

**OBJECTION TO THE DENIAL OF APPLICATION
 GRADE PF WATER WORKS OPERATOR
 CERTIFICATION EXAM
 JEFF MEINDERS/HOOSIER HILLS RWD
 MILAN, RIPLEY COUNTY, INDIANA
 1998 OEA 036, OEA CAUSE NO. 97-W-J-1905**

Official Short Cite Name:	JEFF MEINDERS/HOOSIER HILLS RWD, 1998 OEA 036
OEA Cause No.:	97-W-J-1905
Topics/Keywords:	327 IAC 8-12-1(1)
	327 IAC 8-12-3(b)
	327 IAC 8-12-3(d)
	327 IAC 8-12-3(f)(4)
	SEA 156 (P.L. 41-1995 amending 4-21.5-7)
	IC 4-21.5
	IC 4-21.5-5-5
	Water Works Operator
	Certification Exam
	Motion for Summary Judgment
Presiding ELJ:	WAYNE PENROD
Party Representatives:	MYLENE HUYBERS, ESQ., IDEM
	PETER C. KING, ESQ.
Order Issued:	SEPTEMBER 15 th , 1998
Index Category:	WATER QUALITY
Further Case Activity:	

1. Petitioner applied to take the PF water works operator certification examination on or about September 10, 1997.
2. 327 IAC 8-12-3(f)(4) states:

Grade PF: A grade PF operator is qualified to operate a Class CT or Class PF water treatment plant. He must have completed high school or its equivalent and possess the educational skills listed in subsection (c). In addition, he must be able to maintain inventories, order supplies or equipment, and interpret chemical and bacteriological sample reports. Furthermore, he must have had a minimum of two (2) years of acceptable work experience in the operation of a Class PF water treatment plant. Successful completion of educational work at college level in engineering, chemistry, or science related to water treatment may be substituted for work experience at the ratio of four (4) semesters or six (6) quarters of schooling for a total of one (1) year of experience.

3. 327 IAC 8-12-1(1) defines acceptable experience as, "employment in the actual hands-on operation of a water treatment, distribution, or wastewater treatment plant."
4. 327 IAC 8-12-3(b) states, "[a]pplicants must meet the minimum education and experience requirements prior to taking the exam."
5. 327 IAC 8-12-3(d) states:

In evaluating experience qualifications of applicants, the commissioner will be guided by the applicant's work experience record with regard to the amount of technical knowledge required by the work. Acceptable experience must be the result of satisfactory accomplishment of work. Evaluation may be based on information from available sources. Experience will be measured from the date of employment of the applicant to the end of the thirty (30) day grading period following the examination.

6. Petitioner did not have two years of actual hands-on experience in the operation of a PF water treatment plant within 30 days following the November 14, 1997 PF Exam.
7. Accordingly, the Court grants IDEM's Motion for Summary Judgment.

You are further notified that pursuant to provisions of S.E.A. 156 (P.L.41-1995 amending

IC 4-21.5-7) which became effective July 1, 1995, the Office of Environmental Adjudication serves as the Ultimate Authority in administrative review of decisions of the Commissioner of the Indiana Department of Environmental Management. This is a Final Order subject to Judicial Review consistent with applicable provisions of IC 4-21.5. Pursuant to IC 4-21.5-5-5, a Petition for Judicial Review of this Final Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date this notice is served.

IT IS SO ORDERED in Indianapolis, Indiana this 15th day of September, 1998.

Wayne E Penrod, Chief
Administrative Law Judge

cc: Mathew C. Rueff, Assistant Commissioner
Office of Water Management