

February 24, 1965.
Public Health. *be amended do*
pass 3/18

House File 345
By GANNON, RENDA, COCHRAN,
DODERER and GILLETTE of Story.
(Ely.)

Passed House, Date 4/12 Passed Senate, Date 5/10
Vote: Ayes 74 Nays 37 Vote: Ayes 40 Nays 8
Approved May 17, 1965

passed house as amended 5/11 (99-3)

A BILL FOR

Passed on file 4/15
Public Health
Do Pass 4/22
Deferred 5/7

An Act to protect the public health and to conserve and protect the water resources of the state by classifying all public water supply systems and wastewater treatment plants in this state and by requiring the examination of operators and certification of their competency to supervise the operation of such facilities.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. As used in this Act:

2 1. "Commissioner" is the commissioner of public health.

3 2. "Board" is the board of certification.

4 3. "Certificate" is the certificate of competency issued by
5 the commissioner stating that the operator has met the require-

6 ments for the specified operator classification of the certifi-
7 cation program.

8 4. "Water supply system" is the system of pipes, structures,
9 and facilities through which water is obtained, treated and sold,
10 distributed, or otherwise offered to the public for use by humans.

11 5. "Water treatment plant" is that portion of the water supply
12 system which in some way alters the physical, chemical, or bacte-
13 riological quality of the water.

14 6. "Wastewater treatment plant" is the facility or group of
15 units used for the treatment of wastewater, including sewage and
16 industrial wastes, and for the reduction and handling of solids
17 removed from such wastes.

18 7. "Water distribution system" is that portion of the water
19 supply system in which water is conveyed from the water treatment
20 plant or other supply point to the premises of the consumer.

21 8. "Operator" is the person who has direct responsibility
22 for the operation of a water treatment plant, water distribution
23 system, or wastewater treatment plant.

1 Sec. 2. The commissioner shall classify all water treatment
2 plants, water distribution systems, and wastewater treatment
3 plants affecting the public welfare with regard to the size, type,
4 character of water and wastewater to be treated and other physical
5 conditions affecting such treatment plants and distribution sys-
6 tems, and according to the skill, knowledge, and experience that
7 an operator must have to supervise the operation of said facili-
8 ties to protect the public health and prevent pollution.

1 Sec. 3. The commissioner shall certify persons as to their
2 qualifications to supervise the operation of such treatment plants
3 and water distribution systems after considering the recommenda-
4 tions of the board.

1 Sec. 4. The commissioner shall appoint a board of certifi-
2 cation composed of five (5) persons as follows: One (1) member
3 who is a water works operator holding a valid certificate of the
4 highest classification issued by the commissioner; and (1) member
5 who is a wastewater works operator holding a valid certificate of
6 the highest classification issued by the commissioner; one (1)
7 member from the state department of health who is either the state
8 sanitary engineer or a qualified member of his staff; one (1) mem-
9 ber who is a university or college faculty member whose major
10 field is related to water supply or wastewater collection and

11 treatment; and one (1) member who is an employee of a municipality
12 required to employ a certified operator, and who holds the posi-
13 tion of either city manager, city engineer, director of public
14 works of an equivalent position.

1 Sec. 5. Each member of the board, with the exception of the
2 ex officio member from the state department of health, shall be
3 appointed for a three (3) year term, except in the case of the
4 initial appointments the municipal representative shall be appoint-
5 ed for one (1) year, one (1) operator and the faculty member for
6 two (2) years and the remaining operator for three (3) years.
7 Vacancies shall be filled by appointment by the commissioner for
8 unexpired terms.

1 Sec. 6. Members of the original board, at the call of the
2 commissioner, shall organize and elect from their number a chair
3 man. Thereafter, a chairman shall be elected at each annual board
4 meeting. The state health department representative of the board
5 shall serve as secretary of the board and be responsible for main-
6 taining records.

1 Sec. 7. The board shall hold at least one (1) examination each
2 year for the purpose of examining candidates for certification at
3 a time and place designated by the board. Those applicants whose
4 competency is acceptable to the board shall be recommended to the
5 commissioner for certification. Additional meetings may be called
6 by the chairman or commissioner as may be necessary to carry out
7 the provisions of the Act. Three (3) members shall constitute a
8 quorum.

1 Sec. 8. The members of the board shall serve without compen-
2 sation, except for their actual and necessary expenses incurred
3 while discharging their official duties.

1 Sec. 9. When the commissioner is satisfied that an applicant
2 is qualified by examination or otherwise, and upon recommendation
3 of the board, the commissioner shall issue a certificate attest-
4 ing to the competency of the applicant as an operator. The cer-
5 tificate shall indicate the classification of works which the
6 operator is qualified to supervise.

1 Sec. 10. Certificates shall continue in effect for one (1)
2 year from the date of issuance unless sooner revoked by the com-
3 missioner, but such certificates shall remain the property of the
4 board and the certificate shall so state.

1 Sec. 11. The commissioner may revoke the certificate of an
2 operator, following a hearing before the commissioner or his des-
3 igned representative, when it is found that the operator has
4 practiced fraud or deception in obtaining the certificate or in
5 the performance of his duties as an operator; when it is found
6 that reasonable care, judgment, or the application of his knowl-
7 edge or ability was not used in the performance of his duties;
8 or when it is found that the operator is incompetent or unable
9 properly to perform his duties as an operator.

1 Sec. 12. Certificates in appropriate classification shall be
2 issued to operators, who, on the effective date of this Act, hold
3 certificates of competency attained by examination under the vol-
4 untary certification program sponsored jointly by the state de-
5 partment of health, the Iowa section of the American water works
6 association, and the Iowa water pollution control association.

1 Sec. 13. Certificates of proper classification shall be issued
2 without examination to persons certified by a governing body or
3 owner to have been the operator of a treatment plant or a water

4 distribution system on the effective date of this Act. A certifi-
5 cate so issued will be valid only for that particular treatment
6 plant or system, but shall remain in effect indefinitely unless
7 revoked by the commissioner as provided in this Act.

1 Sec. 14. The commissioner, with the approval of the board,
2 is authorized to charge a fee for certificates issued under this
3 Act, but such fees shall not exceed five (5) dollars for an ini-
4 tial certificate, nor more than three (3) dollars for the annual
5 renewal certificate. All such fees shall be deposited in the
6 general fund.

1 Sec. 15. The commissioner, with the advice of the board, may
2 promulgate such rules and regulations as are necessary to carry
3 out the provisions of this Act.

1 Sec. 16. On and after one (1) year following the effective
2 date of this Act, it shall be unlawful for any person, firm, cor-
3 poration, municipal corporation, or other governmental subdivision
4 or agency, operating a water treatment plant, water distribution
5 system or wastewater treatment plant to operate same unless the
6 competency of the operator to operate such plant or system is duly
7 certified to by the commissioner under the provisions of this Act.
8 It shall also be unlawful for any person to perform the duties of
9 an operator, as defined herein, without being duly certified under
10 the provisions of this Act.

1 Sec. 17. Any person, including any firm, corporation, munici-
2 pal corporation, or other governmental subdivision or agency,
3 violating any provisions of this Act or the rules and regulations
4 adopted thereunder is guilty of a misdemeanor. Each day of oper-
5 ation in violation of this Act or any rules or regulations adopted

6 thereunder shall constitute a separate offense. Upon conviction,
 7 such persons shall be fined not less than one hundred (100) dol-
 8 lars nor more than five hundred (500) dollars, or be imprisoned
 9 in the county jail for not more than six (6) months, or by both
 10 such fine and imprisonment. It shall be the duty of the attorney
 11 general, upon the request of the commissioner, to prosecute any
 12 person violating any provisions of this Act.

EXPLANATION OF HOUSE FILE 345

This bill provides for the certification as to the qualifications of people charged with the operation of water supply systems and water pollution control facilities.

HOUSE FILE 345

1 Amend House File 345 as follows:
 2 Amend the amendment of March 19, 1965, filed by the public
 3 health committee by striking all of lines 15 through 18 and in-
 4 serting in lieu thereof the following:
 5 "All such fees collected shall be remitted to the treasurer of
 6 state, who shall hold such moneys in a special fund to be known
 7 as the 'water supply certification fund', to be used by the board
 8 to administer and enforce the provisions of this Act. Such fund
 9 shall be subject at all times to the warrant of the state comp-
 10 troller, drawn upon written requisition of the chairman of the
 11 board and attested by the secretary of the board for expenditures
 12 necessary to administer and enforce the provisions of this Act.
 13 If such fund becomes exhausted, such expenditures shall be cer-
 14 tified in writing by the chairman of the board and attested by the
 15 secretary of the board to the state treasurer, who shall authorize
 16 the state comptroller to draw warrants on the general fund for the
 17 amount such expenditures are in excess of moneys in such fund.
 18 Any remainder in such fund at the end of each fiscal year shall
 19 be paid into the general fund of the state."

Filed
April 5, 1965.

adopted 4/12

GANNON of Jasper.

HOUSE FILE 345

1 Amend House File 345, section seventeen (17), by striking
 2 from lines seven (7), eight (8) and nine (9) the following:
 3 "not less than one hundred (100) dollars nor more than five
 4 hundred (500) dollars, or be imprisoned in the county jail
 5 for not more than six (6) months," and inserting in lieu thereof
 6 the following: "not exceeding one hundred (100) dollars, or be
 7 imprisoned in the county jail for not more than thirty (30)
 8 days,".

Filed and adopted
April 12, 1965.

DOYLE of Woodbury.
GLENN of Wapello.
DENATO of Polk.

HOUSE FILE 345

- 1 Amend House File 345 as follows:
2 1. By striking lines nine (9) and ten (10) of section one (1)
3 and inserting in lieu thereof the following:
4 "and facilities through which a public water supply is obtained,
5 treated and sold or distributed for human consumption or household
6 use."
7 2. By striking from lines fifteen (15) and sixteen (16) of
8 section one (1) the words "including sewage and industrial wastes,"
9 and inserting in lieu thereof the words "from public sewer systems",
10 3. By striking from line two (2) of section five (5) the words
11 "ex officio".
12 4. By striking from lines five (5) and six (6) of section
13 fourteen (14) the words "All such fees shall be deposited in the
14 general fund." and inserting in lieu thereof the following:
15 "All fees collected by the state department of health under
16 this Act shall be deposited in a special fund of the state treasury,
17 to be used by the state department of health in administering this
18 Act."

adopted as amended 4/12 PUBLIC HEALTH COMMITTEE,
MINNETTE E. DODERER, *Chairman*.

HOUSE FILE 345

- 1 Amend House File 345 as follows:
2 1. By inserting in line four (4) of section seventeen (17)
3 after the word "thereunder" the following: "after written
4 notice thereof by the commissioner".
5 2. By inserting in line five (5) of section seventeen (17)
6 after the word "in", the word "such".
7 3. By striking in line ten (10) of section seventeen (17)
8 all after the period.
9 4. By striking all of lines eleven (11) and twelve (12)
10 of section seventeen (17) and inserting in lieu thereof the
11 following:
12 "It shall be the duty of the appropriate county attorney
13 to secure injunctions of continuing violations of any provisions
14 of this Act or the rules and regulations adopted thereunder."

Filed
April 12, 1965.

adopted 4/12
DUFFY of Dubuque.
DENATO of Polk.

HOUSE FILE 345

- 1 Amend House File 345 by striking all of section 14 and
2 inserting in lieu thereof the following:
3 "Section 14. The commissioner, with the approval of the
4 board, is authorized to charge a fee for certificates issued
5 under this Act, but such fees shall not exceed five (5)
6 dollars for an initial certificate, nor more than three (3)
7 dollars for the annual renewal certificate. All such fees
8 collected shall be remitted to the treasurer of the state, who shall
9 hold such monies in a special fund to be known as the "operators
10 certification fund," to be used by the state department of
11 health to administer and enforce the provisions of this Act, and
12 to pay the expenses of the board authorized in section eight
13 (8) of this Act. Such fund shall be subject at all times to the
14 warrant of the state comptroller, drawn upon written requisition
15 of the commissioner and attested by the secretary of the board.
16 Any remainder in such fund at the end of each fiscal year shall
17 be paid into the general fund of the state."

Filed
May 7, 1965.

adopted 5/10 *House concurred 5/11*
By ELY.