emergency or incident that may negatively affect human health or the natural environment, it is particularly important for the ORO to be able to respond, by attending the site of the emergency/incident as required to address the emergency/incident.

The ORO is required to be regularly on-site and informed by OICs or other operators as to the operational status of the subsystem or facility, including being alerted to any significant operational issues or events. The ORO must review the operational logs on a daily basis or, when this frequency is not feasible, on a regular and prudent basis.

DESIGNATION

An ORO is a designated operator, which means he or she must be appointed in an unambiguous manner as deemed appropriate by the owner or operating authority. An operator who is designated as an ORO is responsible to ensure that the OICs and non-designated operators under his or her responsibility carry out their duties and functions as required for the effective and efficient operation of the subsystem or facility.

An ORO may not delegate their responsibilities as an ORO to other operators.

The owner or operating authority for drinking water subsystem or the owner for wastewater facilities must ensure that logs or other record-keeping mechanisms are provided to record information concerning the operation of the subsystem or facility. The ministry considers the designation of an ORO to be information concerning the operation of a drinking water subsystem or wastewater facility. Accordingly, owners and operating authorities are required to ensure the following information is recorded for each subsystem or facility:

- Name of the operator designated as ORO
- Time period of ORO designation

Designating the ORO Role: Regulatory Requirements and Other Considerations

To be an ORO, the operator must hold a certificate or licence equal to or higher than the class of the subsystem or facility for which the ORO is responsible.

Exceptions:

- For drinking water subsystems and wastewater facilities, if the operator with the appropriate qualifications is absent or unable to act, an operator with a certificate or licence one class lower than the class of the subsystem or facility may be designated as a back-up ORO for up to 150 days in any 12 month period.
- For wastewater facilities only, a professional engineer without a valid operator licence may be designated as an ORO for up to 6 months.

Selecting the ORO:

At each subsystem or facility, there can be only one ORO designated at any given time or shift. If the site has more than one operator who holds the proper class of certificate, a different ORO can be appointed for different shifts.

An operator-in-training cannot be designated as the ORO.

When designating an ORO from within the pool of available operators who hold certificates equal to or higher than the class of the subsystem or facility, it is advisable to consider the following factors:

- their knowledge and familiarity with the subsystem or facility; and
- their ability to provide analysis and recommendations to management related to the process controls, equipment requirements, proposed courses of action or any other matter pertaining to the day-to-day treatment for the conveyance of drinking water or the collection and treatment of wastewater.

If an operator is certified at the required level, and is present or able to act as the ORO, an operator holding a lower class certificate or licence may not be designated as the ORO.

If an operator who is eligible refuses the ORO designation:

- The owner/employer should maintain a record to that effect, signed by the operator and the owner/employer.

OIC experience equivalency:

As an operator designated as an ORO is considered to be an OIC, the ministry considers ORO experience to be equivalent to OIC experience for the purposes of meeting the experience qualifications for a Class III or IV drinking water certificate or wastewater licence.

Designating the OIC Role: Regulatory Requirements and Other Considerations

To be an OIC, the operator must have the same type of certificate as the subsystem or facility, but it can be of a lower class than that of the subsystem or facility.

Exception:

- For drinking water subsystems and wastewater facilities, a professional engineer or a series of professional engineers without a valid certificate or licence can be designated as an OIC for 180 days in a 24 months period.

An operator-in-training cannot be designated as an OIC.

Selecting the OIC:

There can be more than one operator designated as an OIC for a subsystem or facility at any given time.

An operator-in-training cannot be designated as an OIC.

Gaining OIC Experience:

The ministry considers an operator to be gaining OIC experience if:

- they are designated as an OIC for a subsystem or facility, and
- are responsible for performing the duties of an OIC as provided above.

Records of the amount of time each operator works as an operator-in-charge must be maintained by:

- the owner, operating authority or a person authorized the owner or operating authority for municipal residential drinking water subsystems
- the owner or a person authorized the owner must designate the OIC for wastewater facilities

A person who is not fulfilling the responsibilities of an OIC listed in the section entitled “Role Clarification: Responsibilities and Accountability” cannot be designated as an OIC and will not be credited OIC experience for the purposes of meeting the experience qualifications for a Class III or IV drinking water certificate or wastewater licence.