

**567—81.12(455B,272C) Disciplinary actions.**

**81.12(1) *Reasons for disciplinary action.*** Disciplinary action may be taken against a certified operator on any of the grounds specified in Iowa Code section 455B.219 and chapter 272C and the following more specific grounds:

*a.* Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator.

(1) Examples of wastewater operator duties are specified in the Water Environment Federation Manual of Practice #11, 1996; California State University—Sacramento (CSUS) Operation of Wastewater Treatment Plants, Vol. I, 4th edition, 1998; CSUS Operation of Wastewater Treatment Plants, Vol. II, 4th edition, 1998; CSUS Advanced Waste Treatment, 3rd edition, 1998; and 567—Chapters 60 through 63, 67, and 83.

(2) Examples of water treatment or distribution system operator duties are specified in the American Water Works Association (AWWA) Manuals of Water Supply Practice (Volumes 1, 3-7, 9, 11-12, 14, 17, 19-38, 41-42, 44-48); AWWA Water Supply Operations Series, 2nd edition: Vol. 1, 1995; Vol. 2, 1995; Vol. 3, 1996; Vol. 4, 1995; and Vol. 5, 1995; AWWA Water Distribution Operator Handbook, 2nd edition, 1976; California State University—Sacramento (CSUS) Water Treatment Plant Operation, Vol. I, 4th edition, 1999; CSUS Water Treatment Plant Operation, Vol. II, 3rd edition, 1998; CSUS Small Water System Operation and Maintenance, 4th edition, 1999; CSUS Water Distribution System Operation and Maintenance, 4th edition, 2000; and 567—Chapters 40 through 43 and 83.

*b.* Failure to submit records of operation or other reports required under applicable permits or department rules, including failure to submit complete records or reports.

*c.* Knowingly making any false statement, representation, or certification on any application, record, report or document required to be maintained or submitted under any applicable permit or department rule.

**81.12(2) *Disciplinary sanctions.*** Disciplinary sanctions may include those specified in Iowa Code section 272C.3(2) and the following:

*a.* *Certificate revocation.* Revocation may be permanent without chance of recertification or for a specified period of time.

*b.* *Partial revocation or suspension.* Revocation or suspension of the practice of a particular aspect of the operation of a plant or distribution system, including the restriction of operation to a particular plant or distribution system, or a particular classification of plant or distribution system.

*c.* *Probation.* Probation under specified conditions relevant to the specific grounds for disciplinary action.

*d.* *Additional requirements.* Additional education, training, or reexamination may be required as a condition of certificate reinstatement.

*e.* *Penalties.* Civil penalties not to exceed \$1,000 may be assessed for the reasons identified in 81.12(1).

**81.12(3) *Procedure.***

*a.* *General.* All disciplinary action taken under this rule shall comply with the procedures of rule 561—7.19(17A,455A) and all other applicable rules governing contested cases. At any time, the licensee and the department may enter into a settlement agreement, subject to approval by the director, which provides for a disciplinary sanction.

*b.* *Appeal and review of proposed decision.* After a contested case hearing conducted in accordance with 561—Chapter 7, the director shall review the presiding officer's proposed decision. The proposed decision shall constitute a final decision of the director and the department.

*c.* *Emergency disciplinary action.* The director may initiate an emergency suspension or other disciplinary action upon such grounds and following the procedures provided in rule 561—7.18(17A,455A). The terms of the emergency order shall be effective upon service as provided in rule 561—7.18(17A,455A). The department shall promptly give notice of an opportunity to appeal and request a contested case hearing following the procedures specified above.

*d.* *Reinstatement of revoked certificates.* Upon revocation of a certificate in accordance with the authority provided in Iowa Code section 455B.219 and chapter 272C, application for certification may be allowed after two years from the date of revocation unless otherwise specified in 81.12(2). Any such

applicant shall meet all education and experience eligibility requirements, pass an examination, and be certified in the same manner as a new applicant in accordance with the requirements of this chapter.

**81.12(4)** *Procedures for noncompliance with child support order.* Upon receipt of a certification of noncompliance with a child support obligation as provided in Iowa Code section 252J.7, the department will initiate procedures to deny an application for operator certification or renewal or to suspend a certification in accordance with Iowa Code section 252J.8(4). The department shall issue to the person by certified mail a notice of its intent to deny or suspend operator certification based on receipt of a certificate of noncompliance. The suspension or denial shall be effective 30 days after receipt of the notice unless the person provides the department with a withdrawal of the certificate of noncompliance from the child support recovery unit as provided in Iowa Code section 252J.8(4)“c.” Pursuant to Iowa Code section 252J.8(4), the person does not have a right to a hearing before the department to contest the denial or suspension action under this subrule but may seek a hearing in district court in accordance with Iowa Code section 252J.9.

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