

Regulatory Analysis Version, 9/4/2024

CHAPTER 81
 OPERATOR CERTIFICATION: PUBLIC WATER SUPPLY SYSTEMS
 AND WASTEWATER TREATMENT SYSTEMS

[Prior to 7/1/83, DEQ Ch 21]

[Prior to 12/3/86, Water, Air and Waste Management[900]]

567—81.1(455B) Definitions. ~~In addition to the definitions in Iowa Code section 455B.211,~~

~~81.1(1) #~~The following definitions shall apply to this chapter.

“Activated sludge system” means a biological wastewater treatment process in which a mixture of wastewater and sludge floc, produced in a raw or settled wastewater by the growth of microorganisms, is agitated and aerated in the presence of a sufficient concentration of dissolved oxygen, followed by sedimentation. Examples include, but are not limited to, conventional activated sludge systems, extended aeration activated sludge systems, oxidation ditches, and sequencing batch reactors.

“Advanced aerated lagoon system” means an aerated lagoon system that has been augmented by adding other treatment processes. Examples include, but are not limited to, covered lagoon systems with enhanced aeration and mixing, the addition of fixed film processes to the lagoon process, or the utilization of algal-based treatment processes.

“Aerated lagoon system” means a lagoon system ~~that~~ which utilizes aeration to enhance oxygen transfer and mixing in the cell.

“Aeration” means the process of initiating contact between air and water. Examples include, but are not limited to, spraying the water in the air, bubbling air through the water, or forcing the air into the water by pressure.

“Average daily pumpage” means the total quantity of water pumped during the most recent one-year period of record divided by 365 days.

“Chlorination” means the addition of a chlorine compound or chlorine gas to water to inactivate pathogenic organisms.

“Classification” means the type of plant or distribution system: wastewater treatment plants, water treatment plants, or water distribution systems.

~~“Coagulation” means a process using coagulation chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.~~

~~“Community water system (CWS)” means a public water supply system which has at least 15 service connections used by year round residents or regularly serves at least 25 year round residents.~~

“Continuing education unit” or “CEU” means ten contact hours of participation in an organized education experience approved by an accredited college, university, technical institute, ~~or issuing agency, or by~~ the department, and must be directly related to the subject matter of the particular certificate to which the credit is being applied.

“Directly related post-high school education” means post-high school education in chemistry, microbiology, biology, math, engineering, water, wastewater, or other curriculum pertaining to plant ~~and~~ distribution system operation.

~~“Director” means the director of the department of natural resources or a designee.~~

“Direct responsible charge” or “DRC” means, where shift operation is not required, accountability for and performance of active, daily on-site operation of ~~at~~ the plant or distribution system, or of a major segment of ~~at~~ the plant or distribution system. Where shift operation is required, “DRC direct responsible charge” means accountability for and performance of active, daily on-site operation of an operating shift, or a major segment of ~~at~~ the plant or distribution system. A city manager, superintendent of public works, city clerk, council member, business manager, or other administrative official shall not be deemed to have ~~DRC direct responsible charge~~ of a plant or distribution system unless ~~that~~ this person’s duties include the active, daily on-site operation of ~~at~~ the plant or distribution system. On-site operation may not necessarily mean full-time attendance at ~~at~~ the plant or distribution system.

“Direct surface water filtration” means a water treatment system that applies surface water and ~~groundwater under the influence~~ (influenced groundwater (as defined in rule ~~567—40.2(455B)~~) directly to the filters after chemical treatment consisting of ~~both~~ coagulation and flocculation or chemical treatment consisting of coagulation. This type of system eliminates the sedimentation unit process.

~~“Disinfection” means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.~~

“Electrodialysis” means the demineralization of water by the removal of ions through special membranes

Commented [1]: Classification - This definition will continue to be separate from the "classification" definition in Chapter 82.

Commented [2]: Coagulation - Matches 40.2. Moved to new Iowa Code & IAC definitions in new 81.1(2).

Commented [3]: CWS - Matches 40.2. Moved to new Iowa Code & IAC definitions in new 81.1(2).

Commented [4]: CEU - This definition will continue to be separate from the "CEU" definition in Chapter 82.

Commented [5]: Director - Defined in 455B.101(2). Moved to new Iowa Code & IAC definitions in new 81.1(2).

Commented [6]: Disinfection - Matches 40.2. Moved to new Iowa Code & IAC definitions in new 81.1(2).

Regulatory Analysis Version, 9/4/2024

under the influence of a direct-current electric field.

“Fixed film biological treatment” means a treatment process in which wastewater is passed over a media onto which are attached biological organisms capable of oxidizing the organic matter, normally followed by sedimentation. Examples include, but are not limited to, trickling filters, rotating biological contactors, packed towers and activated filters.

“Fluoridation” means the addition of fluoride to produce the optimum fluoride concentration in water.

“Grade” means one of seven operator certification levels, designated as A, W, I, IL, II, III, or IV.

“Ion exchange” means the process of using ion exchange materials such as resin or zeolites to remove undesirable ions from water and substituting acceptable ions, for example, ion exchange for nitrate removal or ion exchange for softening.

~~“Issuing agency” means a professional, technical/educational organization authorized by the department to provide continuing education for certification renewal or upgrade in accordance with the commitments and guidelines detailed in the written issuing agency agreement and procedures.~~

“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.

~~“Nontransient noncommunity water system (NTNC)” means a public water system other than a community water system which regularly serves at least 25 of the same persons four hours or more per day for four or more days per week for 26 or more weeks per year.~~

“Operating shift” means a specified period of time when an operator is present to conduct testing or evaluation to control operations of the plant or distribution system, to make process control changes, and to be responsible for the repair or maintenance of a plant or distribution system. An operating shift may include on-call shifts.

“Operator-in-charge” or “OIC” means a person or persons on site in direct responsible charge of a plant or distribution system. A city manager, superintendent of public works, city clerk, council member, business manager, or other administrative official shall not be deemed to be the OIC operator in charge of a plant or distribution system unless that person’s duties include the active, daily on-site operation of the plant or distribution system. On-site operation may not necessarily mean full-time attendance at the plant or distribution system.

~~“Plant” means those facilities which are identified as either a water treatment plant, defined as that portion of the water supply system which in some way alters the physical, chemical, or bacteriological quality of the water, or a wastewater treatment plant, defined as the facility or group of units used for the treatment of wastewater from public sewer systems and for the reduction and handling of solids removed from such wastes.~~

~~“Population equivalent” for a wastewater treatment plant means the calculated number of people who would contribute the same biochemical oxygen demand (BOD) per day as the system in question, assuming that each person contributes 0.167 pounds of five-day, 20°C, BOD per day.~~

“Post-high school education” means credit received for completion of courses given or co-sponsored by an accredited college, university, or technical institute, or issuing agency. Courses offered by regulatory agencies may also be recognized as post-high school education. One year of post-high school education is 30 semester hours, or 45 quarter hours, or 45 CEUs of credit.

“Primary treatment” means a treatment process designed to remove organic and inorganic settleable solids from wastewater by the physical process of sedimentation.

“Public water supply system certificate” or “PWS certificate” means a certificate issued by the department certifying that an operator has successfully completed the certification requirements of this chapter for a water treatment plant or water distribution system. A PWS certificate specifies the grades and classifications for which the certificate is valid.

“Reverse osmosis” means the process in which external pressure is applied to mineralized water against a semipermeable membrane to effectively reduce total dissolved solids (TDS) and radionuclides content as the water is forced through the membrane.

“Rural water district” means a water supply incorporated and organized as such pursuant to Iowa Code chapters 357, 357A or 358.

“Shift operator” means the operator on site who has responsibility for making process control changes and adjustments to the operation, repair, and maintenance of a plant or distribution system during any operating shift.

Commented [7]: Issuing agency - term is no longer used; is being changed to “Industrial association”.

Commented [8]: NTNC - Matches 40.2. Moved to new Iowa Code & IAC definitions in new 81.1(2).

Commented [9]: “defined as...” - No need to repeat the system definitions.

Commented [10]: Population equivalent - Matches 60.2(1). Moved to new Iowa Code & IAC definitions in new 81.1(2).

Regulatory Analysis Version, 9/4/2024

Duties include testing or evaluation to control operations of the plant or distribution system.

“*Stabilization*” means the addition of chemical compounds to water to maintain an ionic equilibrium whereby the water is not in a depository or corrosive state.

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

“*Waste stabilization lagoon*” means an excavation designed and constructed to receive raw or pretreated wastewater in which stabilization is accomplished by several natural self-purification processes. This definition includes both anaerobic and aerobic lagoons.

“*Wastewater treatment plant*” means the facility or group of units used for the treatment of wastewater from public sewer systems and for the reduction and handling of solids removed from such wastes.

“*Water distribution system*” or “*distribution system*” means that portion of the water supply system in which water is conveyed from the water treatment plant or other supply point to the premises of the consumer, is defined in [Iowa Code 455B.211](#), including storage facilities and pumping stations. For the purposes of this chapter, a water distribution system includes storage facilities and pumping stations and does not include individual service lines to the premises of the consumer, that which are not under the control of the system.

“*Water supply system*” means the system of pipes, structures, and facilities through which water for a public water supply is obtained, treated, sold or distributed for human consumption or household use.

“*Water treatment plant*” means that portion of the water supply system which in some way alters the physical, chemical, or microbiological quality of the water.

81.1(2) The following terms applicable to this chapter are defined in the referenced locations:

a. [Iowa Code section 455B.101](#): “commission,” “department,” and “director.”

b. [Iowa Code section 455B.211](#): “certificate,” “operator,” “wastewater treatment plant,” “water supply system,” and “water treatment plant.”

c. [Rule 567—40.2\(455B\)](#): “coagulation,” “community water system” or “CWS,” “disinfection,” “nontransient noncommunity water system” or “NTNC,” and “transient noncommunity water system” or “TNC.”

d. [567—subrule 60.2\(1\)](#): “population equivalent.”

[ARC 191HC, IAB 3/18/15, effective 4/22/15; ARC 3735C, IAB 4/11/18, effective 5/16/18; ARC 6193C, IAB 2/9/22, effective 3/16/22]

567—81.2(455B) General.

81.2(1) *Plant classifications.*

a. *Plants grade for system with multiple treatment processes.* A water treatment plant or wastewater treatment plant (hereafter noted as “plant”) having a combination of treatment processes that are in different classifications grades shall be assigned the highest numerical plant classification grade of that combination.

b. **81.2(2)** *Increase in classification facility grade for complex systems.* The director may increase a plant or water distribution system classification grade above that indicated in [rules 567—81.3\(455B\) to 567—81.6\(455B\)](#) for those systems that which, in the director’s judgment of the director, include unusually complex treatment processes, complex distribution systems, or which present unusual operation or maintenance conditions.

81.2(3) *Operator in charge certification requirement.*

a. ~~The~~ *Operator-in-charge (OIC).* An OIC shall hold a certificate of the same classification of any the plant or water distribution system under their control and of equal or higher grade than the grade designated for that plant or distribution system.

b. **81.2(4)** *Shift operator certification.* Any person who is responsible during for the operation of an operating shift of a plant or distribution system or for major segment of the plant or distribution system and is under the supervision of the OIC operator in charge identified in [paragraph “a” of this subrule 81.2\(3\)](#) shall be certified in a grade no less than a Grade II level for Grade III and IV plants and distribution systems and Grade I for Grade I and II plants and distribution systems.

81.2(5) *Public water system certificate requirement.* The operator who is designated by the owner to be the operator in charge of both the water treatment plant and the water distribution system shall hold a public water system (PWS) certificate valid for water treatment and water distribution in accordance with [81.2\(3\)](#) and [81.2\(6\)](#).

81.2(3) *Public water supply system (PWS) certificates.* A PWS certificate shall be issued to an operators follows.

a. An operator successfully completing the water treatment certification shall be issued a PWS certificate valid for water treatment.

b. An operator successfully completing the or water distribution certification shall be issued a PWS certificate valid for water distribution. The PWS certificate shall specify the grade and classification for which

Commented [11]: Wastewater treatment plant - Matches 455B.211(3). Moved to new Iowa Code & IAC definitions in new 81.1(2).

Commented [12]: Water supply system - Matches 455B.211(5). Moved to new Iowa Code & IAC definitions in new 81.1(2).

Commented [13]: Water treatment plant - Matches 455B.211(6). Moved to new Iowa Code & IAC definitions in new 81.1(2).

Commented [14]: New 81.2(1) - combined old 81.2(1) & (2) into one subrule.

Commented [15]: As defined, “classification” is for treatment types, and “grade” is for (operator) certification

Commented [16]: New 81.2(2) - combined old 81.2(3) & (4) into one subrule.

Commented [17]: Old 81.2(5) - this requirement is already stated elsewhere, it is not needed.

Commented [18]: New 81.2(3)“a” & “b” - adding text to clarify which certificate is issued for each type of certification.

Regulatory Analysis Version, 9/4/2024

the certificate is valid.

c. An operator successfully completing the requirements for both water treatment and water distribution certification shall be issued a dual PWS certificate valid for both classifications. For purposes of renewal of a dual certificate, all renewal fees and CEU requirements shall be applied as one certification. The number of CEUs required for renewal shall be determined by the highest certification grade on the operator's dual PWS public water system certificate.

Commented [19]: "The PWS certificate..." - This is included in the definition of a PWS certificate; it does not need to be repeated here.

~~81.2(7) PWS certificate issuance. Rescinded IAB 1/7/04, effective 2/11/04.~~

81.2(4) ~~Owner notification and reporting requirements for a personnel change in the operator in charge.~~
 a. The owner of a plant or distribution system owner shall ~~must~~ notify the department of a change in the OIC(s) operator(s) in charge within 30 days after the change.

Commented [20]: New 81.2(4) - combined old 81.2(8) and (10) into one.

b. When requested by the department, a plant or distribution system owner shall report the method of treatment provided, the average daily pumpage, and the name(s) of the OIC(s).

Commented [21]: New 81.2(4)"b" - existing text; moved from old 81.2(10).

81.2(5) ~~Operator notification Change of address or employment.~~ Certified operators shall ~~must~~ notify report to the department of a change in address or employment within 30 days after the change.

81.2(10) ~~Owner reporting requirements. All owners of plants and distribution systems must report, when requested by the department, the method of treatment provided, the average daily pumpage, and the operator(s) in charge.~~

Commented [22]: Old 81.2(10) - moved to new 81.2(4)"b".

81.2(6) ~~Compliance plan.~~ When the director allows the owner of a plant or distribution system required to have a certified operator time to obtain an operator, the owner shall ~~must~~ submit a compliance plan to the department indicating what action will be taken to obtain a certified operator. The plan shall ~~must~~ be on a form Form 52, Compliance Plan 542-3120, provided by the department and shall ~~must~~ be submitted within 30 days of the facility owner's receipt of a notice of violation for not having a properly certified operator.

567—81.3(455B) Wastewater treatment plant classifications and operator certification grades.

81.3(1) *Wastewater c*lassifications. The wastewater treatment plant classifications and grades are listed in the following table:

Wastewater Treatment Plant Classifications and Grades

Treatment Type	Certification Grade				
	Based on Design Pounds of BOD ₅ /day				
	less than 334	334-835	836-2,505	2,506-8,350	more than 8,350
	Based on Design Population Equivalent				
	less than 2,000	2,000-5,000	5,001-15,000	15,001-50,000	more than 50,000
1. Onsite Treatment System	W	Not Applicable	Not Applicable	Not Applicable	Not Applicable
2. Waste Stabilization Lagoon System	IL	IL	IL	IL	IL
3. Aerated Lagoon System	IL	IL	I	I	I
4. Advanced Aerated Lagoon System	II	II	II	II	II
5. Fixed Film Biological Treatment System	II	II	III	III	IV
6. Activated Sludge System	II	III	III	IV	IV

81.3(2) *Unknown design BOD₅ loading.* When the design BOD₅ loading is unknown, the plant BOD₅ loading shall be determined by using the average pounds of BOD₅ of the 24-hour composite influent samples taken in the last 12 months. If 24-hour composite influent samples are not available, then grab samples shall be used.

81.3(3) *Grade IL wastewater operator requirements.* A Grade I, II, III, or IV wastewater treatment certificate will satisfy the certification requirements for a Grade IL plant.

81.3(4) *Grade W onsite wastewater classification.* Any wastewater treatment plant that discharges to a water of the state and that utilizes onsite wastewater treatment technologies, such as those specified in 567—Chapter 69, but excluding waste stabilization ponds, shall be classified as an onsite treatment system (Grade W).
[ARC 6193C, IAB 2/9/22, effective 3/16/22]

Commented [23]: "but excluding waste..." - Strike; waste stabilization ponds are being removed from Chapter 69.

567—81.4(455B) Water treatment plant classifications and operator certification grades.

81.4(1) *Water treatment c*lassifications. The water treatment plant classifications and grades are listed in the following table:

Regulatory Analysis Version, 9/4/2024

Water Treatment Plant Classifications and Grades

Treatment Type	Certification Grade*			
	Average Daily Pumpage in MGD			
	0-0.1	>0.1-0.5	>0.5-1.5	>1.5
1. Iron or manganese removal; aeration; chlorination; fluoridation; stabilization; any other chemical addition; or any combination of these processes	I	II	II	III
2. Ion exchange	II	II	III	III
3. Direct surface water filtration	II	II	III	III
4. Utilization of lime, soda ash or other chemical addition for pH adjustment in the precipitation and coagulation of iron or manganese	II	II	III	III
5. Complete surface water clarification or lime softening of surface water or groundwater	III	III	III	IV
6. Reverse osmosis and electro dialysis	II	II	III	IV
7. Activated carbon for THM or synthetic organics removal	III	III	III	IV

*For Grade A ~~PWS~~water supply classification, see ~~subrule 81.56(3+)~~.

81.4(2) Average daily pumpage. When the average daily pumpage is unknown, the plant grade will be determined from the population ~~in~~ of the most recent census and an evaluation of commercial, industrial, and other users.

567—81.5(455B) Water distribution system classifications and operator certification grades.

81.5(1) Water distribution classifications. The water distribution ~~system~~ classifications and grades are listed in the following table:

Water Distribution System Classifications and Grades*

Distribution System Type	Certification Grade**			
	Average Daily Pumpage in MGD			
	0-0.1	>0.1-1.5	>1.5-5	>5
All municipal water systems	I	II	III	IV
CWS community water systems not classified as a Grade A water system	I	II	III	IV
NTNC nontransient noncommunity water systems not classified as a Grade A water system	I	II	III	IV
TNC transient noncommunity water systems not classified as a Grade A water system	I	II	III	IV
Rural water districts	Miles of Pipe			
	0-100	>100-1,000	>1,000-2,500	>2,500
	II	II	III	IV

*Note: A ~~PWS~~public water system with a well, storage, and a distribution system shall be classified as a water distribution system if no treatment is provided.

**For Grade A water ~~distribution~~ system classification, see ~~subrule 81.56(3+)~~.

81.5(2) Average daily pumpage. When the average daily pumpage is unknown, the system grade will be determined ~~using from the population of~~ the most recent census ~~population~~ and an evaluation of commercial, industrial, ~~or~~ other users.

~~81.5(3) IR certificate holders. Rescinded IAB 1/7/04, effective 2/11/04.~~

[ARC 6193C, IAB 2/9/22, effective 3/16/22]

~~567—81.6(455B) 81.5(3) Grade A water distribution system classification.~~

81.6(1)a. Grade A water system classification. ~~A PWS that provides either no treatment other than hypochlorination or treatment that does not require any chemical addition, process adjustment, backwashing, or media regeneration by an operator shall be classified a Grade A water distribution system, based on the following service populations:~~

~~(1)a. Community water system. A ~~CWS~~community water system, other than a municipal or rural water system, ~~servicing~~ which serves a population of 250 persons or less, ~~and provides no treatment other than hypochlorination or treatment which does not require any chemical addition, process adjustment, backwashing or media regeneration by an operator shall be classified as a Grade A water system.~~~~

~~(2)b. Nontransient noncommunity water system. An ~~NTNC~~nontransient noncommunity water system ~~servicing~~ which serves a population of 500 persons or less, ~~and provides no treatment other than hypochlorination or treatment which does not require any chemical addition, process adjustment, backwashing or media~~~~

Commented [24]: New 81.5 - combines old rules 81.5 (water distribution system grades) & 81.6 (Grade A classifications).

Commented [25]: New 81.5(3) - was old 81.6. Since old rules 81.5 and 81.6 are both about water distribution system classifications, they have been combined into one rule.

Commented [26]: New 81.6(1). "A PWS that..." - new text replaces identical duplicated text in 81.6(1)"a", "b", & "c".

Commented [27]: "and provides no..." - Replaced by new text in heading of 81.6(1).

Regulatory Analysis Version, 9/4/2024

~~regeneration by an operator shall be classified as a Grade A water system.~~

~~(3)e. Transient noncommunity water system. A ~~TNC~~transient noncommunity water system ~~which serves a population of 500 or fewer persons or less, and provides no treatment other than hypochlorination or treatment which does not require any chemical addition, process adjustment, backwashing or media regeneration by an operator shall be classified as a Grade A water system.~~~~

~~81.6(2)b. Grade A cCertification requirements for Grade A water systems. Any grade of water treatment or distribution certification will satisfy the certification requirements for a Grade A water distribution system with or without hypochlorination. Any grade of water distribution certification will satisfy the certification requirements for a Grade A water system without hypochlorination.~~

[ARC 3735C, IAB 4/11/18, effective 5/16/18]

567—81.6(455B) Certified Operator education and experience qualifications.

81.6(1) Education and experience qualifications requirements general.

a. All certified operator applicants shall meet the education and operating experience qualifications requirements for the certificate grade of certificate shown in the table below prior to being allowed to take the certified operator examination.

b. Operating eExperience shall be in the same classification for which the applicant is applying ~~except that unless~~ partial credit ~~is~~ may be given in accordance with ~~subrules 81.6(2) and 81.7(3).~~

c. Directly related post-high school education shall be in the same subject matter as the classification ~~for~~ which the applicant is applying. The director will determine which courses qualify as “directly related” in cases ~~that~~ which are not clearly defined.

d. A military ~~service~~ applicant may apply for education or experience credit ~~for verified military education, training, or service toward any education or experience requirement for certification, pursuant to subrule 81.7(4).~~

e. Education and experience qualifications table.

Certified Operator Education and Experience Qualifications

Grade	Education	Substitution for Education	Operating Experience	Substitution for Operating Experience
A	High school diploma or GED	None	Completion of a an DNR department-approved training course	None
W	High school diploma or GED	None	Completion of a an DNR department-approved training course	None
I	High school diploma or GED	None	1 year	See 81.6(3)“b”(1), (2) to (5)
IL	High school diploma or GED	None	1 year	See 81.6(3)“b”(1), (3) to (5)
II	High school diploma or GED	None	3 years	See 81.6(3)“b”(2) to (5)
III	High school diploma or GED and 2 years of post-high school education (1 year must be directly related)	See 81.6(3)“a”(1), (3)	4 years of experience in a Grade I or higher	See 81.6(3)“b”(2), (3)
IV	High school diploma or GED and 4 years of post-high school education (2 years must be directly related)	See 81.6(3)“a”(2), (3)	4 years of experience including 2 years of DRC in a Grade III or higher	See 81.6(3)“b”(2), (3) and 81.7(3)“c”

81.6(2) Related work experience substitutions for operating experience. The following substitutions of related work experience for operating experience requirements may be accepted by the director.

a. ~~Laboratory personnel.~~ The following personnel may be allowed 50 percent credit for work experience toward meeting the operating experience requirements, as noted:

(1) Laboratory personnel employed in water or wastewater treatment plants; ~~may be allowed 50 percent credit for work experience toward meeting the operating experience requirements for~~ Grades I and II certification only. Laboratory experience must be in the same classification for which the applicant is applying.

~~(2)b. Oversight personnel.~~ Personnel with experience in on-site operation review and evaluation of plants and distribution systems; ~~may be allowed 50 percent credit for on site work experience toward meeting the operating experience requirements for~~ Grades I and II certification only. On-site experience must be in the same

Commented [28]: "and provides no..." - Replaced by new text in heading of 81.6(1).

Commented [29]: "and provides no..." - Replaced by new text in heading of 81.6(1).

Commented [30]: "operating experience..." - "Operating" and "work" experience have been clearly separated.

Commented [31]: "for verified military..." - Redundant; restates 81.6(4).

Commented [32]: New 81.6(2)a", "The following..." - Existing requirement; new text replaces identical duplicated text in old 81.7(2)a", "b", & "c".

Regulatory Analysis Version, 9/4/2024

classification for which the applicant is applying.

~~(3)e. Maintenance personnel.~~ Maintenance personnel employed in water or wastewater treatment plants, ~~may be allowed 50 percent credit for work experience toward meeting the operating experience requirements for Grades I and II certification only.~~ Maintenance experience may be applied to either the water or to the wastewater experience requirements.

~~#b. Certified operators.~~ The following types of certified operators may be allowed 50 percent credit for work experience toward meeting the operating experience requirements, as noted:

(1) Certified water treatment operators; ~~may be allowed 50 percent credit for work experience toward meeting the operating experience requirements for Grades I and II wastewater treatment certification only.~~ or Grades I and II water distribution certification only.

(2) Certified wastewater treatment operators; ~~may be allowed 50 percent credit for work experience toward meeting the operating experience requirements for Grades I and II water treatment certification only.~~

~~(3) Certified water treatment operators may be allowed 50 percent credit for work experience toward meeting the operating experience requirements for Grades I and II water distribution certification only.~~

(34) Certified water distribution operators; ~~may be allowed 50 percent credit for work experience toward meeting the operating experience requirements for Grades I and II water treatment certification only.~~

c. Limitation. The portion of related work experience that is substituted for operating experience cannot also be used to substitute for education.

81.6(3) Operating experience and education substitutions. The following ~~substitutions~~ substitutions for experience or education substitutions may be accepted by the director.

a. *Substitution of operating experience for education.*

(1) One year of operating experience ~~in a Grade II or higher position~~ may be substituted for one year of post-high school education, ~~for Grade III certification~~ up to one-half of the post-high school education requirement, as follows:

1. Experience in a Grade II or higher position may substitute as education for a Grade III certification, or

~~(2) One year of operating 2. Experience in a Grade III or higher position may be substituted as for one year of post-high school education for Grade IV certification up to one-half of the post-high school education requirement.~~

~~(23) Two years of DRC direct responsible charge~~ experience in a Grade III or higher position may be substituted for one year of directly related post-high school education for Grade IV certification up to three-fourths of the post-high school education requirement.

(34) That portion of operating experience ~~that which~~ is applied toward substitution for education cannot also be used for experience.

b. *Substitutions of education for operating experience.*

(1) Two semester hours, ~~or~~ three quarter hours, or three CEUs of directly related post-high school education may be substituted for one-half the operating experience requirement for Grades I and II.

(2) Thirty semester hours, ~~or~~ 45 quarter hours, or 45 CEUs of directly related post-high school education may be substituted for one year of experience up to a maximum of one-half the operating experience requirement for Grades II, III and IV.

(3) That portion of education ~~that which~~ is applied toward substitution for operating experience cannot also be used for education.

(4) Class hours involving closely supervised on-the-job type training in a pilot or full-scale facility where there are clearly defined educational objectives may be applied to the on-the-job operating experience requirement. The substitution value of such training shall be applicable ~~for only toward obtaining a~~ Grade I and Grade II certification only and shall not exceed one-half year of on-the-job experience.

1. One hour of on-the-job training is equivalent to three hours of on-the-job operating experience.

2. One month of on-the-job training consists of 20 eight-hour days.

3. Credit for on-the-job training may be applied only to the examination for the type of plant or system in which the experience was obtained.

~~4.~~ 5. That portion of on-the-job training courses ~~that which~~ is applied toward substitution for the on-the-job experience requirement cannot also be used for education.

c. *Substitution of education for ~~DRC direct responsible charge~~ operating experience.* Thirty semester hours, ~~or~~ 45 quarter hours, or 45 CEUs of directly related post-high school education may be substituted for one year of ~~DRC direct responsible charge~~ operating experience up to one-half the requirement for Grade IV certification.

Commented [33]: New 81.6(2)"b", "The following..." - Existing requirement; new text replaces identical duplicated text in old 81.7(2)"d"(1), (2) & (3).

Commented [34]: "or Grades I..." - Moved from old (3) (see below).

Commented [35]: Old 81.7(2)"d"(3) - Combined with new 81.6(2)"b"(1) above.

Commented [36]: New 81.6(3)"a"(1)1. - text is restatement of existing requirement in old 81.7(3)"a"(1).

Commented [37]: New 81.6(3)"a"(1)2. - existing requirement; struck redundant text.

Regulatory Analysis Version, 9/4/2024

81.6(4) Military education, training, ~~or~~ and service credit.

a. ~~An~~The applicant ~~who is serving or has served in the military~~ shall identify the ~~experience or education or experience~~ certification ~~qualification~~ requirements for which the credit is requested.

b. As part of ~~an~~the examination application pursuant to ~~subrule 81.8(1)~~, ~~an~~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, ~~as~~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).

[ARC 1911C, IAB 3/18/15, effective 4/22/15; ARC 3735C, IAB 4/11/18, effective 5/16/18; ARC 6193C, IAB 2/9/22, effective 3/16/22]

Commented [38]: "education or experience..." - Now matches the table name in 81.6(1).

567—81.7(455B) Certification and examination fees.

81.7(1) Examination fee. ~~The examination fee~~ for each examination: ~~shall be~~ \$30.

~~81.8(2) Oral examination fee.~~ Rescinded IAB 4/11/18, effective 5/16/18.

~~81.8(3) Reciprocity application fee.~~ The reciprocity application fee for each type of classification shall be \$30.

81.7(24) Certification fees.

a. ~~The~~ Certification fee shall be \$20 for each one-half year of a two-year period from the date of issuance to June 30 of odd-numbered years: \$20.

b. ~~Late certification penalty fee:~~ \$18.

~~81.8(5) Renewal fee.~~ The ~~c~~ Certification renewal fee: ~~shall be~~ \$60.

~~81.8(6) Penalty fee.~~ The certification and renewal penalty fee shall be \$18.

d. ~~Late certification renewal penalty fee:~~ \$18.

~~81.8(7) Duplicate certificate fee.~~ The duplicate certificate fee shall be \$20.

~~81.8(8) Temporary certificate fee.~~ The temporary certificate fee shall be \$60.

81.7(39) Fee adjustments. The department may adjust the fees annually by up to plus or minus 20 percent to cover costs of administering and enforcing these rules and reimbursement for other expenses relating to operator certification. The ~~environmental protection~~ commission must approve any fee increases above those listed in ~~this rule~~ 81.8(1) through 81.8(8). All fees collected shall be retained by the department for administration of the operator certification program.

[ARC 3735C, IAB 4/11/18, effective 5/16/18]

Commented [39]: Old 81.8(3) - Same as the other application fee; no need to list the fee twice.

Commented [40]: Old 81.8(7) - No longer needed; operators can print their own duplicate certificates.

Commented [41]: Old 81.8(8) - We no longer have a temporary status so there is no need for a fee.

567—81.8(455B) Operator certification ~~e~~Examinations.

81.8(1) Examination application.

a. All persons wishing to take the examination ~~required~~ to become a certified operator of a wastewater or water treatment plant or a water distribution system shall complete ~~an~~the examination application on a form ~~provided by the department~~. Operator Certification Examination Application, Form CFN 542 3118/CPG 63997. A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate educational background, training, and past experience in water or wastewater operation.

b. ~~The~~All-completed examination applications shall be accompanied by the examination fee, ~~and~~ examination fee shall be sent to Iowa Department of Natural Resources, Water Supply Section, 502 East Ninth Street, Des Moines, Iowa 50319-0034. ~~The completed application and examination fee must be received by the department at least 30 days prior to the date of examination.~~

81.8(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 evaluating an evaluation of the application, the department will notify~~ issue the applicant either a letter of examination eligibility or a letter of examination non-eligibility that includes a description of the education or experience requirements that have not been met. The director will ~~further~~ review applications when it is indicated that the applicant has falsified information or when questions arise concerning an applicant's qualifications ~~or~~ eligibility for examination or certification.

81.8(3) Application expiration. ~~An approved properly completed examination application for examination shall be valid for one year from the approval date the application is approved by the department. An applicant may request only one class and grade of examination with each application. A new application shall be required with each different classification or grade of examination desired by the applicant.~~

81.8(4) Refund of Examination fee refund. An applicant who does not qualify for examination at the time of application will have the examination fee refunded, if the applicant cannot qualify for examination within one

Commented [42]: New 81.8(1)"b" - "All examination..." - This matches the language about certification applications in 81.9(2).

Commented [43]: "The completed application..." - Obsolete due to electronic exam application and exam delivery.

Commented [44]: "An applicant may..." - the online application process has made this text unnecessary.

Regulatory Analysis Version, 9/4/2024

year. ~~If an~~the applicant will qualify for a scheduled examination within one year, ~~the applicant will be notified when the examination may be taken and~~ the fee will not be refunded.

81.89(5) Reexamination.

~~a.~~ Upon failure of the first examination, ~~an~~the applicant may apply for reexamination. ~~Upon failure of the second examination, the applicant shall be required to wait a period of at least 30 days between each subsequent examination.~~

~~b. 81.9(6) Reexamination fee.~~ Upon each reexamination when a valid application is on file, ~~an~~the applicant shall submit the examination fee to the department ~~at least ten days prior to the date of examination.~~

81.89(67) Application invalidation. Failure to successfully complete the examination within one year from the **application approval** date of approval of the application shall invalidate the application.

~~81.9(8) Retention of completed examinations. Rescinded IAB 1/7/04, effective 2/11/04.~~

~~81.9(9) Oral examination. Rescinded IAB 4/11/18, effective 5/16/18.~~

81.89(710) Reasonable accommodation. Upon ~~an applicant's~~ request for certification by an applicant, the director will consider ~~on an individual basis~~ reasonable accommodation to allow administration of the examination without discrimination on the basis of disability. ~~An~~The applicant shall request ~~an~~the accommodation 30 days prior to the ~~date of the examination date.~~ ~~An~~The applicant ~~shall~~must provide documentation of eligibility for ~~an~~the accommodation ~~with the examination application form.~~ Documentation shall be submitted with the completed examination application.

[ARC 1911C, IAB 3/18/15, effective 4/22/15; ARC 3735C, IAB 4/11/18, effective 5/16/18]

Commented [45]: "on an individual basis" - Redundant; captured in the later sentences.

Commented [46]: "prior to the examination date" - Revised as there's no longer a set exam date.

567—81.910(455B) Operator certification by examination.

81.910(1) Examination requirement. All applicants not ~~certified by reciprocity pursuant to~~ addressed for certification in ~~81.911(3)~~ shall successfully complete and pass an **operator certification** examination prior to receiving certification.

81.910(2) Certification, application time line.

~~a.~~ In order to receive a certificate, an applicant who passes an examination shall submit the certification fee to Application for certification must be received by the department within 60 days of the date the applicant receives notification ~~from the department~~ of ~~passing~~ successful completion of the examination. ~~Payment may either be digitally submitted in accordance with the instructions on the department's website at www.iowadnr.gov, mailed, or hand delivered. All certification fee payments that are mailed or hand delivered shall be submitted with the applicant's notification of passing the examination.~~ All applications for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.

~~b. 81.10(3) Late certification application.~~ Any certification payment digitally submitted, postmarked, or hand delivered to the department Applications for certification by examination which are received more than 30 days but less than 60 days after the date the applicant received notification of ~~passing~~ successful completion of the examination shall be accompanied by the certification fee and the **late certification** penalty fee.

~~c.~~ An applicants who ~~does~~ not submit the certification fee apply for certification within 60 days' notice of ~~passing~~ successful completion of the examination will not be certified on the basis of that examination.

567—81.11(455B)—81.9(3) Certification by reciprocity.

~~a. 81.11(4) Other states' mandatory certification programs.~~ For a Applicants who have been certified under other states' mandatory certification programs, the equivalency of which has been previously reviewed and accepted by the department, ~~shall be certified~~ education in an appropriate classification and grade; without examination, ~~will be recommended.~~ The applicant must have ~~passed~~ successfully completed an examination generally equivalent to the Iowa examination and must meet the education and experience qualifications established ~~in this chapter~~ by the director.

~~b. 81.11(2) Other states' voluntary certification programs.~~ For applicants who have been certified under voluntary certification programs in other states, certification in an appropriate class will be considered. The applicant must have ~~passed~~ successfully completed an examination generally equivalent to the Iowa examination and must meet the education and experience qualifications established ~~in this chapter~~ by the director. The director may require the applicant to ~~pass~~ successfully complete the Iowa examination.

c. 81.11(3) Reciprocity application.

~~(1) a. All applicants.~~ Applicants who seeking reciprocal Iowa certification pursuant to subrule 81.11(1) or 81.11(2) shall submit an Operator Certification Reciprocity ~~a~~ Application form provided by the department and the certification fee, 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.

Commented [47]: New 81.9 Operator certification - combines old 81.10, 81.11, 81.12, 81.13, and 81.15.

Commented [48]: New 81.9(2) - combines old 81.10(2) and 81.10(3) (now 81.9(2)"a" and "b", respectively).

Commented [49]: "Payment may be..." - clarifies fee submittal.

Commented [50]: "All certification fee..." - added to clarify requirements in cases of non-digital fee payments.

Commented [51]: Old 81.11 is now new 81.9(3), and 81.11(1), (2), (3), and (4) are new 81.9(3)"a", "b", "c", and "d", respectively.

Commented [52]: "accompanied by a..." - updates to this paragraph (new 81.9(3)"c") have made this text redundant.

Regulatory Analysis Version, 9/4/2024

The applicant shall be certified at the appropriate grade pursuant to ~~subrule 81.6(1)~~.

~~(2) b. Veteran applicants.~~ An applicant who is a veteran shall submit an ~~Operator Certification R~~ reciprocity application form provided by the department and the certification fee, pursuant to paragraph 81.11(3) "a" and shall also provide such documentation as is needed to verify ~~their~~ the applicant's status as a veteran as defined in ~~under Iowa Code section 35.1(2)~~. The veteran's application shall be given priority and shall be expedited.

~~d. 81.11(4) Lapse of certification obtained through reciprocity.~~ An applicant who obtains certification in Iowa through reciprocity and subsequently allows their Iowa certification to lapse will be required to reapply for certification in accordance with ~~paragraph 567—81.9(4)(5455B) "e."~~.

[ARC 1911C, IAB 3/18/15, effective 4/22/15]

~~567—81.12(455B) 81.9(4) Restricted certification.~~ Upon written request by an ~~certified~~ operator, the director may determine that ~~the further~~ education requirements ~~qualifications can~~ be waived ~~prior to an examination~~ when a plant or distribution system ~~classification grade is has been~~ increased and the operator has been in ~~DRC direct responsible charge~~ of the existing plant or distribution system. An operator ~~passing successfully completing the an~~ examination will be restricted to that plant or distribution system until the education ~~qualifications requirements~~ are met.

[ARC 3735C, IAB 4/11/18, effective 5/16/18]

~~567—81.13(455B) 81.9(5) Certification renewal.~~

~~a. 81.13(1) Renewal period.~~ All certificates shall expire on June 30 of odd-numbered years and ~~shall must~~ be renewed every two years in order to maintain certification.

~~b. Continuing education requirements for renewal. The CEU credits detailed in rule 567—81.10(455B) shall be obtained prior to any certificate renewal.~~

~~c. 81.13(2) Application for renewal application and fee.~~

~~(1) Certification renewal applications shall be made available to~~ An application for renewal will be mailed to ~~currently~~ certified operators ~~on the department's website at www.iowadnr.gov~~ prior to the ~~certificate~~ expiration date of their certificates. ~~Application for renewal must be made in accordance with this rule and the instructions on the form in order to renew the certificate for the next two years.~~

~~(2) All renewal applications for renewal of a certificate without penalty must be received by the director or shall be digitally submitted, postmarked, or hand delivered to the department~~ prior to ~~certificate~~ the expiration of the certificate, and shall be accompanied by the certification renewal fee.

~~d. 81.13(3) Late renewal application. Any certification renewal application digitally submitted, postmarked, or hand delivered to the department after certificate expiration~~ A late application for renewal of a certificate may be made provided that the application is received by the director or postmarked within 60 days of the expiration of the certificate on forms provided by the department. Such late application shall be accompanied by the ~~penalty fee and the certification renewal fee and the late certification renewal penalty fee.~~

~~e. 81.13(4) Failure to renew.~~ If a ~~certified operator~~ certificate holder fails to renew within 60 days following ~~certificate~~ expiration of the certificate, the right to renew the certificate is automatically terminated. Certification may be allowed at any time following such termination, provided that the applicant meets all education and experience eligibility requirements ~~of pursuant to rule 567—81.6(455B), and successfully passes completes~~ an examination, ~~and~~ The applicant must then apply for ~~submits the~~ certification ~~fee~~ in accordance with ~~567—81.9(4)(2455B)~~.

~~f. 81.13(5) Expired certificate.~~ An operator may not continue as the ~~OIC operator in charge~~ of a plant, distribution system, operating shift, or major segment of ~~the~~ plant or distribution system after ~~certificate~~ expiration of a certificate unless the certificate is renewed.

~~81.9(6) Certificate upgrade.~~ An operator holding an unexpired certificate may upgrade the certificate by examination to a higher grade in the same classification in accordance with this rule and ~~rules 567—81.6(455B) and 567—81.8(455B)~~. The expiration date of the upgraded certificate shall be the same as the unexpired certificate. An operator who upgrades a certificate during a biennium must also renew the upgraded certificate in accordance with ~~81.9(5)~~ to maintain certification.

567—81.10(455B,272C) Continuing education.

~~81.10(1) Continuing education unit (CEU) general requirements.~~

~~a. Only those operators fulfilling the CEU requirements before the end of each two-year period (March 31) will be allowed to renew their certificate(s). All certificates of operators who did not fulfill the CEU requirements as of April 1 of the second year shall expire on June 30 of each odd-numbered year.~~

~~b. CEUs~~ Continuing education must be earned during two-year periods between April 1 and March 31 of odd-numbered years.

Commented [53]: Old 81.12 is now new 81.9(4).

Commented [54]: Old 81.13 is now new 81.9(5), and 81.13(1), (2), (3), (4), and (5) are new 81.9(3)"a", "c", "d", "e", and "f", respectively. Text has been clarified.

Commented [55]: New 81.9(5)"b" - new text clarifies the existing requirement to obtain CEUs.

Commented [56]: "Application for renewal..." - Redundant.

Commented [57]: New 81.9(5)"d" - was 81.13(3). Revised to clarify existing requirements.

Commented [58]: New 81.9(6), Certificate upgrade - Existing text; moved from old 81.15, Upgrading of certificates.

Commented [59]: New 81.10(1)"a", "only those..." - Existing text; moved from old 81.14(2).

Regulatory Analysis Version, 9/4/2024

c. A Grade III or IV certified operator must earn two CEU units or 20 contact hours per certificate during each two-year period.

d. All other certified operators must earn one CEU unit or 10 contact hours per certificate during each two-year period. ~~Newly certified operators (previously uncertified) who become certified after April 1 of a two-year period will not be required to earn CEUs until the next two-year period. If an operator upgrades a certificate after April 1 of a two-year period and that upgrade increases the CEU requirement, the operator will not be required to meet the higher CEU requirement until the next two-year period, but must fulfill the lower CEU requirement for that period.~~

e. For those certified operators holding both a water treatment and a water distribution certification, no less than 25 percent of the required CEUs may be earned in any one area.

~~81.14(2) Certificate renewal. Only those operators fulfilling the continuing education requirements before the end of each two-year period (March 31) will be allowed to renew their certificate(s). The certificate(s) of operators not fulfilling the continuing education requirements shall expire on June 30 of each odd-numbered year.~~

~~81.104(23) CEU approval. All activities for which CEU continuing education credit will be granted must be approved by an accredited college, university, technical institute, or issuing agency, or by the department, and must be directly related to the subject matter of the particular certificate to which the credit is being applied. Any entity holding courses in Iowa for which CEU continuing education credit is offered for water treatment, water distribution, or wastewater operator certification must provide, at no cost to the department, the opportunity for one staff member to audit the training and receive all training materials.~~

~~81.104(34) Exceptions/CEU extensions. The following exceptions apply to the requirements of this rule.~~

a. The director may, in individual cases involving hardship or extenuating circumstances, allow a certified operator grant an extension of up to three additional months within which the certified operator may to fulfill the minimum CEU continuing education requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the certified operator's control ~~of the certified operator which~~ that prevent attendance at the required activities. All extension requests ~~for extensions~~ must be made prior to March 31 of each biennium.

b. ~~Newly certified operators (previously uncertified) who become certified after April 1 of the second year of a two-year period will not be required to earn CEUs until the next two-year period.~~

c. ~~If an operator upgrades a certificate after April 1 of the second year of a two-year period and that upgrade increases the CEU requirement, the operator will not be required to meet the higher CEU requirement until the next two-year period, but must fulfill the lower CEU requirement for that period.~~

~~81.104(45) CEU reporting. It is the certified operator's personal responsibility to maintain a written record and to notify the department of the CEU continuing education credit earned during each renewal period and to report the. The continuing education credits earned during the period to the department by following the instructions on the department's website at www.iowadnr.gov, shall be listed on the application for renewal.~~

~~567—81.15(455B) Upgrading of certificates. A person holding an unexpired certificate may upgrade the certificate by examination to a higher grade in the same classification in accordance with 567—81.7(455B), 567—81.9(455B) and 567—81.10(455B). The expiration date of the upgraded certificate shall be the same as the unexpired certificate. A person who upgrades a certificate during the biennium must also renew the upgraded certificate in accordance with 567—81.13(455B) and 567—81.14(455B,272C) to maintain the person's certification.~~

567—81.116(455B) Operator by affidavit.

81.116(1) Affidavit allowance. The owner of a plant or distribution system ~~that is~~ required to have a Grade A, I, IL, or II certified operator may sign an affidavit with a certified operator of the required classification and grade.

81.116(2) Affidavit requirements.

a. ~~This~~ An affidavit will verify that the certified operator is the OIC operator in charge and has direct responsibility for a plant or distribution system that does not have first rights on the services of that operator.

b. The department shall provide an affidavit form ~~that which shall be provided by the director and shall~~ requires the certified operator's name and signature ~~of the certified operator,~~ the operator's certification number, classification and grade, and the date of last renewal of the operator's certificate. The affidavit form shall be proof that the certified operator has agreed to be directly responsible for the operation and maintenance of the

Commented [60]: Old 81.14(1), "Newly certified..." - Moved to new 81.10(3)"b" & "c".

Commented [61]: Old 81.14(2), Certificate renewal - Moved text to new 81.10(1)"a".

Commented [62]: New 81.10(3)"b" & "c" - Existing text; moved from old 81.14(1).

Commented [63]: Old 81.15, Upgrading of certificates - moved to new 81.10(6), Certificate upgrade.

Regulatory Analysis Version, 9/4/2024

plant or distribution system. ~~The director may specify additional operational and maintenance requirements based on the complexity and size of the plant or distribution system.~~

~~c. Four duly notarized copies of the affidavit must be returned to and approved by the local regional field office of the department director, based upon the ability of the certified operator to properly operate and maintain additional facilities. Upon affidavit approval, the department may specify additional operational and maintenance requirements based on the complexity and size of the plant or distribution system.~~

~~d. In the event of affidavit disapproval, the owner of the plant or distribution system owner must terminate the agreement with the certified operator and seek the services of another certified operator.~~

~~e. Both the owner of the plant or distribution system owner and the certified operator shall notify the director at least 30 days before the termination of an affidavit the agreement.~~

[ARC 6193C, IAB 2/9/22, effective 3/16/22]

567—81.127(455B,272C) Disciplinary actions.

~~81.127(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) ~~Wastewater operator duties.~~ Examples of ~~a~~-wastewater operator's duties are specified in the Water Environment Federation Manual of Practice #11, 1996; California State University—Sacramento (CSUS) Operation of Wastewater Treatment Plants, Volume I, 4th edition, 1998; CSUS Operation of Wastewater Treatment Plants, Volume II, 4th edition, 1998; CSUS Advanced Waste Treatment, 3rd edition, 1998; and [567—Chapters 60 through 634, 67, and 83—Iowa Administrative Code.](#)

(2) ~~Water treatment or distribution operator duties.~~ Examples of ~~a~~-water treatment or distribution system operator's 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; and California State University—Sacramento (CSUS) Water Treatment Plant Operation, Volume I, 4th edition, 1999; CSUS Water Treatment Plant Operation, Volume 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—Iowa Administrative Code.](#)

b. Failure to submit ~~required~~ records of operation or other reports required under applicable permits or ~~rules of the 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 of the department.~~

~~d. Fraud in procuring a license.~~

~~e. Professional incompetence.~~

~~f. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.~~

~~g. Habitual intoxication or addiction to the use of drugs.~~

~~h. Conviction of criminal offenses directly related to the profession or occupation of the operator, consistent with Iowa Code sections 272C.1(8) and 272C.10(5).~~

~~i. Fraud in representations as to skill or ability.~~

~~j. Use of untruthful or improbable statements in advertisements.~~

~~k. Willful or repeated violations of the provisions of Iowa Code chapter 272C or 455B, division III.~~

~~81.127(2) Disciplinary sanctions.~~ Disciplinary sanctions may include those specified in [Iowa Code section 272C.3\(2\)](#) and the following:

a. ~~Certificate r~~~~evocation of a certificate.~~ 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~~~~type~~ of plant or distribution system.

Commented [64]: "The director may..." - Moved to "c" below so that the affidavit approval requirements are in one place.

Commented [65]: "Upon affidavit approval..." - Existing text; moved from earlier in this subrule.

Commented [66]: Old 81.17(1)"d" to "k" - Not needed, as these are verbatim from Iowa Code 455B.219, which is already referenced in the opening paragraph.

Regulatory Analysis Version, 9/4/2024

- c. *Probation.* Probation under specified conditions relevant to the specific grounds for disciplinary action.
- d. *Additional ~~education, training, and examination requirements.~~* Additional education, training, ~~and~~ 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 causes~~ identified in 81.127(1).

81.127(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.~~ *Initiation of disciplinary action.* The department staff shall initiate a disciplinary action by conducting such lawful investigation as is necessary to establish a legal and factual basis for action. ~~The administrator of the environmental protection commission or designee shall make a decision as to any disciplinary action based on the department staff recommendations. Except as specified by this subrule, the disciplinary action shall be initiated by a notice of intended action in accordance with rule 561—7.16(17A,455A).~~ 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. Request for hearing.~~ A licensee shall be deemed to have waived any right to a contested case hearing unless the licensee appeals the action and requests a hearing within 30 days of receipt of the notice of intended action. If a timely appeal is filed, further contested case procedures shall apply in accordance with 561—Chapter 7.

~~b.e. Appeal and review of proposed decision.~~ After a contested case hearing conducted in accordance with ~~rule 561—Chapter 7.14(17A,455A),~~ the director shall review the presiding officer's proposed decision ~~issued in accordance with 561—subrule 7.15(3).~~ The proposed decision shall constitute a final decision of the director and the department, ~~unless the licensee or the director and department appeal the proposed decision to the environmental protection commission within 30 days of receipt as provided in 561—subrule 7.15(5).~~

~~d. Effective date of suspension or revocation.~~ Notwithstanding any contrary interpretation in 561—subrule 7.16(7), suspension, revocation or other disciplinary action shall be effective 30 days after receipt of the notice of intended action if the licensee fails to file a timely appeal and request for hearing. If a contested case hearing is timely requested, the disciplinary action is effective as specified in the presiding officer's proposed decision unless the licensee obtains a stay of the action in accordance with 561—subrule 7.15(7) pending a timely appeal to the environmental protection commission.

~~c.e. Emergency disciplinary action.~~ The director may initiate an emergency suspension or other disciplinary action upon such grounds and following ~~the~~ these procedures ~~as provided in rule 561—subrule 7.16(6)18(17A,455A).~~ The terms of the emergency order shall be effective upon service as provided in rule 561—subrule 7.16(7)18(17A,455A). The department shall promptly give notice of an opportunity to appeal and request a contested case hearing following the procedures ~~as~~ specified above.

~~f.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 accordance with 81.127(2). Any such applicant ~~shall~~ must meet all education and experience eligibility requirements, ~~pursuant to 567—81.7(455B), and pass successfully complete an examination,~~ and be certified in the same manner as a new applicant in accordance with the requirements of this chapter.

~~81.127(4) Procedures for noncompliance with child support order procedures.~~ 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 ~~restricted~~ 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.

[ARC 5976C, IAB 10/20/21, effective 11/24/21]

These rules are intended to implement Iowa Code sections 455B.211 to 455B.224 and chapter 272C.

[Filed June 10, 1966; amended August 31, 1971, December 17, 1973, July 1, 1975]

[Filed 12/22/76, Notice 7/26/76—published 1/12/77, effective 2/16/77]

[Filed 2/25/77, Notice 12/15/76—published 3/23/77, effective 4/27/77]

Commented [67]: New 81.12(3)"a" & "b" - Text in old 81.17(3)"a" to "d" has been condensed and replaced with updated references to 561 - Chapter 7.

Regulatory Analysis Version, 9/4/2024

~~[Filed emergency 7/27/78—published 8/23/78, effective 7/27/78]~~
~~[Filed 10/13/78, Notice 5/31/78—published 11/1/78, effective 12/6/78]~~
~~[Filed 1/20/82, Notice 7/22/81—published 2/17/82, effective 3/24/82]~~
~~[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]~~
~~[Filed 12/2/83, Notices 6/22/83, 7/20/83—published 12/21/83, effective 1/25/84]~~
~~[Filed 12/28/84, Notice 10/10/84—published 1/16/85, effective 2/20/85]~~
~~[Filed emergency 3/8/85—published 3/27/85, effective 3/8/85]~~
~~[Filed 7/12/85, Notice 5/8/85—published 7/31/85, effective 9/4/85]~~
~~[Filed emergency 11/14/86—published 12/3/86, effective 12/3/86]~~
~~[Filed 7/29/94, Notice 5/11/94—published 8/17/94, effective 9/21/94]~~
~~[Filed 11/22/00, Notice 6/14/00—published 12/13/00, effective 1/17/01]~~
~~[Filed 12/17/03, Notice 9/17/03—published 1/7/04, effective 2/11/04]~~
~~[Filed 3/8/07, Notice 1/3/07—published 3/28/07, effective 5/2/07]~~
~~[Filed ARC 1911C (Notice ARC 1796C, IAB 12/24/14), IAB 3/18/15, effective 4/22/15]~~
~~[Filed ARC 3735C (Notice ARC 3568C, IAB 1/17/18), IAB 4/11/18, effective 5/16/18]~~
~~[Filed ARC 5976C (Notice ARC 5814C, IAB 7/28/21), IAB 10/20/21, effective 11/24/21]~~
~~[Filed ARC 6193C (Notice ARC 6039C, IAB 11/17/21), IAB 2/9/22, effective 3/16/22]~~