SUBCHAPTER 8G - AUTHORITY: ORGANIZATION: STRUCTURE: DEFINITIONS

SECTION .0100 - GENERAL PURPOSE AND DEFINITIONS

15A NCAC 08G .0101 PURPOSE

The purpose of these Rules is to:

(1) protect the public health of the citizens of the State; and
(2) conserve, protect, and maintain the quality of the water resources of the State as assigned by the North Carolina Environmental Management Commission; and
(3) protect the public investment in water pollution control systems; and
(4) provide for the classification of water pollution control systems; and
(5) establish the procedures for the examination and certification of operators of water pollution control systems.

History Note: *Authority G.S. 90A-35;*
Eff. April 1, 1999.

15A NCAC 08G .0102 DEFINITIONS

(a) "Activated sludge" means a biological wastewater treatment process in which predominantly biodegradable pollutants in wastewater are absorbed, or adsorbed, by living aerobic organisms and bacteria in an aerated suspension which is separated from the treated wastewater gravimetrically.
(b) "Actual experience" means the time working as a water pollution control system operator or operator in responsible charge. An operator is an individual whose principal job responsibility is the actual physical operation of process equipment and systems at a water pollution control system. Primary job responsibilities such as laboratory testing, facility and equipment maintenance, administrative support, or direct or indirect supervision do not qualify as actual experience.
(c) "Approved training" means any training, required in order to be eligible for an examination or to meet continuing education requirements as established in accordance with 15A NCAC 08G .0400 and 15A NCAC 08G .0701. The standards for approved training shall be developed by a committee consisting of representatives for training sponsors, DWQ staff, instructors and certified operators. The standards must be approved by the Commission and shall be known as "Water Pollution Control System Operator Certification Commission Training Course Standards" or "Needs to Know". These standards can be found at http://h20.enr.state.nc.us/tacu.
(d) "Back-up ORC" means Back-up Operator in Responsible Charge and refers to the operator who is designated to act as surrogate for the Operator in Responsible Charge (ORC) when the ORC is absent from his or her professional duties as set forth in G.S. 90A-44.
(e) "Basic sciences" means courses in agronomy, biology, botany, chemistry, engineering, environmental health and sciences, geology, math, physics, soil science, and zoology offered by an accredited college or university.
(f) "Chemical process" means a water pollution control system process consisting exclusively of the addition of chemicals to treat wastewaters.
(g) "Collection system" means a continuous connection of pipelines, conduits, pumping stations and other related constructions or devices used to conduct wastewater to a water pollution control system.
(h) "Commission" means the Water Pollution Control System Operators Certification Commission created by G.S. 143B-300.
(i) "Contact Hour" means one hour of Commission approved operator instruction in accordance with 15A NCAC 08G .0701.
(j) "Contract operations firm" means any commercial water pollution control system operations firm which contracts with the owner of a water pollution control system to provide operational services for the system pursuant to G.S. 90A-45(a).
(k) "Contract operator" means any certified water pollution control system operator who contracts with the owner of a water pollution control system to provide operational and other services for the system pursuant to G.S. 90A-45(a).
(l) "Electrodialysis system" means a system utilizing a selective separation of dissolved solids process that is based on electrical charge and diffusion through a semipermeable membrane.
(m) "Fixed growth" means a biological wastewater treatment system in which the wastewater is treated by contact with a biological growth that is affixed to support media and includes systems such as trickling filters, rotating biological contactors, and biological tower treatment systems.
(n) "GED" means general educational development in reference to a high school diploma equivalency.

(o) "Nutrient Reduction" means the reduction of total nitrogen or total phosphorous by an activated sludge or fixed growth process.
(p) "Operator in Training (OIT)" means the certificate issued with Commission approval to an individual prior to the completion of the experience requirements for that level of certification.
(q) "Operator in Responsible Charge (ORC)" means the individual designated by a person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as the operator of record of the water pollution control system and who has primary responsibility for the operation of such system as defined in G.S. 90A-46.
(r) "Owner" means the person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as described in G.S. 90A-44.
(s) "Passing score" means earning 70 percent of the available points on an examination administered by the Commission.
(t) "Permanent certificate" means the certificate of competency issued by the Commission to an individual as the result of the individual obtaining a passing score on an examination administered by the Commission, or a certificate issued by reciprocity agreement by the Commission, and is subject to the provisions of G.S. 90A-40(a).
(u) "Physical/Chemical system" means any water pollution control system which utilizes a physical or a chemical process or both.
(v) "Physical process" means any water pollution control system process consisting of electrodialysis, adsorption, absorption, air stripping, gravimetric sedimentation, flotation or filtration as the means of treatment.
(w) "Reciprocity certificate" means a certificate issued of the appropriate type and grade without examination to any person who is properly registered on the "National Association of Boards of Certification" Reciprocity Register and who meets all other requirements of these Rules as set forth in G.S. 90A-40(b).
(x) "Regional office" means one of the seven local offices of the Division of Water Quality located across the State.
(y) "Residuals" means any solid or semisolid byproduct that is produced by the treatment of wastewater in a water pollution control system.
(z) "Reverse osmosis system" means a system which utilizes solutions and semipermeable membranes to separate and treat wastewaters.
(aa) "Successful completion" means the attendance of at least 80 percent of the approved training for examination eligibility and 100 percent of training for continuing education.
(bb) "Temporary certificate" means a certificate issued of an appropriate type and grade, without examination, to any person employed as a water pollution control system operator when the Commission finds that the supply of certified operators, or persons with the training and experience necessary for certification, is inadequate and the situation meets the requirements set forth in G.S. 90A-40(e).
(cc) "Ultrafiltration system" means a system which utilizes a membrane filter process to remove pollutants from wastewater.
(dd) "Valid certificate" means the certificate of an operator that has all required renewal fees paid, all required continuing education training completed, and has not been revoked relinquished, invalidated, or suspended.
(ee) "Water pollution control system" means any system for the collection, treatment, or disposal of wastewater and is classified under the provisions of G.S. 90A-37.

History Note: *Authority G.S. 143B-300;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

SECTION .0200 - DUTIES AND RESPONSIBILITIES

15A NCAC 08G .0201 RESPONSIBILITY OF SYSTEM OWNERS TO DESIGNATE CERTIFIED OPERATORS

Owners of classified water pollution control systems must designate operators, certified by the Water Pollution Control System Operators Certification Commission (WPCSOCC), of the appropriate type and grade for the system, and, for each classification must:

(1) designate one Operator In Responsible Charge (ORC) who possesses a valid certificate of the type and grade at least equivalent to the type and grade of the system;
(2) designate one or more Back-up Operator(s) in Responsible Charge (Back-up ORCs) who possesses a valid certificate of the type of the system and no more than one grade less than the grade of the system, with the exception of no backup operator in responsible charge is required for systems whose minimum visitation requirements are twice per year; and
(3) submit a signed completed "Water Pollution Control System Operator Designation Form" to the Commission (or to the local health department for owners of subsurface systems) countersigned by the

designated certified operators, designating the Operator in Responsible Charge (ORC) and the Back-up Operator in Responsible Charge (Back-up ORC):

(a) 60 calendar days prior to wastewater or residuals being introduced into a new system; or

(b) within 120 calendar days following:

(i) receiving notification of a change in the classification of the system requiring the designation of a new Operator in Responsible Charge (ORC) and Back-up Operator in Responsible Charge (Back-up ORC) of the proper type and grade; or

(ii) a vacancy in the position of Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC).

(c) within seven calendar days of vacancies in both ORC and Back-up ORC positions replacing or designating at least one of the responsibilities.

History Note: *Authority G.S. 90A-37; 90A-38; 90A-39; 90A-40; 90A-41; 90A-42; 90A-43; 90A-44; 90A-45;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0202 RESPONSIBILITIES OF SYSTEM OWNERS

History Note: *Authority G.S. 90A-37 through 90A-45;*
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.

15A NCAC 08G .0203 RESPONSIBILITIES OF ALL CERTIFIED OPERATORS

Certified operators must:

(1) comply with all terms and conditions of their certification as set forth in these Rules;

(2) notify the Commission, in writing, within 30 calendar days of any changes in their mailing address;

(3) be responsible for the renewal of their certification(s) as specified in Section .0700 of this Subchapter; and

(4) comply with all statutes and rules regarding the operation of water pollution control systems.

History Note: *Authority G.S. 90A-40; 90A-41; 90A-42; 90A-44;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0204 RESPONSIBILITIES OF AN OPERATOR IN RESPONSIBLE CHARGE (ORC)

An Operator in Responsible Charge (ORC) of a water pollution control system must:

(1) possess a valid certificate of the appropriate type and grade for the system;

(2) visit the system as often as is necessary to insure the proper operation of the system but in no case less frequently than specified in the following schedule, unless otherwise specified in permit:

(a) biological grade I systems with the exception of Sub-item (2)(e) of this Rule; weekly;

(b) biological grade II, III, and IV systems, other than those systems specified in Sub-item(2)(f) of this Rule; five days per week, excluding holidays;

(c) surface irrigation systems with the exception of Sub-item (2)(e) of this Rule; weekly;

(d) collection systems; within 24 hours of knowledge of a bypass, spill, or overflow of wastewater from the system unless visited by a collection system Back-up Operator in Responsible Charge;

(e) domestic wastewater systems with a treatment capacity of 1500 gallons per day or less; twice per year with a six month interval between visits;

(f) domestic wastewater aerobic treatment units (ATUs) with a treatment capacity of 1500 gallons per day or less; weekly;

(g) systems permitted under rules adopted by the Commission for Health Services; as required by 15A NCAC 18A .1961;

(h) physical/chemical systems:

(i) grade I systems, including groundwater remediation systems; weekly;

(ii) grade II systems; five days per week, excluding holidays

(i) land application systems during or within 48 hours after application of residuals;

(j) systems not otherwise classified; as specified by the Commission based on the complexity of the system;

(3) operate and maintain the system efficiently and attempt to insure the compliance of the system with any permit(s) issued for the system as well as any other applicable local, state, and federal environmental permitting and regulatory requirements;

(4) certify, by signature, as to the validity of all monitoring and reporting information performed on the system as prescribed in any permit issued for the system and provide the owner a copy;

(5) document the operation, maintenance, and all visitation of the system in a daily log that must be maintained at the system;

(6) notify the owner of the system as soon as possible, and in writing within five calendar days of first knowledge, of any:

(a) overflows from the system or any treatment process unit;

(b) bypasses of the system or any treatment process unit; or

(c) violations of any limits or conditions of the permit.

(7) notify the owner, in writing, of the need for any system repairs and modifications that may be necessary to insure the compliance of the system with all local, state, and federal environmental permitting and regulatory requirements;

(8) be available:

(a) for consultations with the system owner and regulatory officials;

(b) to handle emergency situations; and

(c) to provide access to the facility by regulatory agencies; and

(9) upon vacating an ORC position, notify the Commission and the appropriate regional office of the Division of Water Quality (or the local health department for owners of subsurface systems) of the vacancy, in writing within 14 calendar days.

History Note: *Authority G.S. 90A-37 through 90A-40; 90A-44;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0205 RESPONSIBILITIES OF A BACK-UP OPERATOR IN RESPONSIBLE CHARGE (BACK-UP ORC)

The Back-up Operator in Responsible Charge (Back-up ORC):

(1) may act as surrogate for the Operator in Responsible Charge (ORC), if he/she possesses a valid certificate of the appropriate type and grade for the system, for a period:

(a) not to exceed 40 percent of the system visitations required per calendar year under Rule .0204(2) of this Section; or

(b) not to exceed 120 consecutive calendar days when the Operator in Responsible Charge (ORC) is absent due to:

(i) the vacancy of the Operator in Responsible Charge (ORC) position; or

(ii) personal or familial illness; and

(2) must fulfill all of the requirements of Rule .0204 of this Section when acting as surrogate for the Operator in Responsible Charge (ORC); and

(3) upon vacating a Backup ORC position, notify, in writing, the Commission and the appropriate regional office of the Division of Water Quality (or the local health department for owners of subsurface systems) of the vacancy within 14 calendar days.

History Note: *Authority G.S. 90A-37; 90A-44;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

SECTION .0300 - CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS

15A NCAC 08G .0301 APPLICABILITY

(a) The purpose of this Section is to establish procedures for the classification of water pollution control systems.

(b) Not withstanding the requirements in Rules .0302 through .0307 of this Section, the Commission may modify the classification of a water pollution control system when:

(1) conditions created by system design features, or inherent operational requirements, exist which make normal operation of the system more or less complex;
(2) upgrades or other modifications to a system are completed; or
(3) changes in Commission classification rules are made.

(c) In-plant processes and related water pollution control equipment which are integral parts of direct industrial production, are not considered water pollution control systems for the purpose of this Section.
(d) Water Pollution Control Systems permitted under rules adopted by the Commission for Health Services shall be classified pursuant to Rule .0307 of this Section.
(e) Water Pollution Control Systems permitted under rules adopted by the Environmental Management Commission shall be classified pursuant to Rules .0302 through .0308 of this Section.
(f) Reservoirs, settling ponds and associated pumps and piping which are an integral part of closed-loop water recycle systems for the non-biological and non-toxic treatment of process water at sand, gravel, crushed stone and similar operations shall not be subject to the requirements of these Rules unless the Commission determines that the system is not being properly operated or maintained in accordance with permit conditions.
(g) Any water pollution control system, regardless of type or ownership, may be classified and required to designate an Operator in Responsible Charge (ORC) and a Back-up Operator in Responsible Charge (Back-up ORC), in the event that the Commission determines that the system is not being properly operated or maintained.

History Note: *Authority G.S. 90A-37;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0302 CLASSIFICATION OF BIOLOGICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

(a) The following discharging systems are assigned a classification of Grade I Biological Water Pollution Control System unless the permitted flow, or operational complexity of the system requires a higher classification:

(1) septic tank/sand filter systems;
(2) biological lagoon systems; and
(3) constructed wetlands and associated appurtenances.

(b) Systems that utilize an activated sludge or fixed growth process with a permitted flow less than or equal to 0.5 million gallons per day (mgd) are assigned the classification of Grade II Biological Water Pollution Control System.
(c) Systems utilizing an activated sludge or fixed growth process with permitted flows of greater than 0.5 through 2.5 million gallons per day (mgd) are assigned the classification of Grade III Biological Water Pollution Control System.
(d) Systems utilizing an activated sludge or fixed growth process with a permitted flow greater than 2.5 million gallons per day (mgd) are assigned a classification of Grade IV Biological Water Pollution Control System.
(e) Any system receiving a classification of Grade II Biological Water Pollution Control System that is required to achieve nutrient reduction is assigned the classification of Grade III Biological Water Pollution Control System.
(f) Any system receiving a classification of Grade III Biological Water Pollution Control System that is required to achieve nutrient reduction is assigned the classification of Grade IV Biological Water Pollution Control System.

History Note: *Authority G.S. 90A-37;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0303 CLASSIFICATION OF WATER POLLUTION CONTROL COLLECTION SYSTEMS

(a) Water pollution control collection systems operated to convey wastewater to water pollution control systems which are permitted or tributary to municipalities, regional water pollution control systems, water and sewer authorities, public utilities, or are a Grade II, III or IV state or federally owned system, are subject to classification in accordance with Rule .0303(b) of this Section. Any collection system, regardless of ownership, is classified pursuant to this Rule and required to designate an Operator in Responsible Charge (ORC) and a Back-up Operator in Responsible Charge (Back-up ORC) if the Commission determines that the system is not being operated and maintained in a manner which prevents the escape of wastewater from the system into the environment.
(b) Collection systems are assigned the lower grade classification that is either:

(1) the same as the grade of the biological water pollution control system to which the collection system is tributary; or

(2) based on the population served by the collection system in accordance with the following chart:

(A)	1,500 or less	Grade I;
(B)	1,501 to 15,000	Grade II;
(C)	15,001 to 50,000	Grade III;
(D)	50,001 or more	Grade IV.

In the event that the population served cannot be determined, the equivalent population served shall be calculated by using the design flow of the system divided by a flow of 60 gallons per day per person.

History Note: *Authority G.S. 90A-37;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0304 CLASSIFICATION OF SURFACE IRRIGATION WATER POLLUTION CONTROL SYSTEMS

(a) Systems which utilize surface irrigation for the treatment, reuse or disposal of wastewater are classified as surface irrigation water pollution control systems. Those systems which contain only preliminary treatment processes such as septic tanks, sand filters, oil/water separators, lagoons, storage basins, physical screening, or sedimentation processes are not subject to additional operator requirements as specified in Rule .0302 or .0306 of this Section.

(b) Any surface irrigation system that has, as part of its treatment process, systems other than those specified in Paragraph (a) of this Rule, is subject to additional classification pursuant to these Rules.

History Note: *Authority G.S. 90A-37;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0305 CLASSIFICATION OF LAND APPLICATION OF RESIDUALS SYSTEMS

Systems permitted for the land application of:

(1) residuals that are produced by a water pollution control system; or

(2) contaminated soils;

are classified as a land application of residuals system.

History Note: *Authority G.S. 90A-3;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0306 CLASSIFICATION OF PHYSICAL/CHEMICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

(a) Any water pollution control system, including systems designed for the remediation of contaminated groundwater, that utilizes a primarily physical process to treat wastewaters is classified as a Grade I Physical/Chemical Water Pollution Control System.

(b) Any water pollution control system that utilizes a primarily chemical process to treat wastewaters, including those systems whose treatment processes are augmented by physical processes, is classified as a Grade II Physical/Chemical Water Pollution Control System. Any reverse osmosis, electrodialysis, and ultrafiltration system is classified as a Grade II Physical/Chemical Water Pollution Control System.

(c) Any water pollution control system that has, as part of its treatment process, a biological water pollution control system is subject to additional classification as a biological water pollution control system.

(d) Any water pollution control system subject to classification under Rule .0302 of this Section, utilizing a physical or chemical process to enhance an activated sludge or fixed growth process, is not subject to additional classification under this Rule.

History Note: *Authority G.S. 90A-37;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0307 CLASSIFICATION OF SUBSURFACE WATER POLLUTION CONTROL SYSTEMS

(a) Systems permitted under rules adopted by the Environmental Management Commission which utilize the soil for the subsurface treatment and disposal of wastewater shall be classified as subsurface water pollution control systems.

(b) Any subsurface water pollution control system that is required to have a certified operator under 15A NCAC 18A .1961 shall be deemed classified as a subsurface water pollution control system.

(c) Any subsurface water pollution control system that has as part of its treatment process a water pollution control system that may be classified under Rules .0302 through .0307 of this Section shall be subject to additional classification. If the subsurface system consists only of septic tanks, pump tanks, siphon or pump dosing systems, sand filters, grease traps or grease interceptors, or oil/water separators, and subsurface disposal of the wastewater, no additional classification will be required.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999.

15A NCAC 08G .0308 SYSTEMS NOT OTHERWISE CLASSIFIED

The Commission may classify any water pollution control system which is not otherwise classified when that system is receiving wastewater that has distinctly different characteristics from typical domestic wastewater or is a water pollution control system which contains treatment processes that are sufficiently different from the conventional treatment processes classified in Rules .0302 through .0306 of this Section.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999.

SECTION .0400 - ELIGIBILITY REQUIREMENTS FOR EXAMINATIONS

15A NCAC 08G .0401 GENERAL REQUIREMENTS

(a) An applicant for certification as an operator of a water pollution control system must meet the following criteria and possess the knowledge and abilities listed as they relate to the specific type of system for which certification is being sought and shall, at a minimum, include:

(1) possess a high school diploma or a general educational development (GED) equivalent;
(2) be at least 18 years of age;
(3) have a general knowledge of typical wastewater characteristics and treatment processes; and
(4) have the ability to:
  (A) read and understand the statutes and rules which govern water pollution control system operators and the operation of the type of system for which certification is being sought;
  (B) perform mathematical calculations required to operate the system for which certification is being sought;
  (C) complete and maintain logs and regulatory reporting forms required to document the proper operation of the system; and
  (D) safely and effectively operate the equipment employed in the type of system for which certification is being sought; and
  (E) describe the general maintenance requirements for such equipment.

(b) An applicant who has failed to achieve a passing score on a specific type and grade of examination after three consecutive attempts must:

(1) attend and successfully complete approved training for the same type and grade as the certification being sought; and

(2) provide verification, in the form of a certificate of completion or other such documentation, of the successful completion of the required training with any subsequent application made to the Commission to sit for the examination.

(c) An applicant for certification must not have had any certification revoked by the Commission within the two - year period prior to the date of the application for certification.

(d) An applicant for certification is not allowed to sit for any examination offered by the Commission during the period of a suspension of any certification held by the applicant with the Commission.

(e) An applicant who holds a valid biological or collection certification of any level on April 1, 1999, may progress to the highest level of certification of the same type without meeting the requirements of Subparagraph (a)(1) of this Rule.

History Note: *Authority G.S. 90A-37;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0402 ELIGIBILITY REQUIREMENTS FOR BIOLOGICAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Eligibility for certification as a Biological Water Pollution Control System Operator is based on the following qualifications:

(1) for Grade I certification, the applicant must:
  (a) have successfully completed approved training for Grade I Biological Water Pollution Control System operators.

(2) for Grade II certification, the applicant must:
  (a) hold a valid North Carolina Grade I Biological Water Pollution Control System Operator certificate;
  (b) have 6 months of actual experience at a Grade II or higher biological water pollution control system; and
  (c) have successfully completed approved training for Grade II Biological Water Pollution Control System operators.

(3) for Grade III certification, the applicant must:
  (a) hold a valid North Carolina Grade II Biological Water Pollution Control System Operator certificate;
  (b) have successfully completed approved training for Grade III Biological Water Pollution Control System operators; and
  (c) either:
    (i) have two years of actual experience at a Grade II, or higher, biological water pollution control system, or
    (ii) be a graduate of two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences and have 18 months of actual experience at a Grade II, or higher, biological water pollution control system.

(4) for Grade IV certification, the applicant must:
  (a) hold a valid North Carolina Grade III Biological Water Pollution Control System Operator certificate;
  (b) have successfully completed approved training for Grade IV Biological Water Pollution Control System operators; and
  (c) either:
    (i) have three years of actual experience at a Grade III, or higher, biological water pollution control system, or
    (ii) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences and have two years of actual experience at a Grade III, or higher, biological water pollution control system.

History Note: *Authority G.S. 90A-39.*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0403 ELIGIBILITY REQUIREMENTS FOR WATER POLLUTION CONTROL COLLECTION SYSTEM OPERATORS

Eligibility for certification as a Water Pollution Control Collection System Operator is based on the following qualifications:

(1) for Grade I certification, the applicant must: have successfully completed approved training for Grade I water pollution control collection system operators.

(2) for Grade II certification, the applicant must:
- (a) hold a valid North Carolina Grade I Water Pollution Control Collection System Operator certificate;
- (b) have six months of actual experience in water pollution control collection system operations; and
- (c) have successfully completed approved training for Grade II water pollution control collection system operators.

(3) for Grade III certification, the applicant must:
- (a) hold a valid North Carolina Grade II Water Pollution Control Collection System Operator certificate;
- (b) have successfully completed approved training for Grade III water pollution control collection system operators; and
- (c) either:
  - (i) have two years of actual experience in water pollution control collection system operations, or
  - (ii) be a graduate of a two or four year college or university and have taken and passed, a minimum of six courses in a field directly related to the operation and maintenance of a collection system, e.g. civil, mechanical, or environmental engineering, and have one year of actual experience in the operation of a water pollution control collection system.

(4) for Grade IV certification, the applicant must:
- (a) hold a valid North Carolina Grade III Water Pollution Control Collection System Operator certificate;
- (b) have successfully completed approved training for Grade IV water pollution control collection system operators; and
- (c) either:
  - (i) have three years of actual experience in water pollution control collection system operations, or
  - (ii) be a graduate of a two or four year college or university and have taken and passed, a minimum of six courses in a field directly related to the operation and maintenance of a collection system, e.g. civil, mechanical, or environmental engineering, and have two years of actual experience in the operation of a water pollution control collection system.

History Note: *Authority G.S. 90A-39;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0404 ELIGIBILITY REQUIREMENTS FOR LAND APPLICATION OF RESIDUALS OPERATORS

An applicant for certification as a Land Application of Residuals Operator must have successfully completed approved training for land application of residuals operators and:

(1) have one year of actual experience in the land application of residuals;

(2) be a graduate of a two or four year college or university and have taken and passed a minimum of six courses in the basic sciences; or

(3) hold a valid grade III or higher biological water pollution control system operator certification.

History Note: *Authority G.S. 90A-39;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0405 ELIGIBILITY REQUIREMENTS FOR PHYSICAL/CHEMICAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Eligibility for certification as a Physical/Chemical Water Pollution Control System Operator is based on the following qualifications:

(1) for the Grade I have successfully completed approved training for Grade I Physical/Chemical Water Pollution Control System Operators.

(2) for the Grade II:

(a) possess a valid Grade I Physical/Chemical Water Pollution Control System Operator certificate;

(b) have one year of actual experience at a Grade II Physical/Chemical Water Pollution Control System; and

(c) have successfully completed approved training for Grade II Physical/Chemical Water Pollution Control System Operators.

History Note: *Authority G.S. 90A-39;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0406 ELIGIBILITY REQUIREMENTS FOR SURFACE IRRIGATION WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Surface Irrigation Water Pollution Control System Operator must have successfully completed approved training for surface irrigation water pollution control system operators and:

(1) have one year of actual experience in the operation of a surface irrigation water pollution control system;

(2) be a graduate of a two or four year college or university and have taken and passed a minimum of six courses in the basic sciences;

(3) be a private homeowner who intends to operate only his/her own domestic spray irrigation water pollution control system; or

(4) hold a valid grade III or higher biological water pollution control system operator certification.

History Note: *Authority G.S. 90A-39;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0407 ELIGIBILITY REQUIREMENTS FOR SUBSURFACE WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Subsurface Water Pollution Control System Operator must have successfully completed approved training for subsurface water pollution controls system operator and:

(1) have one year of actual experience in the operation of a subsurface water pollution control system;

(2) be a graduate of a two or four year college or university and have taken and passed a minimum of six courses in the basic sciences;

(3) be a private homeowner who intends to operate only his/her own domestic subsurface water pollution control system; or

(4) hold a valid grade III or higher biological water pollution control system operator certification.

History Note: *Authority G.S. 90A-39;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0408 ELIGIBILITY REQUIREMENTS FOR OPERATOR IN TRAINING (OIT) CERTIFICATION

(a) The Commission may allow an applicant for any water pollution control system operator certificate to take the examination if the individual has met all of the prerequisite education and certification requirements but is unable to meet the actual experience requirement.

(b) Upon achieving a passing score on the examination, the applicant shall be issued an Operator In Training (OIT) certificate of the same type and grade as the examination.

(c) The Operator In Training (OIT) must not be designated as the Operator in Responsible Charge (ORC) or Back-up Operator In Responsible Charge (Back-Up ORC) of a system.

(d) Operator In Training (OIT) certificates must be renewed annually as stipulated in 15A NCAC 08G .0701.

(e) When the holder of an Operator in Training (OIT) certificate completes the prerequisite experience for the permanent certificate at that type and level, the holder must submit an application documenting the experience, with the appropriate fee for a replacement certificate in order to receive the permanent certificate at that level.

History Note: *Authority G.S. 90A-39;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0409 ELIGIBILITY REQUIREMENTS FOR CONDITIONAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Conditional Certificates shall remain valid contingent upon the individuals holding the certificates meeting renewal requirements as found in Section .0700 of this Subchapter.

History Note: *Authority G.S. 90A-39;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0410 RECIPROCITY CERTIFICATION

(a) The Commission shall issue certification(s) to individuals certified in other States or legal jurisdictions if the individuals:

(1) meet or exceed all eligibility requirements or the equivalent thereof as determined by the Commission as found in Rules .0302 to .0308 of the Section, with the exception of completion of approved training,

(2) complete Application for Reciprocity Form and submit it with the appropriate non-refundable fee as specified in G.S. 90A-42,

(3) provide a letter of verification from certifying State agency that applicant is certified at stated level and that no disciplinary actions are outstanding against the applicant, and

(4) apply for and achieve a passing score on a Commission-administered examination of the same type and grade as that for which reciprocity certification is being requested. The requirement for completion of approved training is waived in the case of applicants pursuant to this Rule.

(b) Applicants pursuant to this Rule must not have taken and failed to achieve a passing score on a Commission – administered examination of the same type and grade as that for which reciprocity certification is being requested, within the previous two year period prior to the date of application for reciprocity.

(c) Applicants failing to achieve a passing score on three or more examinations of the same type and grade as that for which certification is being requested, must successfully complete approved training for that certification before being eligible for that examination.

(d) Applicants who obtain certification by providing false information to the Commission shall be subject to disciplinary actions as set forth in Section .0800 of this Subchapter.

History Note: *Authority G.S. 90A-4; 90A-40;*
Eff. December 1, 2006.

SECTION .0500 - CERTIFICATION BY EXAMINATION

15A NCAC 08G .0501 APPLYING FOR EXAMINATION

(a) All applications for examination submitted to the Commission must be:

(1) submitted on an a WPCSOCC Examination Application;

(2) accompanied by the appropriate non-refundable application fee per G.S. 90A-42;

(3) completed in entirety with all required information, documentation, and signatures provided; and

(4) postmarked at least 30 days prior to the scheduled date of the examination if an examination is scheduled.

(b) Upon receipt of an application by the Commission, the application shall be reviewed for completeness and a determination as to the eligibility of the applicant to sit for the requested examination shall be made. Incomplete applications shall be returned to the applicant.

(c) Each applicant shall be notified, in writing, of the applicant's eligibility to sit for the requested examination. Individuals determined to be eligible for an examination shall be sent written notification containing information concerning the date, time and location of the examination. This written notification shall be considered a receipt from the Commission to the

applicant for the examination fee. Applicants found to be ineligible for an examination shall be sent written notification of the ineligibility determination.
(d) Any applicant who obtains certification by supplying false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

History Note: *Authority G.S. 90A-39; 90A-41; 90A-42;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0502 INELIGIBLE APPLICANTS

History Note: *Authority G.S. 90A-39;*
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.

15A NCAC 08G .0503 EXAMINATION ADMINISTRATION
(a) The Commission shall set the dates, times, and locations for all examinations.
(b) Examinations may be administered by the Commission at any time, or at any location, when a sufficient number of applications have been received to warrant such an examination.
(c) Before each applicant receives an examination paper, an applicant shall display a valid driver's license, photo identification or other form of identification satisfactory to the proctor.

History Note: *Authority G.S. 90A-39;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0504 EXAMINATION GRADING
(a) A passing score on any examination administered by the Commission is 70 percent of the available points on the examination.
(b) Each applicant, and only the applicant, shall be notified, in writing, of the results on an examination.
(c) If a passing score is attained by an applicant on an examination, the written notification to the applicant shall constitute the certification of the applicant as an operator or operator in training of a water pollution control system of the same type and grade as the examination.

History Note: *Authority G.S. 90A-39; 90A-40;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0505 EXAMINATION REVIEWS
(a) Any applicant who fails to make a passing score on an examination may request to review the examination. All requests to review an examination must be received by the Commission in writing within 15 calendar days of receiving notification of failing to make a passing score on an examination.
(b) Applicants who submit a written request to review an examination shall be notified of a date, time, and location at which the applicant shall be given the opportunity to review the examination. This shall be the only opportunity the applicant will be allowed for reviewing the examination.
(c) An applicant shall not be allowed to review the examination within 30 calendar days of an upcoming examination date.

History Note: *Authority G.S. 90A-39;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

SECTION .0600 - CERTIFICATION WITHOUT EXAMINATION

15A NCAC 08G .0601 RECIPROCITY CERTIFICATION

History Note: *Authority G.S. 90A-40; 90A-42;*
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.

15A NCAC 08G .0602 TEMPORARY CERTIFICATES

(a) Temporary certificates, of any type and grade, may be issued by the Commission to the operator of a water pollution control system, for a period not to exceed one year, due to:

(1) the vacancy of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC);
(2) the suspension or revocation of the certification of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC);
(3) a change in the classification of the system due to a permit modification or the completion of an upgrade or expansion; or
(4) a modification to Commission rules.

(b) Temporary Certificates shall only be issued for the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC) of the system specified on the application.

(c) All applications for a temporary certificate must:

(1) be submitted by the owner of the system for the applicant;
(2) be accompanied by the required fee; and
(3) include a letter from the owner that contains:
    (A) an explanation for the need of a temporary certificate for the applicant;
    (B) an explanation of all of the efforts that were made to employ an operator who possessed the required certification;
    (C) a statement designating the applicant as either the Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC) of the system; and
    (D) a plan that describes the actions that:
        (i) the applicant will pursue in order to attempt to obtain permanent certification during the effective period of the temporary certificate; and
        (ii) the owner of the system will be pursuing in the event that the applicant fails to obtain permanent certification during the effective period of the temporary certificate.

(d) Applicants for a temporary certificate must:

(1) Either:
    (A) for biological or collection system grade II or higher operator certification, possess a valid certificate of the same type as the system and that is no more than one grade lower than the classification of the system when applying as an Operator in Responsible Charge (ORC) and no more than two grades lower than the classification of the system when applying as a Back-up Operator in Responsible Charge (Back-up ORC); or
    (B) for a Grade I biological, Grade I Physical/Chemical, Grade I Collection, Surface Irrigation, Land Application, or Subsurface Water Pollution Control System; have a minimum of three months of actual experience in the operation of the type of system for which a temporary certificate is being applied if the temporary certificate is requested.
(2) be eligible for permanent certification prior to the expiration date of the temporary certificate;
(3) not have made three previous unsuccessful attempts to make a passing score on the same type and grade examination as the temporary certificate; and
(4) have never relinquished, nor had revoked, any water pollution control operator certificate issued by the Commission.

(e) Applicants who obtain a temporary certificate by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

History Note: *Authority G.S. 90A-40; 90A-42;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0603 TEMPORARY CERTIFICATE RENEWAL

(a) All applications for renewal of a temporary certificate must:

(1) be submitted by the owner of the system 60 calendar days prior to the expiration date of the original temporary certificate;
(2) be accompanied by the required fee; and
(3) include a letter from the owner that explains:
(A) the need for renewal of the temporary certificate;
(B) the reasons for the failure of the applicant to obtain permanent certification during the original effective period of the temporary certificate;
(C) the efforts that have been made by the owner to employ a properly certified operator during the effective period of the original temporary certificate; and
(D) the actions that will be taken by:
(i) the applicant in order to obtain permanent certification during the effective period of the renewed temporary certificate; and
(ii) the owner if the applicant does not obtain permanent certification during the effective period of the renewed temporary certificate.

(b) The renewal request shall be denied if the applicant has failed:
(1) to seek permanent certification by examination during the original effective period of the temporary certificate; or
(2) to obtain permanent certification after four examination attempts during the original effective period of the temporary certificate.

(c) A temporary certificate may be renewed only once for the same operator.

(d) Applicants who obtain a temporary certificate renewal by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

History Note: *Authority G.S. 90A-40; 90A-42;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0604 CONVERSION OF VOLUNTARY CERTIFICATION TO MANDATORY CERTIFICATION

History Note: *Authority G.S. 90A-39; 90A-40; 90A-42;*
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.

SECTION .0700 - RENEWAL OF CERTIFICATION

15A NCAC 08G .0701 REQUIREMENTS

(a) In order to maintain a valid certificate, the certificate must be renewed annually by:
(1) Submitting payment of the appropriate required annual renewal fee, as set forth in G.S. 90A-42, by the end of the effective year; and
(2) Each operator must provide documentation of a minimum of six contact hours of Commission approved training during each year following the year of initial certification.

(b) Certificate(s) that are not renewed when due shall be considered invalid. In order to renew a certificate that has been invalid for up to two years, all outstanding renewal fees and supplemental processing fees and penalties that have accrued since the certificate was last renewed must be paid and all accrued continuing education requirements must be met. In order to renew a certificate that has been invalid for two or more consecutive years the operator shall be required to take and make a passing score on an examination of the same type and grade as the former certificate. In order to qualify for the examination, all relevant requirements of Section .0400 of this Subchapter must be met. Any requirements in Section .0400 of this Subchapter for Commission approved training must have been met within the previous 12 month period. Invalid Conditional Certificates are not renewable.

(c) Renewal notices shall be mailed to each certified operator, at the last known address for the operator on file with the Commission, 60 calendar days prior to the renewal due date. Failure to receive a renewal notice does not relieve a certified operator of the responsibility to renew the certificate by the renewal due date.

History Note: *Authority G.S. 90A-40; 90A-42; 90A-44; 90A-46.1;*

Eff. April 1, 1999;
Amended Eff. December 1, 2006.

SECTION .0800 - DISCIPLINARY ACTIONS

15A NCAC 08G .0801 GROUNDS FOR DISCIPLINARY ACTIONS

The Commission may take disciplinary actions, in accordance with Rule .0802 of this Section, against a certified operator for:

(1) practicing fraud or deception in the performance of duties;
(2) failure to use reasonable care or judgment in the performance of duties;
(3) failure to apply their knowledge or ability in the performance of duties;
(4) incompetence or the inability to perform duties;
(5) supplying false information in order to obtain or maintain certification; or
(6) cheating on a certification examination.

History Note: *Authority G.S. 90A-41;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0802 DISCIPLINARY ACTIONS

(a) The Commission shall revoke or suspend the certification of an operator or issue a letter of reprimand to an operator in accordance with the provisions of G.S. 90A-41, 150B-3 and this Rule.

(b) The Chairman of the Commission may issue notification of summary suspension, the intention to revoke or suspend the certification of an operator or the intent to issue a letter of reprimand.

(c) The Chairman shall convene an advisory committee to review the circumstances of the proposed disciplinary action(s).

(1) The advisory committee shall include at least:
    (A) the Chairman of the Commission;
    (B) the Vice Chairman of the Commission;
    (C) the member of the Commission who represents the type of system at which the operator is employed or another member of the Commission appointed by the Chairman of the Commission; and
    (D) a certified operator appointed by the Chairman.
(2) The members of the advisory committee shall offer guidance to the Commission chairman in regards to the actions that should be taken against an operator.

(d) Notification of the advisory committee meeting shall be sent by certified mail at least 15 calendar days prior to the date of the meeting, to the last known address of the operator. This notification shall contain the alleged facts or conduct upon which the proposed revocation or suspension of the certification or letter of reprimand is based.

(e) The operator shall have an opportunity to submit a written response to the Chairman prior to the date of the advisory committee meeting. The operator shall also be given the opportunity to make an oral statement before the advisory committee.

(f) Within 10 working days of the conclusion of the advisory committee meeting, the Chairman shall issue a decision. If this decision is to issue a revocation or suspension or a letter of reprimand, the Chairman shall advise the operator of the effective date of the action and the facts or conduct upon which the action is based. The revocation or suspension of a certification or the letter of reprimand shall be delivered to the affected operator and the owner of the system(s) at which the operator works by certified mail, at the last known address for the operator and owner on file with the Commission, at least 20 calendar days prior to the effective date of the revocation or suspension or letter of reprimand.

(g) The revocation, suspension or letter of reprimand becomes a final Commission action if the operator does not file a petition for a contested case hearing in the Office of Administrative Hearings as provided in the Administrative Procedure Act, G.S. 150B.

(h) If an applicant is caught cheating on an examination by a proctor of the examination, the applicant shall be excused from the examination, the examination shall not be graded, the fee for the examination shall be forfeited by the applicant and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-41 and in this Rule.

(i) If the Commission determines, after the examination has been graded, that an applicant cheated on an examination and certification has been conveyed to the applicant, the certification obtained through the examination shall be revoked and any

other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-41 and in this Rule.

History Note: *Authority G.S. 90A-40; 90A-41; 143B-300; 150B-23;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0803 CERTIFICATION FOLLOWING DISCIPLINARY ACTIONS

(a) An individual who has had certification revoked by the Commission shall petition the Commission for any new certification sought and may not petition the Commission for such new certification sooner than two years after the effective date of the revocation. Following the denial of eligibility for re-certification after relinquishment or revocation, an operator must wait one year before reapplying for certification.

(b) The following information must be included in the petition for certification:

(1) a written statement explaining the actions that the individual has taken to correct those problems that lead to the revocation of the certification previously held with the Commission; and

(2) a statement that attests to the Commission that, upon obtaining certification, the individual shall comply with all laws governing the proper operation of water pollution control systems.

(c) After submittal of the petition for certification, the petitioner may be required to appear before the Commission at a regularly scheduled meeting. The petitioner shall be notified, by certified mail, of the date, time and location of the meeting at least 15 calendar days prior to the meeting.

(d) Within 120 calendar days following receipt of a petition for certification, the Commission shall notify the individual, in writing, of its decision to deny or grant examination eligibility in accordance with the procedures set forth in Section .0500 of this Subchapter. Eligibility for certification shall be granted only if there is substantial evidence that those conditions that lead to the revocation of previous certification held by the petitioner have been corrected.

(e) Certification of an individual whose previous certification has been revoked shall occur only after the individual sits for, and obtains a passing score on, an examination. Once approval is granted by the Commission for certification after reviewing the petition for certification, the individual must submit an application, accompanied by the appropriate examination fee, and meet the examination eligibility requirements for the type of certification being sought as set forth in Section .0400 of this Subchapter. The individual must begin the certification process at the lowest grade level offered for the type of certification sought. Operational experience accrued by the individual prior to the revocation of any previously held certification(s) shall not be considered when determining the eligibility of the individual for the examination.

(f) Applicants for certification who were previously determined to be ineligible for certification due to supplying false information to the Commission must follow the procedures set forth in Paragraphs (a) through (e) of this Rule in order to obtain certification.

History Note: *Authority G.S. 90A-39; 90A-41; 150B-23;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

15A NCAC 08G .0804 CONTESTED CASE PROCEDURES

(a) Administrative hearings shall be held in accordance with G.S. 150B and the administrative hearing procedures codified at 15A NCAC 01B .0200 et seq., are hereby incorporated by reference including any subsequent amendments and additions.

(b) For information on obtaining a copy of 15A NCAC 01B .0200, you may contact the Rules Division of the NC Office of Administrative Hearings at (919) 733-2678.

History Note: *Authority G.S. 143B-300; 150B-23;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

SECTION .0900 - CONTRACT OPERATION OF WATER POLLUTION CONTROL SYSTEMS

15A NCAC 08G .0901 RESPONSIBILITIES OF CONTRACT OPERATORS AND CONTRACT OPERATIONS FIRMS

Each contract operator, or contract operations firm, that enters into a contract with the owner of a water pollution control system to operate the system must notify the owner, in writing, within five calendar days of:

(1) any change in the designation of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC) of the system; or

(2) becoming aware of any situation or problem (preexisting, anticipated, or otherwise) which may interfere with the proper operation of the system and necessitate corrective action by the owner. This notice shall include the comments and recommendations of the operator in regards to actions or measures that should be taken to correct the noted situation or problem.

History Note: *Authority G.S. 90A-44; 90A-45;*
Eff. April 1, 1999.

15A NCAC 08G .0902 ANNUAL REPORT

History Note: *Authority G.S. 90A-45;*
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.

SECTION .1000 - RULE MAKING PROCEDURES AND PETITIONS FOR REGULATORY ACTIVITY

15A NCAC 08G .1001 PETITIONS FOR REGULATORY ACTIVITY

(a) Any person(s) desiring to request the adoption, amendment, or repeal of a rule may make such request in a petition filed pursuant to G.S. 150B-20, addressed to the Water Pollution Control System Operators Certification Commission and mailed to the Chairman at 1618 Mail Service Center, Raleigh, NC 27699-1618. Such petitions must contain:

(1) a draft of the proposed rule or a summary of its intent;

(2) reasons for adoption of the proposed rule(s) and the effect it will have on existing rules and practices; and

(3) the name(s) and address(es) of the petitioner(s).

(b) Petitions shall be placed on the agenda of the next regularly scheduled meeting of the Commission if received at least four weeks prior to the meeting. The Chairman shall prepare recommended responses to petitions for the Commission's consideration. Petitions shall be considered in accordance with the requirements of G.S. 150B-20.

History Note: *Authority G.S. 143B-300; 150B-20;*
Eff. April 1, 1999;
Amended Eff. December 1, 2006.

SECTION .1100 - ADMINISTRATIVE DUTIES

15A NCAC 08G .1101 REFUNDING OF FEES

History Note: *Authority G.S. 90A-42;*
Eff. April 1, 1999;
Repealed Eff. December 1, 2006.