

Introduced: 4/10/75
Referred: Health, Education &
Social Services

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 *CS* HOUSE BILL NO. 407 *am*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act requiring certification of water and waste-
7 water operators."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 30. CERTIFICATION OF OPERATORS.

11 Sec. 46.30.010. CLASSIFICATION. The department shall classify all
12 potable water systems and facilities actually used or intended for use
13 by the public, and all wastewater systems and facilities which discharge
14 into publicly owned wastewater systems, or to receiving bodies of water,
15 or on land used by others. The classification shall take due regard to
16 size and type, character of water or wastewater to be treated, and other
17 physical conditions affecting the systems and facilities, and according
18 to the skill, knowledge and experience required of an operator.

19 Sec. 46.30.020. CERTIFICATION REQUIREMENT. Two years following
20 the effective date of this chapter, all potable water supply and waste-
21 water systems and facilities, whether publicly or privately owned, used
22 or intended for use by the public or private persons, must at all times
23 be under the direct supervision of an operator whose competency is
24 certified to by the department in a classification corresponding to the
25 classification of the system or facility to be supervised.

26 Sec. 46.30.030. EXAMINATIONS. Examinations shall be held at least
27 annually at times and places set by the department. Separate examina-
28 tions shall be given for each operator classification. Applicants who
29 fail to pass an examination may repeat the examination at subsequent

1 regularly scheduled examinations.

2 Sec. 46.30.040. CERTIFICATION. The department shall issue certi-
3 fication entitling qualified persons to supervise the operation of
4 potable water supply and wastewater systems and facilities. The certi-
5 ficate will designate the class of system for which the operator is
6 qualified in accordance with the classification system of the department.
7 The certificate shall be valid for three years unless revoked for cause,
8 replaced by one of a higher grade, or the operator for a continuous
9 period of one year has not been actively engaged in the duties author-
10 ized by the certificate. An operator whose certificate has been invali-
11 dated for not having been actively engaged in the duties authorized may
12 be issued a new certificate upon proof of competency as prescribed by
13 regulations.

14 Sec. 46.30.050. REGULATIONS. The department shall issue regula-
15 tions for administration of this chapter. The regulations shall include

16 (1) the basis for classification of potable water supply and
17 wastewater systems and facilities, including the type and size of lesser
18 systems and facilities, if any, to which the provisions of this chapter
19 do not apply, as required by sec. 10 of this chapter;

20 (2) criteria for the qualification of applicants for operator
21 certification corresponding to each of the classifications referred to
22 in (1) of this section;

23 (3) procedures for examination of candidates and renewal of
24 certificates;

25 (4) procedures for the revocation of certificates;

26 (5) determination as to which additional personnel shall be
27 certified when certification is required for more than the operator in
28 direct responsible charge.

29 Sec. 46.30.060. STANDARDS. The department, to the extent it

1 determines feasible, shall be guided by the standards recommended by
2 the Association of Boards of Certification for Operating Personnel in
3 Water and Wastewater Utilities.

4 Sec. 46.30.070. RECIPROCITY. Certificates may be issued without
5 examination in the comparable classification to an applicant who holds
6 a certificate in a state, territory, or possession of the United States,
7 if its certification requirements and examinations are comparable to
8 those of this state and if reciprocal privileges are granted to opera-
9 tors certified in this state.

10 Sec. 46.30.080. TEMPORARY CERTIFICATION. In the event of unusual
11 or emergency circumstances or following the hiring of new employees,
12 temporary certificates may be issued to an operator until such time as
13 he may be examined and certified. Within two weeks after employment
14 of such an operator, the department shall be notified in writing and
15 information shall be provided regarding the operator including name,
16 background, experience, training, education, and references. There-
17 after, the operator may be issued a temporary certificate which shall
18 remain valid only for that time required for next routine examination
19 and evaluation.

20 Sec. 46.30.090. PROHIBITED ACTS. On or after two years following
21 the effective date of this chapter, it shall be unlawful

22 (1) for any potable water supply or wastewater system or
23 facility to be operated unless the operator is certified under the
24 provisions of this chapter;

25 (2) for any person to perform the duties of an operator
26 without being certified under the provisions of this chapter.

27 Sec. 46.30.100. DEFINITIONS. In this chapter

28 (1) "department" means the Department of Environmental
29 Conservation;

1 (2) "direct responsible charge" means, where shift operation
2 is not required, accountability for and performance of active daily on-
3 site operation; where shift operation is required, "direct responsible
4 charge" means both accountability for active daily on-site technical and
5 administrative supervision and active daily on-site charge of an operating
6 shift or a major segment of a system or facility;

7 (3) "operator" means the person in direct responsible charge
8 of the operation of a potable water supply or wastewater system or
9 facility or a major segment of a system or facility;

10 (4) "potable water supply system" means the system of pipes,
11 structures, and facilities through which water is obtained, treated and
12 sold, distributed or otherwise offered to the public for household use
13 or any use by humans;

14 (5) "wastewater collection system" means that portion of the
15 wastewater facility in which wastewater is received from the premises of
16 the discharger and conveyed to the point of treatment;

17 (6) "wastewater facility" means the system of pipes, struc-
18 tures, equipment and processes required to collect, carry away and treat
19 domestic and industrial wastewater and dispose of the effluent;

20 (7) "wastewater treatment plant" means that portion of the
21 wastewater facility used in the treatment of domestic and industrial
22 wastewater, including solids handling;

23 (8) "water distribution system" means that portion of the
24 potable water supply system in which water is stored and conveyed from
25 the water treatment plant or other supply point to the premises of a
26 consumer;

27 (9) "water treatment plant" means that portion of the potable
28 water supply system which in some way alters the physical, chemical,
29 or bacteriological quality of the water being treated.