

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.

SENATE ENROLLED ACT No. 317

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-11-2-237.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE SEPTEMBER 1, 2000]: **Sec. 237.5. "Transient noncommunity water system", for purposes of IC 13-18-11, has the meaning set forth in IC 13-18-11-1(a).**

SECTION 2. IC 13-18-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: Sec. 1. (a) **As used in this chapter, "transient noncommunity water system" means a noncommunity water system that does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year.**

(b) The commissioner may determine that this chapter does not apply to any or all of the following:

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

SECTION 3. IC 13-18-11-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE SEPTEMBER 1, 2000]: **Sec. 1.5. The department shall adopt regulations to implement certification programs for**



C
O
P
Y

operators of water treatment plants or water distribution systems. The certification program for the operators shall be classified in accordance with the complexity, size, and source of the water for the treatment system and the complexity and size for the distribution system.

SECTION 4. IC 13-18-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: Sec. 6. (a) ~~An~~ **A wastewater treatment plant** operator certified under this chapter may renew the operator's certificate biennially by paying a renewal fee of thirty dollars (\$30).

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

(c) ~~An~~ **A wastewater treatment plant** operator who fails to renew a certificate for three (3) successive years may not receive a renewal certificate without reexamination.

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

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

(b) The:

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

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

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

SECTION 6. IC 13-18-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: Sec. 7. (a) The commissioner shall notify by mail each person certified by the commissioner **as a wastewater treatment plant operator** under this chapter of the following:

- (1) The date of the expiration of the operator's certificate.
 - (2) The amount of the required fee for renewal for two (2) years.
- (b) The commissioner shall mail the notice at least one (1) month in

C
O
P
Y



advance of the date of expiration of the person's certificate to the last known address of the individual on file with the commissioner.

SECTION 7. IC 13-18-11-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: **Sec. 7.5. (a) The commissioner shall notify by mail each person certified by the commissioner as a water treatment plant operator or water distribution system operator under this chapter of the following:**

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

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

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

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

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

SECTION 9. IC 13-18-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: Sec. 10. (a) Certificates in appropriate classification shall be issued upon application and payment of the fee to operators **of wastewater treatment plants** who, on July 1, 1968, ~~for wastewater treatment plants or July 1, 1972, for water treatment plants and water distribution systems~~; hold certificates of competency attained by examination under the voluntary certification program administered by:

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

However, application for a certificate under this subsection must be made not later than July 1, 1969. ~~for wastewater treatment plants or~~



C
O
P
Y

~~July 1, 1973, for water treatment plants and water distribution systems.~~

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

(1) July 1, 1968, for ~~wastewater treatment plants~~; or

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

SECTION 10. IC 13-18-11-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: **Sec. 10.5. (a) The commissioner may issue a certificate to a person under this chapter if all of the following conditions are met:**

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

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

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

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

(3) **The certificate issued by the commissioner:**

(A) **is site specific; and**

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

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

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

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

(d) **Notwithstanding section 14 of this chapter, a water treatment plant or water distribution system that meets the conditions of subsection (a)(1) may continue to operate if the water**

C
O
P
Y



treatment plant or water distribution system applies to the commissioner for certification of the operator in responsible charge of the water treatment plant or water distribution system as provided in this section.

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

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

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

(d) A certificate of a water treatment plant operator or water distribution system operator that is renewed after August 31, 2000, is renewed for a three (3) year period under the triennial certificate renewal requirements set forth in IC 13-18-11-6.5, as added by this act.

(e) This SECTION expires September 1, 2003.

C
o
p
y



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

C
o
p
y

SEA 317 — CC 1+

