



LAWS OF ALASKA

1976

Source

CSHB 407 am

Chapter No.

244

AN ACT

Requiring certification of water and wastewater operators; and providing a program for the training of water and wastewater operators.

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

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

CHAPTER 30. CERTIFICATION OF OPERATORS.

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

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

Sec. 46.30.030. TRAINING. The department shall, with the assistance and advice of the Water and Wastewater Works

Advisory Board, provide a water and wastewater works operator training program. The purpose of this program is to provide mechanisms for water and wastewater works operators to become certified under the provisions of this chapter and for certified operators to maintain and improve their competency in operating water and wastewater systems or facilities. The department shall coordinate and cooperate with educational institutions and other organizations or individuals in the administration of this section.

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

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

Sec. 46.30.060. CERTIFICATION. The department shall issue certification entitling those persons who successfully complete the required examinations to supervise the operation of potable water supply and wastewater systems and facilities after considering the recommendations of the advisory board. The certificate will designate the class of system for which the operator is qualified in accordance with the classification system of the department. The certificate shall be valid for three years unless revoked for cause, replaced by one of a higher grade, or the operator for a continuous period of one year has not been actively engaged in the duties authorized by the certificate. An operator whose certificate has been invalidated for not having been actively engaged in the duties authorized may be issued a new certificate upon proof of competency as prescribed by regulations.

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

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

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

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

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

(4) procedures for the revocation of certificates;

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

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

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

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

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

(1) for any potable water supply or wastewater system or facility subject to AS 46.30.040 to be operated unless the operator is certified under the provisions of this chapter;

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

Sec. 46.30.130. DEFINITIONS. In this chapter

(1) "certificate" means certificate of competency issued by the department stating that the operator has met

the requirements for the specified operator classification of the certification program;

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

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

(4) "wastewater system" means the system of pipes, structures, equipment and processes required to collect, carry away and treat domestic and industrial wastewater and dispose of the effluent.