

Original sponsor: State Affairs Committee

Offered: 5/6/76  
For Today's Calendar

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 407 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring certification of water and wastewater  
7 operators; and providing a program for the training of  
8 water and wastewater operators."

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

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

11 CHAPTER 30. CERTIFICATION OF OPERATORS.

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

20 Sec. 46.30.020. WATER AND WASTEWATER WORKS ADVISORY BOARD. There  
21 is created the Water and Wastewater Works Advisory Board composed of the  
22 commissioner of environmental conservation and eight additional members  
23 appointed by the governor. The Water and Wastewater Works Advisory  
24 Board shall advise and assist the department in the administration of  
25 the training and certification program. Appointments to the board shall  
26 be for a period of five years. The initial term of office of two of the  
27 members is for one year, the initial term of three of the members is  
28 three years, and the initial term of three of the members is five years.  
29 Vacancies shall be filled in the same manner as the original appointments.

1           Sec. 46.30.030. TRAINING. The department shall, with the assis-  
2           tance and advice of the Water and Wastewater Works Advisory Board, pro-  
3           vide a water and wastewater works operator training program. The purpose  
4           of this program is to provide mechanisms for water and wastewater works  
5           operators to become certified under the provisions of this chapter and  
6           for certified operators to maintain and improve their competency in  
7           operating water and wastewater systems or facilities. The department  
8           shall coordinate and cooperate with educational institutions and other  
9           organizations or individuals in the administration of this section.

10           Sec. 46.30.040. CERTIFICATION REQUIREMENT. Two years following  
11           the effective date of this chapter, all potable water supply and waste-  
12           water systems and facilities, whether publicly or privately owned, which  
13           serve 100 or more service connections or are used or intended for use  
14           by 500 or more persons, must at all times be under the supervision of an  
15           operator whose competency is certified to by the department in a clas-  
16           sification corresponding to the classification of the system or facility  
17           to be supervised.

18           Sec. 46.30.050. EXAMINATIONS. Examinations shall be held at least  
19           annually at times and places set by the department. Separate examina-  
20           tions shall be given for each operator classification. Applicants who  
21           fail to pass an examination may repeat the examination at subsequent  
22           regularly scheduled examinations.

23           Sec. 46.30.060. CERTIFICATION. The department shall issue certi-  
24           fication entitling those persons who successfully complete the required  
25           examinations to supervise the operation of potable water supply and  
26           wastewater systems and facilities after considering the recommendations  
27           of the advisory board. The certificate will designate the class of  
28           system for which the operator is qualified in accordance with the  
29           classification system of the department. The certificate shall be valid

1 for three years unless revoked for cause, replaced by one of a higher  
2 grade, or the operator for a continuous period of one year has not been  
3 actively engaged in the duties authorized by the certificate. An opera-  
4 tor whose certificate has been invalidated for not having been actively  
5 engaged in the duties authorized may be issued a new certificate upon  
6 proof of competency as prescribed by regulations.

7 Sec. 46.30.070. CERTIFICATES WITHOUT EXAMINATION. Certificates  
8 may be issued without an examination to persons employed as water or  
9 wastewater works operators on the effective date of this chapter who  
10 request such a waiver. The examination waiver shall be printed on the  
11 certificate. An operator certified under this section may request to  
12 have his certificate transferred to another facility of the same general  
13 class and type or to another facility of lower class. The request shall  
14 be granted if, in the opinion of the department, the transfer would not  
15 adversely affect the health and safety of the public or the environment.  
16 The department shall consider the recommendations of the Water and  
17 Wastewater Works Advisory Board before granting or denying a request  
18 under this section.

19 Sec. 46.30.080. REGULATIONS. The department, with the advice of  
20 the advisory board, shall issue regulations for administration of this  
21 chapter. The regulations shall include

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

26 (2) criteria for the qualification of applicants for operator  
27 certification corresponding to each of the classifications referred to  
28 in sec. 10 of this chapter;

29 (3) procedures for examination of candidates and renewal of

1 certificates;

2 (4) procedures for the revocation of certificates;

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

6 Sec. 46.30.090. GUIDELINES. The department, to the extent it  
7 determines feasible, shall be guided by the standards recommended by the  
8 Association of Boards of Certification for Operating Personnel in Water  
9 and Wastewater Utilities.

10 Sec. 46.30.100. RECIPROCITY. Certificates may be issued without  
11 examination in the comparable classification to an applicant who holds a  
12 certificate in a state, territory, or possession of the United States,  
13 if its certification requirements and examinations are comparable to  
14 those of this state and if reciprocal privileges are granted to opera-  
15 tors certified in this state.

16 Sec. 46.30.110. TEMPORARY CERTIFICATION. In the event of unusual  
17 or emergency circumstances or following the hiring of new employees,  
18 temporary certificates may be issued to an operator until such time as  
19 he may be examined and certified. Within two weeks after employment of  
20 such an operator, the department shall be notified in writing and  
21 information shall be provided, including the operator's name, back-  
22 ground, experience, training, education, and references. Thereafter,  
23 the operator may be issued a temporary certificate which shall remain  
24 valid only for that time required for next routine examination and  
25 evaluation.

26 Sec. 46.30.120. PROHIBITED ACTS. On or after two years following  
27 the effective date of this chapter, it shall be unlawful

28 (1) for any potable water supply or wastewater system or  
29 facility subject to AS 46.30.040 to be operated unless the operator is

1 certified under the provisions of this chapter;

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

4 Sec. 46.30.130. DEFINITIONS. In this chapter

5 (1) "certificate" means certificate of competency issued by  
6 the department stating that the operator has met the requirements for  
7 the specified operator classification of the certification program;

8 (2) "department" means the Department of Environmental  
9 Conservation;

10 (3) "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 (4) "wastewater system" means the system of pipes, struc-  
15 tures, equipment and processes required to collect, carry away and treat  
16 domestic and industrial wastewater and dispose of the effluent.