

Shared/Contract Operators

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I have received inquiries again regarding shared and/or contract operators. My research indicates that agreements are both formal and informal and really all over the board. In order to protect all parties involved I think that there are some issues that you might want to consider in a formal agreement.

- Is the operator certified at the level required for the system to be served?
- What is the contact information?
- What specific duties are expected to be performed by the operator? Who takes the samples, who maintains the required records, who is responsible for routine maintenance, who maintains the regulatory correspondence, who receives kits from the lab, who makes any required public notifications and any other additional duties?
- Who is responsible for non-compliance reporting?
- What are the system owner's responsibilities?
- In the case of an emergency, what is the response time? Is it less than 1 hour?
- Is backup support available 24 hours a day?
- What is the term of the agreement?
- Is there a termination clause?
- Billing: Who bills whom at what rate? Does that include any material used or mileage?
- Is there a history of non-compliance?
- Have the appropriate regulatory agencies been notified, given copies of any contracts and are current signatory authorization forms filed?
- Does the agreement or contract "hold harmless" and "indemnify" all parties involved?

Certainly, you may want to have your attorney review any contracts or formal agreements. Shared and /or contract operators are utilized widely across the

state taking advantage of efficiencies of scale and technical support especially for the benefit of our smaller systems.