

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 272C.4 and 455B.222 and 2014 Iowa Acts, chapter 1116 (Senate File 303), the Environmental Protection Commission hereby proposes to amend Chapter 81, “Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems,” Iowa Administrative Code.

Chapter 81 sets out regulations for the certification of public drinking water supply and wastewater treatment operators and includes examination eligibility requirements, examination protocols, continuing education requirements, renewal requirements, reciprocity requirements and all corresponding fees. Chapter 81 is being amended as a result of 2014 Iowa Acts, Senate File 303 (the Home Base Iowa Act), signed by Governor Branstad on May 26, 2014. This new law requires all professional and occupational licensing boards, commissions, and other authorities subject to Iowa Code chapter 272C to adopt rules by January 1, 2015, on military service and veteran certification.

The Iowa Drinking Water Treatment and Wastewater Treatment Operator Certification Program has recognized that veterans represent a significant recruiting opportunity for the water industry and, since 2012, the program has been working with the U.S. Department of Veterans Affairs, the U.S. Department of Labor, the Iowa Department of Education, and Propositions, a professional career transition company, to recruit and assimilate veterans into the water industry as quickly and seamlessly as possible. For several years, the Department of Natural Resources (Department) has granted credit toward eligibility for education, training, and service obtained or completed by an individual while serving honorably in the military forces.

The proposed amendments will clarify the process by which the Department provides credit toward certification qualifications for military service, education and training and the procedures for reciprocal certification of veterans who are certified water or wastewater operators in another state.

The amendments were presented to stakeholders on October 3, 2014, and the Department received unanimous support for the rule making. The stakeholder group included Hero2Hired (U.S. Department of Defense contractor – IIF Data Solutions); the Iowa Department of Education – Veterans and Military Education; the Iowa section of the American Water Works Association; the Iowa Association of Municipal Utilities; the Iowa section of the Water Environment Association; the Iowa Association of Water Agencies; and the Iowa Rural Water Association. These stakeholders represent the more than 3,400 certified water and wastewater operators in the state and the stakeholders assisting the transition of military service personnel and veterans into civilian jobs through retraining.

Any interested person may present written comments on the proposed amendments no later than 4:30 p.m. on January 15, 2015. Such written materials should be sent to Diane Moles, Iowa Department of Natural Resources, WSE Section, 502 East 9th Street, Des Moines, Iowa 50319-0034; or sent by e-mail, including the commenter’s name, to diane.moles@dnr.iowa.gov.

There will be a public hearing on January 14, 2015, at 11 a.m. in the Department’s Water Supply Section Second Floor North Conference Room located in the Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa. The conference room is located within the Water Supply Section offices on the second floor. Persons attending the hearing may present their views either orally or in writing.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the content of the proposed amendments.

Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact the Department to advise of any specific needs.

After analysis and review of this rule making, it is anticipated that the proposed amendments would have a positive impact on jobs by facilitating the licensure of veterans for employment in Iowa.

These amendments are intended to implement Iowa Code sections 455B.211 to 455B.224, Iowa Code chapter 272C, and 2014 Iowa Acts, chapter 1116, division VI (Senate File 303).

The following amendments are proposed.

ITEM 1. Adopt the following **new** definitions of “Military service,” “Military service applicant” and “Veteran” in rule **567—81.1(455B)**:

“*Military service*” means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

“*Military service applicant*” means an individual requesting credit toward certification for military education, training, or service obtained or completed in military service.

“*Veteran*” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

ITEM 2. Amend subrule 81.7(1), introductory paragraph, as follows:

81.7(1) *Education and experience requirements.* All applicants shall meet the education and experience requirements for the grade of certificate shown in the table below prior to being allowed to take the examination. Experience shall be in the same classification for which the applicant is applying except that partial credit may be given in accordance with 81.7(2) and 81.7(3). Directly related post-high school education shall be in the same subject matter as the classification in which the applicant is applying. Directly related post-high school education will be granted education credit 2.0 times the number of semester, quarter or CEU credits until January 1, 2006. The director will determine which courses qualify as “directly related” in cases which are not clearly defined. A military service applicant may apply for credit for verified military education, training, or service toward any education or experience requirement for certification, pursuant to subrule 81.7(4).

ITEM 3. Adopt the following **new** subrule 81.7(4):

81.7(4) *Military education, training, and service credit.*

a. The applicant shall identify the experience or education certification requirements for which the credit is requested.

b. As part of the examination application pursuant to subrule 81.9(1), the applicant shall provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant’s Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (VMET) (DD Form 2586).

ITEM 4. Amend subrule 81.9(2) as follows:

81.9(2) *Application evaluation.* The director shall designate department personnel to evaluate all applications for examination, certification, and renewal of certification and upgrading of certification. After evaluation of the application, the department will issue the applicant either a letter of examination eligibility or a letter of examination noneligibility that includes a description of the education or experience requirements that have not been met. The director will review applications when it is indicated that the applicant has falsified information or when questions arise concerning an applicant’s qualifications of eligibility for examination or certification.

ITEM 5. Amend subrule 81.11(3) as follows:

81.11(3) *Reciprocity application.*

a. All applicants. Applicants who seek Iowa certification pursuant to subrule 81.11(1) or 81.11(2) shall submit an ~~application for examination~~ Operator Certification Reciprocity Application accompanied by a letter requesting certification pursuant to these subrules. Application for certification pursuant to

81.11(1) and 81.11(2) shall be received by the director in accordance with these subrules. The applicant shall be certified at the appropriate grade pursuant to subrule 81.7(1).

b. Veteran applicants. An applicant who is a veteran shall submit an Operator Certification Reciprocity Application pursuant to paragraph 81.11(3)“a” and shall also provide such documentation as is needed to verify the applicant’s status as a veteran under Iowa Code section 35.1(2). The veteran’s application shall be given priority and shall be expedited.