

Transition Plan Guide

as per the

Water and Wastewater Facilities and Public Drinking Water Supplies Regulations

1.0 Introduction

Conditions may arise when a facility is not in compliance with the operator certification requirements as per Section 27, 28 and 29 of the ***Water and Wastewater Facilities and Public Drinking Water Supplies Regulations***. This occurs if the facility does not have an operator in overall direct responsible charge (DRC) that is certified to the same classification rating or higher than that of the facility.

Section 30(1) of the regulation identifies the situations under which a transition plan must be submitted. Section 30(2) requires that the transition plan be acceptable to the administrator and is in accordance with this guide. Section 30(2)(b) details the timeframe required to submit the plan to Nova Scotia Environment (NSE) for approval.

It is emphasized that facility owners should avoid the need for a transition plan by ensuring adequate succession management and planning to address future facility upgrades or staff turnover.

The purpose of this guide is to assist facility owners in the development of a transition plan which must be submitted when a facility does not comply with Sections 27, 28 and 29 of the regulations.

2.0 Non-Compliance Situation

Facility owners need to apply due diligence regarding facility operations. When an owner is aware of a non-compliance situation, as per Section 29 of the ***Water and Wastewater Facilities and Public Drinking Water Supplies Regulations***, they should notify NSE when their facility is not under the overall responsible charge of an operator that meets the requirements of Section 28(1) of the regulations.

Once aware of the non-compliance situation, owners should begin a process to ensure that operations return to compliance by:

- employing an individual who meets the requirements of Section 28(1);
- identifying an individual for a temporary time as per Section 29(1)(b); or
- developing an acceptable Transition Plan as per Section 30.

3.0 Transition Plan

The purpose of the transition plan is to address the period of time during which a facility owner is working towards compliance. It may not be possible for a facility owner to immediately obtain the services of an operator to be in overall direct responsible charge of a facility in the event that the facility is reclassified to a higher classification or due to unexpected staff turnover.

The intent of the transition plan is to demonstrate due diligence in the operation of the facility to ensure that drinking water and/or environmental quality are protected.

It is recommended that the facility owner contact NSE to discuss their options, prior to submission of the plan, as this will ensure it meets the expectations.

A facility owner has several options when drafting a transition plan, including but not limited to:

- have existing operations staff work towards full certification under the regulations; or
- hire, contract, or share the services of a certified operator.

3.1 Using Existing Operations Staff

In some cases, facility owners may have staff that they feel are competent to operate the facility, but do not meet the certification, education or operating experience requirements for the level of certification for the classification of the facility. In this situation, the intent of the transition plan is to address the time period during which an operator obtains the required operating experience or education.

An approved transition plan will allow an operator, who is not certified to the classification of the facility, to be designated as the operator in overall direct responsible charge until such time as they meet the requirements for certification outlined in the regulations.

3.1.1 Self-Assessment

To assess if current staff would be suitable to be designated in a transition plan, an assessment of the operator certification and facility classification must be completed by the facility owner.

The first step is assessing and documenting the education, training and operating experience of the operations staff. Documentation of all education and training must be included with the transition plan, unless it has already been submitted in the past with an application for certification. 'Form A – Operations Staff Individual Information' and 'Appendix A – Minimum Requirements for Operator Certification' are included in this guide to assist with this assessment.

The classification level of the facility should then be identified. This is the level of certification that the operations staff should seek to obtain as a minimum requirements for compliance.

3.1.2 Gap Analysis

With information obtained through the self-assessment, a gap analysis can then be performed by the owner to identify the education, training and operating experience the operator needs in order to be eligible for certification at the same classification level of the facility.

This exercise will allow the facility owner to identify the best candidate(s) to move towards full certification on a priority basis. It will also identify what each operator must do in order to become certified to the classification of the facility.

The facility owner may also decide after this exercise that none of the staff have the potential to achieve full certification in a reasonable timeframe acceptable to NSE. If this is the case, the facility owner will need to contract the services of a fully-certified operator.

3.2 Obtaining the Services of a Certified Operator

If a facility owner does not have an operator on staff that is capable of becoming fully certified in a reasonable amount of time, the facility owner shall immediately begin the process of obtaining the services of a certified operator. The transition plan will address the time period from losing the services of a certified operator to the date at which the services of a certified operator are obtained.

This could include hiring a certified operator, contracting the services of a certified operator, or sharing the services of a certified operator with a neighbouring facility. The Transition Plan submitted to NSE should identify the individual's operational credentials, the normal working location and copy of the agreement illustrating their commitment to representing the facility as the overall DRC operator.

Any difficulties in hiring an individual should be communicated to NSE immediately.

4.0 Transition Plan Content

The plan must contain sufficient information for the NSE to evaluate it based on the demonstration of due diligence in the facility owner's approach to its operation until it can meet the requirements of the regulation. Due diligence means taking every reasonable precaution to the extent of your ability and authority, to ensure that the facility is operated by competent staff to ensure that water quality and effluent quality are not compromised during the period of the transition plan. The transition plan must include clear and concise time frames and performance measures for individuals operating under a transition plan.

The transition plan **must be signed and dated by the facility owner (or designate) and the operator(s)** identified in the plan. By signing the transition plan:

- the facility owner acknowledges that the individual operators have been deemed to be competent;

- the operator(s) have accepted the overall direct responsible charge for the operation of the facility; and
- there is an agreement between the owner and operator(s) to meet the terms and conditions identified in the transition plan.

If a facility owner is using existing staff and the operator is deficient in education and/or training, the transition plan must identify what education and/or training the operator(s) will obtain. The transition plan must demonstrate that the training is consistent with the requirements of the regulations. This shall include the number of continuing educational units (CEUs) that the training will provide. The transition plan must also identify when the operator intends on taking and completing the training. This timeline must be adhered to in order to remain in compliance.

If an operator is deficient in experience, the transition plan must identify the operator(s) and the length of time it will take for the operator to obtain the required operating or DRC experience to meet the requirements of the regulations.

The transition plan will outline a reasonable schedule for having the operators pass the certification exams that the operator is working towards.

The transition plan should include any related agreements or contracts that are established between an operator and the facility owner. A copy of the agreement/contract shall be submitted to NSE.

5.0 Acceptance of Transition Plan

NSE must be satisfied that competent staff is operating the facility during the period of the transition plan. This is the basis on which the transition plan can be accepted. A Transition Plan should include a commitment to report semi-annually on the deliverables.

Following acceptance of a transition plan, the facility will be in compliance with Sections 27 and 28, unless the facility does not meet the deliverables as identified in the plan.

YEARS OF OPERATING EXPERIENCE (Years - Months)							
OPERATING EXPERIENCE				DRC OPERATING EXPERIENCE			
WT I: y m	WD I: y m	WWT I: y m	WWC I: y m	WT I: y m	WD I: y m	WWT I: y m	WWC I: y m
WT II: y m	WD II: y m	WWT II: y m	WWC II: y m	WT II: y m	WD II: y m	WWT II: y m	WWC II: y m
WT III: y m	WD III: y m	WWT III: y m	WWC III: y m	WT III: y m	WD III: y m	WWT III: y m	WWC III: y m
WT IV: y m	WD IV: y m	WWT IV: y m	WWC IV: y m	WT IV: y m	WD IV: y m	WWT IV: y m	WWC IV: y m

DECLARATION	
We hereby confirm that the information on this application is true and accurate to the best of our knowledge.	
STAFF MEMBER SIGNATURE	DATE
SUPERVISOR SIGNATURE	DATE

Appendix A - Minimum Requirements for Operator Certification

As per the Nova Scotia *Water and Wastewater Facility and Public Drinking Water Supplies Regulations*. In the event of a discrepancy between the following information and the regulations, the regulations shall take precedence.

Operator Certification Education and Experience Requirements				
Corequisites				
	Class	Acceptable Operating Experience	Education	Post-Secondary Education
OIT	-	-	Grade 12, GED or equivalent	-
Class I	-	1 year at Class I or higher facility	Grade 12, GED or equivalent	-
Class II	I	3 years at Class I or higher facility	Grade 12, GED or equivalent	-
Class III	II	4 years at a Class II or higher facility, including 2 years of direct responsible charge	Grade 12, GED or equivalent	2 years or 90 CEUs of post high school training or education in the water or wastewater field, engineering, or related science
Class IV	III	4 years at a Class III or higher facility, including 2 years of direct responsible charge	Grade 12, GED or equivalent	4 years or 180 CEUs of post high school training or education in the water or wastewater field, engineering, or related science

* 45 CEUs = 1 year post secondary education and 1 CEU = 10 hours of training

Education substitutions (short on experience)		
Education or training	May be substituted for	Limit
1 year of post secondary	1 year of operating or DRC experience (Class II, III, and IV only)	Up to 50% of required experience
45 CEUs of specialized operator training	1 year of operating or DRC experience (Class II, III, and IV only)	Up to 50% of required experience

Operating Experience Substitutions (short on education)			
Experience	May be substituted for	Limit	
1 year of operating or DRC experience	2 years of education (Grade 1 to 8)	None	
1 year of operating or DRC experience	1 year of education (Grade 9 to 12)	None	
For Class III, 1 year of DRC (only) experience in Class II or higher	1 year of post secondary	1 year	
For Class IV, 1 year of DRC (only) experience in Class III or higher	1 year of post secondary	1 year	
45 CEUs of specialized/relevant operator training	1 year of post secondary	None	

Note:

- Operating experience and education/training used as part of the requirement for the particular certification class applied for, cannot be utilized for substitutions.