

Department of Health
Rules Amending Title 11
Hawaii Administrative Rules

(Adoption Date)

1. Chapter 11-25, Hawaii Administrative Rules, entitled "Rules Relating to Certification of Public Water System Operators", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 25

RULES RELATING TO CERTIFICATION
OF PUBLIC WATER SYSTEM OPERATORS

§11-25-1	Purpose
§11-25-2	Definitions
§11-25-2.50	Public water system operation and management
§11-25-3	Classes of certification
§11-25-4	Education and work experience requirements for certification
§11-25-5	Continuing education units
§11-25-6	Application for certification
§11-25-7	Examination for certification
§11-25-8	Issuance and renewal of certification
§11-25-9	Revocation, suspension, and refusal to renew certification
§11-25-10	Schedule of fees for certification
§11-25-11	Classification of water treatment plants
§11-25-11.5	Classification of distribution systems
§11-25-12	Repealed
§11-25-13	Procedures of the board
§11-25-14	Penalties and remedies
§11-25-15	Severability clause

§11-25-1

§11-25-1 Purpose. The purpose of this chapter is to protect public health through the use of trained and experienced personnel to operate public water systems, and to set standards for the certification of such personnel. [Eff 2/8/93; am and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01; comp 5/24/02; comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-3, 340F-7, 340F-8, 340F-11(1); 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-2 Definitions. As used in this chapter:

"Association of boards of certification for operating personnel in water and wastewater utilities" or "ABC" means that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for the classification of potable water supply and wastewater systems and facilities and for certification of operators, facilitates reciprocity between state programs, and assists authorities in establishing new certification programs and upgrading existing programs.

"Available" means, based on system size, complexity, and source water quality, a certified operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner.

"Board" means the board of certification of public water system operators, established by section 340F-4, HRS.

"Certification" means the approval by the board of, and the issuance of a certificate and identification card to, a person who meets the requirements of this chapter.

"Community water system" means a public water system providing water to at least fifteen service connections used by year-round residents or regularly serving at least twenty-five year-round residents.

"Continuing education unit" or "CEU" means [eight hours of participation in, and successful completion of, an organized continuing education experience approved by the board.] a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact lecture hours of

participation in, and successful completion of, an organized continuing education experience approved by the board.

"Director" means the director of health.

"Distribution system" or "DS" means that portion of a public water system in which water is stored and conveyed from the water treatment plant or other source, and distributed to consumers. Chlorination facilities for sources other than surface water or groundwater under the direct influence of surface water, and fluoridation facilities may be considered to be part of a distribution system.

"Distribution system operator" or "DS operator" or "DSO" means any individual who operates a distribution system, or a major segment of a distribution system.

"Nontransient Noncommunity" or "NTNC" water system means a public water system that is not a community water system and that regularly serves at least twenty-five of the same persons over six months per year. Common types of NTNC water systems are those serving schools, day care centers, factories, restaurants, and hospitals.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality, or any other private, county, state, or federal legal entity.

"Responsible charge": The operator(s) in responsible charge is the person(s) designated by the purveyor to be the certified operator(s) who makes decisions regarding the daily operational activities of a public water system, water treatment facility, or distribution system, that will directly impact the quality or quantity of drinking water.

["Wastewater treatment plant operator" means any individual who operates a wastewater treatment plant, or a major segment of a wastewater treatment plant.]

"Water treatment plant" or "WTP" means the various facilities used in the treatment of water serving a public water system. Facilities for chemical addition to control pH or inhibit corrosion shall be considered to be part of a water treatment plant. Chlorination or fluoridation facilities may be considered to be part of

a water treatment plant.

"Water treatment plant operator" or "WTP operator" or "WTPO" means any individual who operates a WTP, or a major segment of a WTP.

"Work experience" is experience in the operation of a WTP for WTPO certification, or experience in the operation of a DS for DSO certification, as defined in section 11-25-4(e). [Eff 2/8/93; am and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01; am and comp 5/24/02; am and comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-1, 340F-3, 340F-7, 340F-8, 340F-11(1); 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-2.50 Public water system operation and management. (a) This chapter applies to all community and nontransient noncommunity public water systems.

- (1) Each public water system covered by this chapter shall be under the responsible charge of an operator(s) holding a valid certification equal to or greater than the classification of the WTP or DS;
- (2) All operating personnel making daily process control or system integrity decisions about water quality or quantity that affect public health shall be certified; and
- (3) A designated certified operator shall be available for each operating shift.

(b) This chapter applies to all WTPs in community and nontransient noncommunity public water systems and all WTPs serving surface water or ground water under the direct influence of surface water. All WTPs covered by this chapter shall be operated by certified WTP operators. Each WTP shall at all times be under the responsible charge of an operator holding a [regular] valid certification equal to or greater than the WTP classification.

(c) All fluoridation facilities shall be operated by certified operators who have received board-approved fluoridation training.

(d) Each DS shall at all times be under the responsible charge of an operator holding a [regular] valid certification equal to or greater than the DS

classification. [Eff and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01, am and comp 5/24/02; am and comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-3, 340F-6, 340F-7, 340F-8, 340F-11; 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

Historical note: §11-25-2.50 is based substantially upon §11-25-12. [Eff. 2/8/93; R 4/29/95]

§11-25-3 Classes of certification. Operators may obtain certification by the following methods provided in this section:

- (1) Operator-in-training (OIT) certification.
 - (A) An applicant may apply for OIT certification if the applicant meets the following requirements:
 - (i) The applicant meets the educational requirements of section 11-25-4 and,
 - (ii) The applicant is hired or assigned to work at a WTP or DS, in order to gain experience to qualify for certification at the Grade 1 level.
 - (B) No exam is required for OIT certification.
 - (C) An OIT shall not make process control or system integrity decisions about water quality or quantity that effect public health. An OIT shall work under the direct supervision of a certified Grade 1 or higher operator.
- (2) Regular certification.
 - (A) An applicant meeting the educational and experience requirements of section 11-25-4 may apply for certification with examination.
 - (B) An applicant already certified in the State may apply for certification with examination in a higher grade if the applicant meets the following requirements:
 - (i) The applicant shows proof that the applicant obtained the continuing

- education units (CEUs) required in section 11-25-5 and maintained certification in the applicant's present grade; and
- (ii) The applicant meets the educational and work experience requirements noted in section 11-25-4 for the higher grade.
- (C) The board may approve the issuance of a regular DSO certification to an operator who has, by June 30, 2001, at least one year of experience in operating a DS, has attended board-approved DSO training, and passed a board-approved DSO certification exam.
- (3) Reciprocity certification. An applicant currently certified by another state, territory, or possession of the United States of America, or by another country or entity that is listed in the "Certification Contacts" section in ABC's annual directory, may apply for certification without an examination in the grade in which the applicant is currently certified.
 - (4) Temporary certification. When the board determines that there is a shortage of operators at the Grade 2, 3, or 4 level, the board may approve issuance of temporary certification for the shortage grade. The temporary certification grade may be one grade higher than the operator's current grade. An operator's temporary certification shall expire no later than twenty-four months from the issuance date. The category of Grade 4 WTP temporary certification expired on October 31, 2000.
 - (A) Temporary certification without an initial exam shall be requested by the water purveyor. The applicant shall work at the purveyor's WTP or DS, under the direction of an operator with regular certification at the same or higher level as the class of that WTP or DS.

- (B) The applicant shall be able to meet the minimum educational and work experience requirements and pass the exam for that grade level within twenty-four months of the certificate issuance date.
 - (C) If the operator with temporary certification does not pass one of the exams available at that grade within twenty-four months, the temporary certification shall expire and shall not be renewed.
- (5) Provisional certification for operators of new WTPs.
- (A) Operators who operate new class 1 or 2 WTPs brought online after June 30, 2000, and who do not qualify for conditional certification, may apply for provisional certification to operate the new WTPs.
 - (B) Water purveyors shall meet the following conditions in order to qualify operators for provisional certification:
 - (i) The contractor or approved agent for the water treatment equipment shall provide on-site training for the operators in a manner approved by the director;
 - (ii) The operator shall pass a combined written exam and hands-on exam, provided by the contractor or approved agent, and approved by the director. The contractor or approved agent shall provide a report on the qualification status of each operator; and
 - (iii) The manufacturer or approved agent shall be available to provide on-call service to the water purveyor for a period of not less than one year.
 - (C) The operator with provisional certification shall have two opportunities to take the certification exam. If the operator is unable to pass one of the next two examinations offered

by the board, the provisional certification is canceled.

- (6) Conditional certification. Operators in responsible charge of a DS, or a WTP treating ground water, and who [have] had a minimum of one year of such work experience in the State by June 30, 2001, [qualify] qualified for conditional certification. The category of conditional certification [shall expire] expired on December 31, 2003. Applications for WTPO conditional certification were accepted until June 29, 1993 for operators operating surface water treatment plants. These conditional certificates expired on December 31, 1994, if not canceled earlier.
- [(A) The board may approve the issuance of a conditional certificate without an initial examination for a WTP operator operating a WTP treating ground water, or a DS operator. The conditional certificate shall be valid for two years. The conditional certification shall be site-specific.
- (B) The educational requirements are waived by the board for conditionally certified operators for the two-year period that the certificate is valid. If the operator fails the first examination, the operator may take subsequent examination(s) at the same or lower grade level.
- (C) If the operator is unable to pass an exam within the two-year period, the operator shall no longer perform the duties of an operator after the certificate expires. Also, the operator must then meet the educational and work experience requirements before applying for regular certification with a written examination.] [Eff 2/8/93; am and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01, am and comp 5/24/02; am and comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-

3, 340F-5, 340F-6, 340F-7, 340F-8, 340F-11, 340F-12; 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-4 Education and work experience requirements for certification. (a) To qualify for certification, operators shall have the following education and work experience unless otherwise provided in section 11-25-3. The minimum educational requirement for all five grades is a high school degree, or general equivalency diploma (GED).

- (1) A high school degree consists of a high school diploma properly awarded in any state, territory, or possession of the United States of America, or by another country that is listed in the "Certification Contacts" section in ABC's annual directory, from an accredited public, private, or parochial high school.
- (2) A GED consists of a diploma earned through an equivalency program administered by the state department of education, or any state, county, territory, or possession of the United States of America.
- (3) For the DSO certification, work experience can substitute for a high school diploma or GED. An operator shall have a minimum of an eighth grade education. An operator with an eighth grade education and four years of work experience can be considered to have the equivalent of a GED. Work experience that is used to meet the GED requirement shall not also be used to meet the work experience requirement beyond the GED.

(b) The minimum work experience requirements for WTPO certification are as follows:

- (1) WTP Operator-in-training: no work experience.
- (2) WTPO Grade 1: a high school degree and one year of work experience.
- (3) WTPO Grade 2:
 - (A) One year of work experience at a Class 2 or higher WTP, as an operator with

- Hawaii WTP0 Grade 1 regular certification;
- (B) A high school degree and two years of work experience (including one year of work experience at a Class 2 or higher WTP); or
 - (C) A qualifying bachelor's degree and one year of work experience at a Class 2 or higher WTP.
- (4) WTP0 Grade 3:
- (A) One year of full-time work experience at a membrane filtration, Class 3, or Class 4 WTP (including one month of work experience at a Class 3 or 4 plant), as an operator with Hawaii WTP0 Grade 2 regular certification;
 - (B) A high school degree, and three years of work experience (including one year of full-time work experience at a membrane filtration, Class 3, or Class 4 WTP (including one month of work experience at a Class 3 or 4 WTP));
 - (C) A qualifying associate degree, and two years of work experience (including one year of full-time work experience at a membrane filtration, Class 3, or Class 4 WTP (including one month of work experience at a Class 3 or 4 WTP)); or
 - (D) A qualifying bachelor's degree and one year of full-time work experience at a membrane filtration, Class 3, or Class 4 WTP (including one month of work experience at a Class 3 or 4 WTP).
- (5) WTP0 Grade 4:
- (A) One year of full-time work experience at a Class 3 or 4 WTP, as an operator with Hawaii WTP0 Grade 3 regular certification;
 - (B) A high school degree, and four years of work experience (including one year of full-time work experience at a membrane filtration, Class 3, or Class 4 WTP, and one year of full-time work experience at a Class 3 or 4 WTP);

- (C) A qualifying associate degree, and three years of work experience (including one year of full-time work experience at a membrane filtration, Class 3, or Class 4 WTP, and one year of full-time work experience at a Class 3 or 4 WTP); or
- (D) A qualifying bachelor's degree and two years of work experience (one year of full-time work experience at a membrane filtration, Class 3, or Class 4 WTP, and one year of full-time work experience at a Class 3 or 4 WTP).

(c) The minimum work experience requirements for DSO certification are as follows:

- (1) DS Operator-in-training: no work experience.
- (2) DSO Grade 1: a high school degree and one year of work experience.
- (3) DSO Grade 2:
 - (A) One year of work experience as an operator with Hawaii DSO Grade 1 regular certification;
 - (B) A high school degree and two years of work experience; or
 - (C) A qualifying bachelor's degree and one year of work experience.
- (4) DSO Grade 3:
 - (A) One year of work experience as an operator with Hawaii DSO Grade 2 regular certification;
 - (B) A high school degree and three years of work experience;
 - (C) A qualifying associate degree, and two years of work experience; or
 - (D) A qualifying bachelor's degree and one year of work experience.
- (5) DSO Grade 4:
 - (A) One year of work experience as an operator with Hawaii DSO Grade 3 regular certification;
 - (B) A high school degree and four years of work experience;
 - (C) A qualifying associate degree, and three years of work experience; or
 - (D) A qualifying bachelor's degree and two

years of work experience.

(d) The minimum education and work experience requirements in years are summarized as follows:

TABLE 1
MINIMUM WORK EXPERIENCE REQUIREMENTS

Degree	Total Years of Work Experience				
	OIT	1	2	3 ^a	4 ^b
High School	0	1	2	3	4
Qualifying Associate degree	0	1	2	2	3
Qualifying Bachelor's degree	0	1	1	1	2

^aFor the WTPO Grade 3 certification, the years of work experience must include at least one year of full-time work experience at a membrane filtration, Class 3, or Class 4 WTP (of which at least one month of work experience is at a Class 3 or 4 WTP).

^bFor the WTPO Grade 4 certification, the years of work experience must include at least one year of full-time work experience at a membrane filtration, Class 3, or Class 4 WTP, and at least one year of full-time work experience at a Class 3 or 4 WTP.

(e) The duration of the work experience in a currently held position shall be calculated up to the examination date. For WTPO certification, to earn a "year of work experience," a person shall operate a WTP for at least one hour per day for each of at least two hundred days. To earn a "year of full-time work experience," a person shall either operate a WTP for at least eight hours per day for each of at least two hundred days or for a cumulative time of 1,600 hours (two hundred days times eight hours per day). For DSO certification, to earn a "year of work experience", a person shall operate a DS for at least one hour per day for each of at least two hundred days. A "year of work experience" or a "year of full-time work experience" may be accumulated over the course of more than twelve consecutive months, but no more than one year of such

experience may be accumulated within a twelve-consecutive-month period.

(f) A qualifying bachelor's degree is a bachelor's degree or higher from an accredited university in which the applicant has earned at least twenty adjusted semester credits from the courses listed in Appendix A entitled "Courses for Qualifying Bachelor's or Associate Degrees (May 1, 2000)", located at the end of this chapter.

(g) A qualifying associate degree is an associate degree or higher in which the applicant has earned at least twelve adjusted semester credits from the courses listed in Appendix A, entitled "Courses for Qualifying Bachelor's or Associate Degrees (May 1, 2000)", located at the end of this chapter. [Eff 2/8/93; am and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01; am and comp 5/24/02; comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-3, 340F-6, 340F-7, 340F-8, 340F-11; 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-5 Continuing education units. (a) Certified operators shall obtain CEUs in order to maintain their certification. [Eight hours are required for each CEU.] The CEUs shall be earned in the [three-year] certification period prior to certification expiration. Ten contact hours equals one CEU. The number of CEUs required every [three] two years to renew Grades 1 through 4 certification are as follows:

TABLE 2
CEU REQUIREMENTS

Operator Classification	CEUs Required
Grade 1 <u>or</u> 2	[1.5] <u>0.8</u>
[Grade 2	1.5]
Grade 3 <u>or</u> 4	[3.0] <u>1.6</u>
[Grade 4	3.0]

(b) For operators with less than [three] two years of certification in the State prior to the renewal date, the CEU requirements shall be prorated.

(c) If an operator wants to receive CEU credit for a course not previously approved by the board, the operator shall make a written request for approval to the board. The operator shall request the CEU approval as soon as possible after attending the course. The operator shall send the request to the board for receipt no later than two weeks before the certification expires. The operator shall submit sufficient material with the written request for the board to determine whether to approve the CEUs.

- (1) The material shall include but not be limited to the following: the name and date of the course as listed in paragraph (3); the subject matter covered in the course (including one or more paragraphs describing the course); and the number of CEUs offered, if any, by the organization which conducts the course.
- (2) The board will respond in writing to the operator on its determination on the CEU credit request. [Approved courses will be assigned a course approval number.]
- (3) The following courses may be approved for CEUs by the board, on a case-by-case basis, taking into consideration subject matter and length of training.
 - (A) American Water Works Association workshops and conventions (national and local sections).
 - (B) Hawaii Water Works Association workshops and conventions.
 - (C) Formal in-house training classes.
 - (D) Correspondence courses.

(d) If the operator has attended a course pre-approved by the board for CEU credits, when applying for renewal the operator shall send to the board a confirmation record of attendance, the certification renewal form [with the course approval number], and the renewal fee. The courses pre-approved for CEUs include:

- (1) Courses listed in Appendix A, entitled "Courses for Qualifying Bachelor's or Associate Degrees (May 1, 2000)", found at the end of this chapter, from an accredited

- university, or
- (2) Selected courses approved from the Statewide Wastewater Operator Training Center Schedule. [Eff 2/8/93; am and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01; comp 5/24/02; am and comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-3, 340F-6, 340F-7, 340F-8, 340F-11; 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-6 Application for certification. (a) The applicant shall submit the completed certification application form and application fee to:

Chairperson, Board of Certification of
Public Water System Operators
Hawaii Department of Health
Environmental Management Division
Safe Drinking Water Branch

(b) The board shall not act on incomplete applications or applications not accompanied by the application fee or the required attachments.

(c) The board shall notify each applicant of the board's decision on the acceptance or denial of the application either by letter or by form prescribed by the board. The board shall send notice within six months of receipt of the application. All correspondence with the applicant shall be mailed to the address given in the application form. It is the responsibility of each applicant to keep the board informed of any changes in his or her mailing address.

(d) Application for regular certification with exam:

- (1) The applicant shall apply at least three months prior to the exam date, and attach [a] separate [payment] payments for the application fee and the exam fee.
- (2) The applicant who has provisional certification shall also submit a letter from the water purveyor stating that the applicant continues to perform satisfactorily.
- (3) The board shall notify the applicant of its decision a minimum of forty-five days before the exam date, or the application shall be

automatically accepted.

- (4) The board shall notify the applicant of the date, time, and location of the examination.

(e) Application for certification without exam (OIT, reciprocity, temporary, or provisional[, or conditional]):

- (1) Applications can be submitted throughout the year.
- (2) The applicant shall submit the application fee with the application.
- (3) The applicant for OIT certification shall submit with the application a letter from the water purveyor acknowledging that the applicant is working at a WTP or DS in order to gain experience to qualify for Grade 1 certification.
- (4) The applicant for reciprocity certification shall submit the following with the application:
 - (A) A copy of the applicant's current certificate, identification card, or other proof of certification, and
 - (B) Proof that the certificate was issued based on the applicant satisfactorily passing an examination prepared by the Association of Boards of Certification. The exam may also have been prepared by a state, territory, or possession of the United States of America, or by another country or entity that is listed in the "Certification Contacts" section in ABC's annual directory (if the respective certifying board states that its written examination is equivalent to or better than that prepared by the Association of Boards of Certification, and the Hawaii board concurs).
- (5) The applicant for temporary certification shall submit with the application a letter, signed by the certified operator who will train the applicant, describing the proposed training. [Eff 2/8/93; am and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01, am and comp 5/24/02; am and comp

] (Auth: HRS §§340F-7,
340F-11(1)) (Imp: HRS §§340F-3, 340F-6,
340F-7, 340F-8, 340F-11; 40 C.F.R. §141.70;
42 U.S.C. §300g-8)

§11-25-7 Examination for certification. (a) A minimum grade of seventy per cent on the examination is required for certification. All examinees will be notified by letter or form prescribed by the board as to whether they passed or failed the examination.

(b) All examination papers and related records shall be filed with the board's records and retained for a minimum of five years.

(c) All examinees failing an examination may apply for future examinations by submitting an exam registration form and the exam fee three months prior to the new examination date. [Eff 2/8/93; am and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01; comp 5/24/02; comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-3, 340F-6, 340F-7, 340F-8, 340F-11; 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-8 Issuance and renewal of certification.

(a) Once the applicant has satisfied certification requirements, and upon receipt of the certification or renewal fee, the board shall approve the certification within five months. For certification, the board shall issue a certificate and identification card; for renewal, the board shall issue a new identification card. The board shall issue certificates and cards within one month after it approves certification. For applicants who pass the examination, the initial certification fee is included in the examination fee.

(b) The certificate indicates the operator grade and date the certification was issued. The identification card indicates the grade and expiration date of the certification period. The certification expiration date [for certification] is at least [two full years] one full year from the issuance date. The certificate itself cannot represent certification unless a current identification card is produced to substantiate certification. The certificate shall be

prominently displayed at the applicant's principal work station.

(c) The certified operator shall renew his or her certification by the date two weeks before the expiration date. After the expiration date, the operator certification shall expire. After the date one month after the expiration date, the operator with expired certification shall no longer perform the duties of an operator until he or she has applied for renewal, and the renewal has been approved. OIT, temporary, and provisional [and conditional] certifications are not renewable.

- (1) To renew his or her certification, the operator shall submit the renewal application form, the renewal fee[,] and proof of CEU course attendance[, and the CEU code number].
- (2) For the second through twelfth months following the expiration date, the renewal fee shall [be doubled.] increase by \$20. If the operator has not applied for renewal by the date one year after the expiration date, the certification shall not be renewable. The operator shall not be re-certified unless he or she submits the exam [application] registration form and exam fee, is accepted for, and passes the exam. [Eff 2/8/93; am and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01; am and comp 5/24/02; am and comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: §§340F-3, 340F-6, 340F-7, 340F-8, 340F-11; 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-9 Revocation, suspension, and refusal to renew certification. (a) The board may revoke, suspend, or refuse to renew the certification of an operator when it is found that the operator has practiced fraud or deceit in obtaining certification or in performing his or her duties; that reasonable care, judgment, or the application of knowledge or ability, was not used in the performance of his or her duties; that the operator is unable to properly perform his or her duties; or that the operator has violated chapter

340F, HRS, or this chapter.

(b) The operator shall be afforded an opportunity for a contested case hearing after reasonable notice, in accordance with chapter 91, HRS. The operator shall have twenty days after receiving notice to request a hearing. [Eff. 2/8/93; am and comp 4/29/95; comp 8/25/97; comp 1/8/01; comp 5/24/02; comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: §§340F-3, 340F-6, 340F-7, 340F-8, 340F-11; 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-10 Schedule of fees for certification. The schedule of fees relating to certification shall be as follows:

- (1) Regular certification. The applicant shall submit the application, application fee [(\$20),] (\$30), and exam fee [(\$30)] (\$70) at least three months prior to the examination date. If the examinee passes the exam, he or she shall be certified through the expiration date at least [two full years] one full year from the issuance date [(a period less than thirty-six months)]. A person with temporary[,] or provisional[, or conditional] certification, who applies for regular certification at the same grade level, shall submit the application and exam fee, but does not need to submit a new application fee.
- (2) Reciprocity certification. The applicant shall submit the application, [and application fee (\$50)] application fee (\$30), and certificate fee (\$70) at the time of application. If the application is not approved, the [application fee includes the fee for the certificate and I.D. card.] certificate fee will be returned. The certification is valid through the expiration date at least [two full years] one full year from the issuance date [(a period less than thirty-six months)].
- (3) Operator-in-training, temporary, or provisional[, or conditional] certification. The applicant shall submit the application

- [and application fee [(\$40)], application fee (\$30), and certificate fee (\$40) at the time of application. If the application is not approved, [the fee includes the fee for the certificate and I.D. card.] the certificate fee will be returned. The OIT, or temporary[, or conditional] certification shall be valid for twenty-four months.
- (4) Renewal - [~~\$10~~] \$20 per full year of renewal. The certification shall be renewed for a period no longer than three years and the renewal fee shall be due by the date two weeks before the expiration date.
- (5) Replacement of certificate - \$10.
Replacement of identification card - \$15.
[Eff. 2/8/93; am and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01; am and comp 5/24/02; am and comp]
(Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-3, 340F-6, 340F-7, 340F-8, 340F-11; 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-11 Classification of water treatment plants. The classification of WTPs ascends with the complexity of treatment processes used. Class 1 plants are the simplest to operate and Class 4 plants the most difficult.

- (1) Class 1 WTPs use the following technologies:
- (A) Slow sand filtration;
 - (B) Chemical addition, such as for chlorination, fluoridation, pH control or corrosion control;
 - (C) Granular activated carbon filtration; or
 - (D) Packed aeration towers or air stripping towers.
- (2) Class 2 WTPs use the following technologies:
- (A) Membrane filtration;
 - (B) Cartridge filtration; or
 - (C) Desalting (including distillation, electrodialysis, and reverse osmosis).
- (3) Class 3 WTPs use the following technologies:
- (A) Diatomaceous earth filtration; or
 - (B) Package WTPs with features similar to

- those of diatomaceous earth filtration.
- (4) Class 4 WTPs use the following technologies:
- (A) Conventional treatment (coagulation with rapid mixing, flocculation, sedimentation, and filtration);
 - (B) Direct filtration (conventional treatment without sedimentation); or
 - (C) Package WTPs with features similar to those of conventional treatment or direct filtration plants. [Eff 2/8/93; am and comp 4/29/95; am and comp 8/25/97; am and comp 1/8/01; am and comp 5/24/02; comp] (Auth: HRS §§340F-7(1), 340F-11(1)) (Imp: HRS §§340F-2, 340F-3, 340F-6, 340F-7, 340F-8, 340F-11; 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-11.5 Classification of distribution systems. The classification of DSs ascends with the size of the population served by the public water system:

- (1) Class 1 DSs serve water systems with a population of 1500 or less persons;
- (2) Class 2 DSs serve water systems with a population of 1501 to 15,000 persons;
- (3) Class 3 DSs serve water systems with a population of 15,001 to 50,000 persons;
- (4) Class 4 DSs serve water systems with a population of over 50,000 persons. [Eff and comp 1/8/01, comp 5/24/02; comp] (Auth: HRS §§340F-7(1), 340F-11(1)) (Imp: HRS §§340F-2, 340F-3, 340F-6, 340F-7, 340F-8, 340F-11; 42 U.S.C. §300g-8)

§11-25-12 REPEALED. [R 4/29/95]

§11-25-13 Procedures of the board. (a) The records of the board shall be kept in the office of the state department of health, environmental management

division, safe drinking water branch for a minimum of five years.

(b) The board consists of five members appointed by the governor. Three members of the board shall constitute a quorum to do business, and the concurrence of a majority of all of the members to which the board is entitled shall be necessary to make any action of the board valid.

(c) There shall be a minimum of two scheduled meetings per year at such time and place adopted by the board. Additional meetings may be called by the chairperson.

(d) The board may conduct meetings by videoconference.

- (1) The videoconference system used by the board shall allow both audio and visual interaction between all members of the board participating in the meeting and the public attending the meeting, at any videoconference location. The notice required by section 92-7, HRS, shall specify all locations at which board members will be physically present during a videoconference meeting, and the public shall be allowed to attend the meeting at any such location.
- (2) Any board member participating in a meeting by videoconference shall be considered present at the meeting for the purposes of determining compliance with the quorum and voting requirements of the board.
- (3) A meeting held by videoconference shall be terminated if both audio and video communication cannot be maintained with all locations where the meeting is being held, even if a quorum of the board is physically present in one location. [Eff 2/8/93; am and comp 4/29/95; comp 8/25/97; am and comp 1/8/01; comp 5/24/02; comp]
(Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-4, 340F-7, 340F-8, 340F-11(1); 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-14 Penalties and remedies. Any person who

violates any provision of this chapter shall be subject to the penalties and remedies provided under sections 340F-9 and 340F-10, HRS. [Eff 2/8/93; comp 4/29/95; comp 8/25/97; comp 1/8/01; comp 5/24/02; comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-3, 340F-6, 340F-7, 340F-8, 340F-9, 340F-10, 340F-11; 40 C.F.R. §141.70; 42 U.S.C. §300g-8)

§11-25-15 Severability clause. If any provision of this chapter or its application to any person or circumstances is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby." [Eff 2/8/93; comp 4/29/95; comp 8/25/97; comp 1/8/01; comp 5/24/02; comp] (Auth: HRS §§340F-7, 340F-11(1)) (Imp: HRS §§340F-7, 340F-11(1))

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to update source notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 11-25, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on and filed with the Office of the Lieutenant Governor.

Chairperson, Board of Certification
of Public Water System Operators

VIRGINIA PRESSLER, M.D.
Director of Health

APPROVED AS TO FORM:

Deputy Attorney General

Appendix A
Courses for Qualifying Bachelor's or Associate Degrees
May 1, 2000

- (a) Courses for which *full credit* shall be given:
 - (1) Courses in water quality, treatment or distribution. Any number of courses allowed as long as no courses are duplicated.
 - (2) Chemistry of water, a maximum of three semester credits.
 - (3) Water microbiology, up to three semester credits.
 - (4) Engineering courses in the water treatment or distribution fields. Any number of courses allowed as long as no courses are duplicated.

- (b) Courses for which *half credit* shall be given:
 - (1) General chemistry, up to twelve semester credits.
 - (2) Biological sciences, including microbiology, pathogenic bacteriology, virology, etc., a maximum of nine semester credits.
 - (3) Mathematics, including algebra, geometry, trigonometry, and statistics, up to twelve semester credits. Does not include basic, introductory, or business mathematics courses.
 - (4) General physics, up to nine semester credits.
 - (5) Engineering courses such as fluid mechanics, and environmental engineering courses not directly related to water treatment or distribution. Any number of courses allowed as long as no courses are duplicated.

- (c) Courses for which *half credit* shall be given:
 - (1) Public or business administration courses. Up to nine semester credits in organization, management, finance, supervision, budgeting, etc.
 - (2) Technical writing, a maximum of three semester credits.
 - (3) Public speaking, up to three semester credits.

Ch. 11-25

Note: A qualifying bachelor's degree is a bachelor's degree or higher from an accredited university in which the applicant has earned at least twenty adjusted semester credits from freshman or higher level courses from the courses listed above.

A qualifying associate degree is an associate degree or higher in which the applicant has earned at least twelve adjusted semester credits from freshman or higher level courses from the courses listed above.