

# SENATE BILL No. 317

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-18-11.

**Synopsis:** Operator certification. Provides that the law concerning water distribution system operator certification applies to nontransient, noncommunity water systems and community water systems. Provides that a certified water treatment plant operator or water distribution system operator may renew the operator's certification every three years instead of every two years by: (1) paying a renewal fee; and (2) meeting any continuing education requirements established by the department of environmental management. (Provides that a certified wastewater treatment plant operator must still renew the operator's certificate every two years by paying a renewal fee.) Allows the commissioner of the department of environmental management to suspend the certificate of a water treatment plant operator, water distribution system operator, or wastewater treatment plant operator under certain circumstances. Allows the commissioner to issue a water treatment plant operator or water distribution system operator certificate to a person under certain circumstances if the person is an operator in responsible charge of a water treatment plant or water distribution system that was required by the United States Environmental Protection Agency to have a certified operator for the first time after February 5, 1999.

**Effective:** September 1, 2000.

---

---

**Gard**

---

---

January 10, 2000, read first time and referred to Committee on Environmental Affairs.

---

---

C  
O  
P  
Y



Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

C  
O  
P  
Y

# SENATE BILL No. 317



A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-18-11-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: Sec. 1. The  
3 commissioner may determine that this chapter does not apply to ~~any~~ or  
4 all of the following:

- 5 (1) ~~A water supply system that is used by fewer than one hundred~~
- 6 ~~(100) persons per day during a period of customary usage.~~
- 7 (2) ~~A water supply system that serves fewer than twenty-five (25)~~
- 8 ~~separate lots or properties: a transient noncommunity water~~
- 9 ~~system.~~

10 SECTION 2. IC 13-18-11-6 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: Sec. 6. (a) ~~An~~ **A**  
12 **wastewater treatment plant** operator certified under this chapter may  
13 renew the operator's certificate biennially by paying a renewal fee of  
14 thirty dollars (\$30).

15 (b) The fee is due and payable ~~on~~ or before ~~July~~ **July 2** of the year  
16 for which a renewal certificate is issued.

17 (c) ~~An~~ **A wastewater treatment plant** operator who fails to renew



1 a certificate for three (3) successive years may not receive a renewal  
2 certificate without reexamination.

3 SECTION 3. IC 13-18-11-6.5 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE SEPTEMBER 1, 2000]: **Sec. 6.5. (a) A water treatment  
6 plant operator or water distribution system operator certified  
7 under this chapter may renew the operator's certificate triennially  
8 by:**

- 9 (1) paying a renewal fee of thirty dollars (\$30); and  
10 (2) meeting any continuing education requirements  
11 established by the department.

12 (b) The:

- 13 (1) fee is due and payable; and  
14 (2) proof of compliance with continuing education  
15 requirements must be submitted to the department;

16 before July 2 of the year for which a renewal certificate is to be  
17 issued.

18 (c) A water treatment plant operator or a water distribution  
19 system operator who fails to renew a certificate within one (1) year  
20 after the date the certificate expires may not receive a renewal  
21 certificate without reexamination.

22 SECTION 4. IC 13-18-11-7 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: Sec. 7. (a) The  
24 commissioner shall notify by mail each person certified by the  
25 commissioner as a **wastewater treatment plant operator** under this  
26 chapter of the following:

- 27 (1) The date of the expiration of the operator's certificate.  
28 (2) The amount of the required fee for renewal for two (2) years.

29 (b) The commissioner shall mail the notice at least one (1) month in  
30 advance of the date of expiration of the person's certificate to the last  
31 known address of the individual on file with the commissioner.

32 SECTION 5. IC 13-18-11-7.5 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE SEPTEMBER 1, 2000]: **Sec. 7.5. (a) The commissioner  
35 shall notify by mail each person certified by the commissioner as  
36 a water treatment plant operator or water distribution system  
37 operator under this chapter of the following:**

- 38 (1) The date of expiration of the operator's certificate.  
39 (2) The amount of the required fee for renewal for three (3)  
40 years.  
41 (3) The continuing education required for renewal for three  
42 (3) years.



C  
O  
P  
Y

1           **(b) The commissioner shall mail the notice at least one (1)**  
 2 **month in advance of the date of expiration of the person's**  
 3 **certificate to the last known address of the individual on file with**  
 4 **the commissioner.**

5           SECTION 6. IC 13-18-11-8 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: Sec. 8. (a) The  
 7 commissioner may **suspend or** revoke the certificate of an operator,  
 8 following a hearing under IC 13-15-7-3 and IC 4-21.5, if any of the  
 9 following conditions are found:

- 10           (1) The operator has practiced fraud or deception.  
 11           (2) Reasonable care, judgment, or the application of the operator's  
 12 knowledge or ability was not used in the performance of the  
 13 operator's duties.  
 14           (3) The operator is incompetent or unable to properly perform the  
 15 operator's duties.

16           (b) A hearing and further proceedings shall be conducted in  
 17 accordance with IC 4-21.5-7.

18           SECTION 7. IC 13-18-11-10 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: Sec. 10. (a)  
 20 Certificates in appropriate classification shall be issued upon  
 21 application and payment of the fee to operators **of wastewater**  
 22 **treatment plants** who, on July 1, 1968, ~~for wastewater treatment plants~~  
 23 ~~or July 1, 1972, for water treatment plants and water distribution~~  
 24 ~~systems;~~ hold certificates of competency attained by examination under  
 25 the voluntary certification program administered by:

- 26           (1) the Indiana Water Pollution Control Association; or  
 27           (2) the Indiana Section, American Water Works Association.

28 However, application for a certificate under this subsection must be  
 29 made not later than July 1, 1969. ~~for wastewater treatment plants or~~  
 30 ~~July 1, 1973, for water treatment plants and water distribution~~  
 31 ~~systems.~~

32           (b) Certificates of proper classification shall be issued upon  
 33 payment of the fee without examination to each person certified by the  
 34 governing body or owner to have been in direct responsible charge of  
 35 the **wastewater** treatment plant ~~or distribution system~~ on

- 35           (1) July 1, 1968. ~~for wastewater treatment plants; or~~  
 36           (2) ~~July 1, 1972, for water treatment plants and water distribution~~  
 37 ~~systems.~~ A certificate issued under this subsection is valid only  
 38 for that particular **wastewater** treatment plant, ~~or distribution~~  
 39 ~~system;~~ which the certificate must indicate.

40           SECTION 8. IC 13-18-11-10.5 IS ADDED TO THE INDIANA  
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE SEPTEMBER 1, 2000]: **Sec. 10.5. (a) The**



C  
O  
P  
Y

1 commissioner may issue a certificate to a person under this chapter  
2 if all of the following conditions are met:

3 (1) The person is an operator in responsible charge of a water  
4 treatment plant or water distribution system that was:

5 (A) in operation before September 2, 2000; and

6 (B) required to have a certified operator for the first time  
7 under rules adopted in accordance with guidelines  
8 published by the United States Environmental Protection  
9 Agency in the Federal Register at 64 FR 5916 et seq.

10 (2) The owner of the water treatment plant or water  
11 distribution system applies for a certificate for the operator  
12 in responsible charge before September 1, 2002.

13 (3) The certificate issued by the commissioner:

14 (A) is site specific; and

15 (B) may not be transferred to another operator.

16 (4) The certificate will become invalid if the classification of  
17 the water treatment plant or water distribution system for  
18 which the certificate was issued changes to a higher level.

19 (b) A person certified under subsection (a) must meet all  
20 requirements for certification renewal that apply to the  
21 classification of the water treatment plant or water distribution  
22 system to renew the certificate under this chapter.

23 (c) A person certified under subsection (a) who commences  
24 work for a different water treatment plant or water distribution  
25 system must meet the initial certification requirements for the  
26 plant or system.

27 SECTION 9. [EFFECTIVE SEPTEMBER 1, 2000] (a)  
28 Notwithstanding the amendment of IC 13-18-11 by this act, a  
29 certificate that is issued to a water treatment plant operator or  
30 water distribution system operator under IC 13-18-11 before  
31 September 1, 2000, must, to remain in effect, be renewed not later  
32 than two (2) years after it was issued.

33 (b) A certificate of a water treatment plant operator or water  
34 distribution system operator that is renewed under IC 13-18-11  
35 before September 1, 2000, is renewed for a two (2) year period.

36 (c) A certificate of a water treatment plant operator or water  
37 distribution system operator that is issued after August 31, 2000,  
38 is subject to the triennial certificate renewal requirements set forth  
39 in IC 13-18-11-6.5, as added by this act.

40 (d) A certificate of a water treatment plant operator or water  
41 distribution system operator that is renewed after August 31, 2000,  
42 is renewed for a three (3) year period under the triennial certificate



C  
O  
P  
Y

1 **renewal requirements set forth in IC 13-18-11-6.5, as added by this**  
2 **act.**  
3 **(e) This SECTION expires September 1, 2003.**

C  
o  
p  
y

