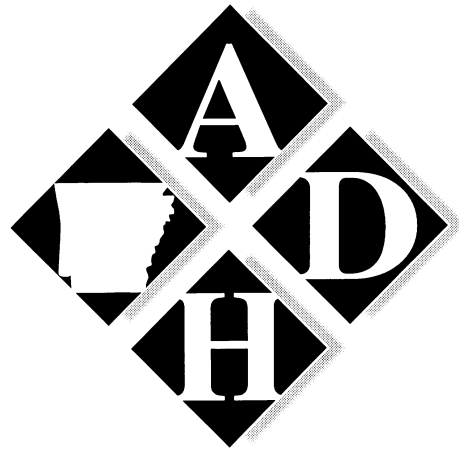


# **Water Operator Licensing Law**

**Act 333 of 1957**



**Arkansas Department of Health**

**Bureau of Environmental Health Services**

**Division of Engineering**

**1997**

## **ACT 333 OF 1957** (As Amended)

### AN ACT TO PROVIDE FOR LICENSING OF PUBLIC WATER SUPPLY OPERATORS

Act 333 of 1957 has been amended by Act 1001 Of 1991, Act 787 of 1995 and Act 494 of 1997. (Title 17, Chapter 51, Sections 1 and 2, of the Arkansas Code of 1987 Annotated (1995 Supp.).

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17-51-101. Definitions. As used in this chapter, unless the context otherwise requires:

- (a) 'Water system operator' means any person who, during the performance of his regular duties at a community public water system, a non-transient non-community public water system, or any other noncommunity public water system which utilizes a surface water or surface water influenced source, exercises individual judgment by which, whether directly or indirectly, the safety, quality, and quantity of water delivered from the water system might be affected;
- (b) 'Board' means the State Board of Health;
- (c) 'Committee' means the Drinking Water Advisory and Operator Licensing Committee;
- (d) 'Public Water System' means all sources and their surroundings from which water is derived for drinking or domestic purposes by the public, and all structures, conduits, and appurtenances in connection therewith by which water for such use is obtained, treated, conditioned, stored and delivered to the public;
- (e) 'Community public water system' means any public water system which serves at least fifteen (15) connections or twenty-five (25) persons who are year-round residents;
- (f) 'Non-Community public water system' means a public water system that serves fifteen (15) service connections or twenty-five (25) persons, at least sixty (60) days per year, that is not a community public water system;

- (g) 'Late renewal' means an application for renewal when the application for renewal or the associated fee is received more than thirty (30) days following the beginning of a renewal period;
- (h) 'Department' means the Arkansas Department of Health;
- (i) 'Treatment' means the application of physical processes and/or the addition of chemicals to water which a public water system provides to the public, for the purposes of improving the quality of the water, except that the addition of gaseous chlorine, sodium hypochlorite, or calcium hypochlorite alone shall not be defined as treatment;
- (j) Non-transient non-community public water system means a public water system that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year.
- (k) Drinking Water Operator Certification Program means those activities conducted by the Department of Health and the Drinking Water Advisory and Operator Licensing Committee related to the training, examination, and licensing and certification of public water system operators.

17-51-102 Penalties.

- (a) Any person or persons, representing a firm, corporation, municipality, or other political authority who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred (\$500) or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment. Each day during which a violation continues shall be a separate offense.
- (b) Every firm, person, or corporation who violates this act or any of the rules or regulations issued or promulgated by the State Board of Health, or who violates any condition of a license, permit, certificate, or any other type of registration issued by the board may be assessed a civil penalty by the board. The penalty shall not exceed one thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty calculation.

- (c) All fines collected under this section shall be deposited in the State Treasury and credited to the Waterworks Operators Licensing fund to defray the costs of administering this section.
- (d) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer of the Department of Health is authorized to transfer all unexpended funds relative to fines collected under this subsection, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following year.

17-51-103. Powers and duties of the Board.

- (a) The board shall have the authority to:
  - (1) Adopt rules and regulation in accordance with this chapter as may be necessary for the administration and enforcement of this chapter;
  - (2) Set fees to cover the cost of the administration of this chapter;
  - (3) Revoke a water system operator's license for cause;
  - (4) Establish minimum educational standards for all applicants for licensure.

17-51-104. Drinking Water Advisory and Operator Licensing Committee Creation - Members.

- (a) There is created the Drinking Water Advisory and Operator Licensing Committee to consist of seven (7) members to be appointed by the board;
  - (1) One (1) shall be a member of the staff of the Division of Engineering of the Department of Health who shall be a registered engineer and who shall act as executive secretary for the board for water system operator licensing activities, and also act as executive secretary for the committee;
  - (2) One (1) shall be an engineer on the teaching staff of any state-supported institution of higher education who shall be either a sanitary engineer, civil engineer, environmental engineer, or chemical engineer with expertise in the drinking water field;

- (3) Four (4) members shall be active water system operators who shall hold the highest grade licenses;
  - (4) One (1) member shall be a consulting engineer specializing in drinking water systems design;
- (b) Initial appointments shall be as follows:
- (1) One (1) member shall serve a term of one (1) year;
  - (2) One (1) member shall serve for two (2) years;
  - (3) One (1) member shall serve for three(3) years;
  - (4) One (1) member shall serve for four (4) years;
  - (5) One (1) member shall serve for five (5) years;
  - (6) One (1) member shall serve for six (6) years; and
  - (7) Each subsequent regular appointment shall be for a term of six (6) years, provided that no person shall be appointed to serve more than one (1) full six year term.
- (c) In event of vacancy, a new member shall be appointed by the board to serve out the unexpired term.
- (d) A member of the committee may be removed for cause only after the board has made an investigation at which the accused has had an opportunity to defend himself against any and all charges.
- (e) The committee shall serve without remuneration, but shall be entitled to reimbursement for actual expenses incurred in the performance of their duties.
- (f) All members of the committee shall be residents of the State of Arkansas. All members of the Water Operator Licensing Committee at the time of the effective date of this chapter shall be automatically appointed to terms on the committee which correspond to their remaining terms on the Water Operator Licensing Committee.
- (g) The member of the committee who is a member of the staff of the Division of Engineering of the department shall serve at the pleasure of the Director of the Department of Health.

17-51-105. Drinking Water Advisory and Operator Licensing Committee - Duties.

- (a) The duties of the committee shall be as follows:

- (1) to assist the department in examining applicants for water system operator licenses;
- (2) to advise the department as to the fitness of the applicant for licensing and certification;
- (3) to advise the board in cases of suspension and revocation of license;
- (4) to advise the board and department in all matters, upon request by the board or department, or upon its own motion, relating to the operations of, and the development of regulations for, the Public Water System Supervision Program operated by the Division of Engineering of the Department; and
- (5) to advise the board or department in all matters, upon request by the board or department, relating to training programs for water system operators.

17-51-106. Fees.

- (a) The board shall have the authority to:
  - (1) Set fees to cover only the cost of the administration of this chapter;
  - (2) Establish fees for:
    - (A) Examination;
    - (B) Licensing;
    - (C) Renewal of license;
    - (D) Penalty for late renewal;
    - (E) Evaluation for reciprocity; and
    - (F) Temporary permit issuance or renewal.
- (b) Fees shall not exceed:
  - (1) Fifty dollars (\$50.00) for examination;
  - (2) Twenty-five dollars (\$25.00) for licensing;
  - (3) Fifty dollars (\$50.00) for renewal of license;
  - (4) Ten dollars (\$10.00) for penalty for late renewal;
  - (5) Fifty dollars (\$50.00) for evaluation for reciprocity; and
  - (6) Twenty-five dollars (\$25.00) for temporary permits or renewal of temporary permits.

- (c) Disposition of funds.
  - (1) All fees collected under this chapter are declared special revenues and shall be deposited in the State Treasury to the credit of the Public Health Fund, and such monies shall be expended only for the administration of this chapter.
  - (2) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Health is authorized to transfer all unexpended funds relative to the Drinking Water Operator Certification Program that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose in any following fiscal year.

17-51-201. License required.

- (a) In order to safeguard the public health, all operators of community and certain non-community public water systems, from which water is sold, distributed, or otherwise offered for human consumption, whether such water systems are publicly or privately owned and operated, shall be licensed and certified as competent by the department under the provisions of this chapter and under such rules and regulations as the board may adopt under the provisions of this chapter.
- (b) It shall be unlawful for any person, municipality, political subdivision, corporation, partnership, sole proprietorship, or any authority that furnishes water for domestic consumption to operate any type of community public water system, non-transient non-community public water system, or any other non-community public water system utilizing a surface water or surface water influenced source, unless the operator in charge is duly licensed and certified competent by the Department of Health.
- (c) It shall be unlawful for any person to perform the duties of an operator without being duly licensed or to falsely represent himself as a licensed operator.
- (d) It shall also be unlawful for any public or private official, not duly licensed, to attempt to influence the judgment of a licensed operator in matters where the public health may be involved unless this official is an authorized representative of the Department of Health.

17-51-202. Classifications - Examinations.

- (a) Water system operators shall be licensed in appropriate grades according to responsibilities and in accordance with classifications designated by the board which consider both the population served and the level of treatment required to produce an acceptable quality water.
- (b) Applicants for examination for licensing shall be examined in the various phases of water system operation as designated by the board.
- (c) At its discretion the committee may delete or modify any of the adopted requirements where they are not applicable, but the licenses granted shall be limited and valid only under the conditions described.
- (d) The committee at its discretion may waive the requirements, or any part of the requirements, for formal examination of an applicant for a license if the applicant holds a valid license or certificate from another state in which the requirements for license in the appropriate grade are at least equal to the requirements set forth by the board.

17-51-203. Issuance - Temporary Permits

- (a) The department shall license and certify all applicants for licenses under this chapter who satisfy the requirements of this chapter. Licenses shall be granted according to classifications set forth by the board.
- (b) In an emergency, the department at its discretion may grant temporary permits for operation of a water system when and only when the public health and safety are not jeopardized. The temporary permit shall be valid for a period of not more than one (1) calendar year, and may be renewed only once, with the approval of the department.

17-51-204. Renewal - Standing

- (a) Licenses shall be valid for a period of two (2) years and shall be renewable by the department upon application without examination, provided the applicant is in good standing.
- (b) The licensee, in order to remain in good standing, shall demonstrate his interest in the technical developments of water system operation by fulfilling requirements as the board may direct.



17-51-205. Suspension - Revocation - Reinstatement

- (a) The department shall suspend the license of an operator for cause.
- (b) The suspension shall remain in effect until the case can be reviewed by the committee, where the licensee shall have the opportunity to present his defense.
- (c) After the committee has reported its findings to the board, the board shall uphold the department's suspension of the license, reinstate the licensee, or revoke the license.
- (d) A license so revoked may be reinstated only if all the conditions that caused revocation have been removed.

17-51-206. All rules and regulations promulgated pursuant to this act shall be reviewed by the Joint Interim Committee on Public Health, Welfare, and Labor or an appropriate subcommittee thereof.

17-51-207. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

17-51-208. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

17-51-209. All laws and parts of laws in conflict with this act are hereby repealed.

As Approved