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Transmittal Sheet



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SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

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For Office

Use Only:

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Name of Agency Ark. Dept. of Health

Department Engineering Division

Contact Person Harold Seifert

Statutory Authority for Promulgating Rules Act 96 of 1913, as Amended

Intended Effective Date

Date

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Adopted by State Agency 7/25/91

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Dr. Jocelyn Eiders
Signature

Director - ADH
Title

9-5-91
Date

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W.J. "BILL" McQUEEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS
BY _____

**RULES AND REGULATIONS
PERTAINING
TO
WATER OPERATOR LICENSING**

August 15, 1991

SECTION I. AUTHORITY

The following Rules and Regulations Pertaining to Public Water Systems are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 96 of 1913, as amended, and Act 1001 of 1991. (See Arkansas Codes Annotated, Title 17, Chapter 44, Sections 101 - 106, and Sections 201 - 205)

SECTION II. PURPOSE

These Rules and Regulations are adopted for the purpose of ensuring that all public water systems in the State of Arkansas are operated by personnel who have shown their competence and knowledge of the public health and scientific principles necessary to produce and deliver adequate quantities of water which meets or exceeds the National Primary and Secondary Drinking Water Standards.

SECTION III. DEFINITIONS

A. OPERATOR means any person who is directly responsible for the safety, quantity, and quality of water in a community public water system or non-community public water system which utilizes a surface water or surface water influenced source. (The term Operator generally includes, but is not limited to, Managers, Assistant Managers, Superintendents, Assistant Superintendents, Construction and Maintenance Foremen, treatment plant personnel and other persons responsible for the operation and maintenance of wells, reservoirs, distribution, and pumping facilities.)

B. COMMITTEE means the Drinking Water Advisory And Operator Licensing Committee.

C. 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.

D. BOARD means the Arkansas State Board of Health.

E. DEPARTMENT means the Arkansas Department of Health.

F. 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 or calcium hypochlorite alone shall not be defined as treatment.

G. OPERATOR-IN-TRAINING means any operator who has successfully completed at least one formal examination division, but not all five divisions.

SECTION IV. GRADE OF LICENSE REQUIRED

A. Operators or Operators-in-Training shall be licensed in appropriate grades according to responsibilities and in accordance with the following table:

POPULATION SERVED (including consecutive systems)	TREATMENT PROVIDED?	GRADE OF LICENSE REQUIRED
25,000 AND GREATER	YES	A
	NO	A
10,000 TO 24,999	YES	A
	NO	B
25 TO 9,999	YES	B
	NO	C

B. Operators or Operators-in-Training shall be licensed for the appropriate type of water source, i.e., well or surface.

C. During routine sanitary surveys of public water systems, Department staff shall examine the organizational structure of each system, and identify all positions or classes of positions for which licensure is required.

1. Such determinations shall be provided to the Committee for review and approval.

SECTION V. EXAMINATION DIVISIONS

A. Applicants for examination for licensing shall be examined or evaluated in the following phases of water system operation:

1. Experience

2. Water source and pumping
 3. Water treatment and filtration
 4. Water distribution and metering
 5. General practice and finance
- B. Evaluation of the Experience division shall be based on completion of the following periods of approved work:
1. Grade A - Five (5) years;
 2. Grade B - Two (2) years;
 3. Grade C - Six (6) months.
- C. Examination for Divisions 2 through 5 shall be by formal examination.
- D. Examination shall be specialized for the appropriate type of water source, i.e., well or surface.

SECTION VI. ISSUANCE OF LICENSES AND PERMITS

- A. A license certificate shall not be issued to any applicant until all five examination divisions have been successfully completed, or until the applicant has been successfully evaluated for reciprocity.
- B. An Operator-in-Training shall be issued a certificate so identifying his or her status upon successful completion of his or her first examination division.
- C. When a public water system does not have a licensed operator, due to circumstances such as death, illness, resignation, or other emergency situation, the Department may issue a Temporary Permit to an applicant, provided that public health and safety are not jeopardized.
- D. Each Temporary Permit shall be valid for a period of one year, and may be renewed only once, with the approval of the Department.

SECTION VII. INACTIVE LICENSES

- A. Operators holding current licenses or operator-in-training certificates may be placed on Inactive status when they leave the employment of a public water system, by making a written request to the Department.

B. Inactive licenses may be reinstated at any time, after approval by the Department, by paying reinstatement fees. The Department may require re-examination if the inactive period exceeds five years.

SECTION VIII. FEES ESTABLISHED

A. Examination

The fee shall be \$25.00, submitted in advance, with the Application for licensure.

B. License

The fee shall be \$10.00, paid prior to issuance of said license.

C. Renewal of License

The fee shall be \$10.00 for each two (2) year period .

D. Reinstatement of Revoked License

The fee due to revocation shall be \$10.00 for each two (2) year period AND \$10.00 for a reissuance of License.

E. Evaluation for Reciprocity

The fee for evaluating an applicant for reciprocity shall be \$25.00.

F. Penalty for Late Renewal

The fee for penalty for late renewal shall be \$5.00.

G. Temporary Permit and Renewal of Temporary Permit

The fee for issuance of a Temporary Permit, or renewal of a Temporary Permit shall be \$10.00.

H. Reinstatement of Inactive License

The fee for reinstating an Inactive License shall be \$10.00 for each renewal period during which the license has not been active, provided that the total fee shall not exceed \$35.00.

SECTION IX. EXAMINATIONS

A. District meeting examinations

The Arkansas Department of Health shall assign personnel to conduct examinations for applicants for Licenses in each District during the months of July and November, at a predetermined and publicized location and time.

B. State meeting examinations

The Arkansas Department of Health shall conduct examinations for applicants for Licenses, annually, during the Arkansas Water Works and Pollution Control Association Conference, with time and place to be publicized.

C. Special examinations

Any applicant for License may request a special examination to be given at a date other than at State and District meetings. This request must be in writing to the Executive Secretary of the Licensing Committee.

SECTION X. LICENSES

A. Completion time limit

Licenses shall have a four (4) year time limit for completion of the four formal examination divisions.

B. Division time limit

An applicant shall be required to complete a minimum of one (1) formal examination division of any grade within a one year period. Any exception to this rule must be approved by the Licensing Committee.

C. Reciprocity

Any applicant holding a valid License or Certificate from another State with at least equal requirements of Act 333 of 1957 shall be issued a Water System Operator License on payment of the fee stated in Section VIII, FEES ESTABLISHED, Item E. and Item B. Such license shall be issued only after an evaluation by the Department to insure that the applicant's out-of-state License is current and has equal requirements to the License to be issued.

D. Reinstatement

Any LICENSED Water System Operator or Operator-in-Training who, for any reason other than revocation, requests reinstatement within a two (2) year period shall be reinstated by the Arkansas State Board of Health upon payment of the fee as stated in SECTION II, FEES ESTABLISHED, Item D.

Re-examination and re-licensing may be required for any licensed Water System Operator or Operator-in-Training who becomes delinquent by failure to renew over a two (2) year period.

SECTION XI. MAINTENANCE OF LICENSE

A. In order to have his license renewed, an Operator or Operator-in-Training must certify to the Licensing committee attendance at a minimum of twenty-four (24) per renewal period of approved instruction in subjects applicable to the field of water supply, treatment, distribution, pumping, metering, and management, and study of approved material on the same subjects. This certificate will include the date, subject, sponsor, and number of hours.

B. Any licensee whose License is suspended may request a hearing before the Committee; reinstatement may be made upon payment of the \$10.00 fee applicable under SECTION II, FEES ESTABLISHED, Item D.

SECTION XII. THE DRINKING WATER ADVISORY AND OPERATOR LICENSING COMMITTEE

A. The Committee shall elect a Chairperson who shall serve for a term of one years. The election shall occur at the first meeting of the state fiscal year, in alternate years.

B. The Committee shall utilize "Robert's Rules of Order" as a guide for procedures for conducting business.

C. In the event that more than one person is appointed to the Committee at a particular Board meeting, the new appointees shall draw lots to determine which of the vacant terms that each shall fill.

SECTION XIII. MEETINGS

The Licensing Committee shall meet at least once a year and in special meetings called by the Chairman or requested by the Arkansas Department of Health.

SECTION XIV. ADMINISTRATIVE PENALTY AUTHORITY


The Arkansas Department of Health shall have the authority to assess administrative penalties against any individual or any public water system for failure to comply with any portion of these regulations, provided that such penalties and procedures are in accordance with Arkansas statutes.

SECTION XV. SEVERABILITY

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of these Rules and Regulations which can be given effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

CERTIFICATION

This will certify that the foregoing Rules and Regulations Pertaining to Public Water Systems were adopted by the Arkansas Board of Health at a regular session of said Board held in Little Rock, Arkansas, on the twenty-fifth day of July, A.D. nineteen hundred and ninety-one.


Secretary of the Arkansas Board of Health
Director, Arkansas Department of Health

Dated at Little Rock, Arkansas, this 21 day of August,
A.D. nineteen hundred and ninety-one.

The preceding Rules & Regulations have been filed in my office and
are hereby adopted on the 21 day of August, 1991.


GOVERNOR