

**The Code of Alabama 1975**

Title 22 HEALTH, MENTAL HEALTH, AND ENVIRONMENTAL CONTROL.

Chapter 25 WATER AND WASTEWATER SYSTEMS AND TREATMENT PLANTS.

**Section 22-25-1**

**Definitions.**

For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

- (1) BOARD. The Alabama Department of Environmental Management.
- (2) CERTIFICATE. The certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.
- (3) DIRECTOR. The Director of the Alabama Department of Environmental Management.
- (4) OPERATOR. The person on duty who has direct responsibility for the operation of a water treatment plant, water distribution system, public wastewater collection system, or wastewater treatment plant.
- (5) PUBLIC WASTEWATER COLLECTION SYSTEM. The system of pipes, structures, and facilities through which wastewater, municipal sewage, or wastes of a liquid nature is received, collected, stored, transported, or delivered into a wastewater treatment plant.
- (6) TRAINEE. The person on duty who has direct responsibility for the operation of a water treatment plant, water distribution system, public wastewater collection system, or wastewater treatment plant and is serving in a training capacity for a maximum of one year without a certificate.
- (7) WASTEWATER TREATMENT PLANT. The facility or group of units used for the treatment of wastewater from public wastewater collection systems and for the reduction or handling of solids removed from such wastewater.
- (8) WATER DISTRIBUTION SYSTEMS. 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.
- (9) WATER SUPPLY SYSTEM. The system of pipes, structures, and facilities through which a public water supply is obtained, treated and sold, or distributed for human consumption or household use, as defined by subdivision (12) of Section 22-23-31.
- (10) WATER TREATMENT PLANT. That portion of the water supply system which in some way alters the physical, chemical, or bacteriological quality of the water.

*(Acts 1971, No. 1594, p. 2728, §1; Acts 1982, No. 82-612, p. 1111, §11(e); Acts 1993, No. 93-621, p. 1036, §1.)*

## **Section 22-25-2**

### **Classification of plants and systems.**

The director shall classify all water treatment plants, water distribution systems, wastewater treatment plants, and public wastewater collection systems affecting the public welfare with regard to the size, type, character of water and wastewater to be treated, and other physical conditions affecting the treatment plants and distribution systems; and according to the skill, knowledge, and experience that an operator must have to supervise the operation of the facilities to protect the public health and prevent pollution.

*(Acts 1971, No. 1594, p. 2728, §2; Acts 1993, No. 93-621, p. 1036, §1.)*

## **Section 22-25-7**

### **Certification of operators - Duty of director.**

The director shall certify persons as to their qualifications to supervise the operation of treatment plants and water distribution and public wastewater collection systems after considering the recommendations of the board.

*(Acts 1971, No. 1594, p. 2728, §3; Acts 1982, No. 82-612, p. 1111; Acts 1993, No. 93-621, p. 1036, §1.)*

## **Section 22-25-8**

### **Certification of operators - Examinations.**

The board shall hold at least one examination each year for the purpose of examining candidates for certification, at a time and place designated by the board.

*(Acts 1971, No. 1594, p. 2728, §7; Acts 1982, No. 82-612, p. 1111, §11(e).)*

## **Section 22-25-9**

### **Certification of operators - Issuance.**

(a) When the director is satisfied that an applicant is qualified, by examination or otherwise, the director shall issue a certificate attesting to the competency of the applicant as an operator. The certificate shall indicate the classification of works which the operator is qualified to supervise.

(b) Certificates of proper classifications shall be issued without examination to persons certified by a governing body or owner to have been the operator of a treatment plant or a water distribution system on September 28, 1971. A certificate so issued will be valid only for that particular treatment plant or system, but shall remain in effect three years, unless revoked by the director as provided in this chapter. All certificates shall be renewed every three years.

(c) Certificates in appropriate classification shall be issued to operators who, on September 28, 1971, hold certificates of competency attained by examination under the voluntary certification program sponsored jointly by the State Department of Health and the Alabama Water and Pollution Control Association.

*(Acts 1971, No. 1594, p. 2728, §§9, 10; Acts 1982, No. 82-612, p. 1111, §11(e); Acts 1993, No. 93-621, p. 1036, §1.)*

**Section 22-25-11**

**Certification of operators - Term; renewal; promulgation of rules and regulations.**

Certificates issued pursuant to this chapter shall continue in effect for three years from the date of issuance or renewal, unless sooner revoked by the director, but these certificates shall remain the property of the board and the certificates shall so state. The board may promulgate rules and regulations requiring continuing education and training as a condition of certificate renewal. Prior to expiration, application for renewal, which shall include evidence of required continuing education and training, shall be filed with the appropriate renewal fee.

*(Acts 1971, No. 1594, p. 2728, §11; Acts 1993, No. 93-621, p. 1036, §1.)*

**Section 22-25-12**

**Certification of operators - Revocation.**

The director may revoke the certificate of an operator, upon recommendation of the board, when any of the following are found:

- (1) The operator has practiced fraud or deception in obtaining the certificate.
- (2) The operator in the performance of his or her duties did not use reasonable care, judgment, or the application of his or her knowledge or ability.
- (3) The operator is incompetent or unable to properly perform his or her duties as an operator.
- (4) The operator has failed to maintain certification requirements.

*(Acts 1971, No. 1594, p. 2728, §12; Acts 1993, No. 93-621, p. 1036, §1.)*

**Section 22-25-13**

**Rules and regulations.**

The board may promulgate such rules and regulations as are necessary to carry out the provisions of this chapter.

*(Acts 1971, No. 1594, p. 2728, §14; Acts 1982, No. 82-612, p. 1111, §11(e).)*

**Section 22-25-14**

**Failure of operator to be certified; certain operators excepted.**

It shall be unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency operating a water treatment plant, water distribution system, wastewater treatment plant, or public wastewater collection system to operate same unless the competency of the operator to

operate the plant or system is duly certified to by the director under the provisions of this chapter. It shall also be unlawful for any person, except a trainee as defined in Section 22-25-1, to perform the duties of an operator without being duly certified under the provisions of this chapter. The provisions of this chapter, however, shall not be applicable to the owner or operator of a water treatment plant, water distribution system, wastewater treatment plant or public wastewater collection system that does not offer service to the public generally.

*(Acts 1971, No. 1594, p. 2728, §15; Acts 1993, No. 93-621, p. 1036, §1.)*

### **Section 22-25-15**

#### **Penalty for violations of chapter.**

In addition to the provisions of Section 22-22A-5, any person, including any firm, corporation, municipal corporation, water or sewer board, water authority, or other governmental subdivision or agency, violating any provisions of this chapter, or the rules and regulations adopted thereunder, after written notice thereof by the director, shall be guilty of a misdemeanor. Each day of operation in such violation of this chapter or any rules or regulations adopted thereunder shall constitute a separate offense. Upon conviction, such persons shall be fined not exceeding \$100 or be imprisoned in the county jail for not more than 30 days, or by both such fine and imprisonment.

*(Acts 1971, No. 1594, p. 2728, §16; Acts 1993, No. 93-621, §1.)*

### **Section 22-25-16**

#### **Reimbursement by new employer for training expenses.**

In those instances in which a water or wastewater operator of any municipality, municipal utility board, county, or the state is employed by the State of Alabama, any county, municipality, or another municipal utility board, within 24 months after completing the certification requirements mandated by this chapter, the total expense paid by the water or wastewater operator's governmental employer to enable the operator to become certified, including, but not limited to, salary paid during training, transportation costs paid to the trainee for travel to and from the training facility, room, board, tuition, overtime paid to other employees who fill in for the trainee during his or her absence, and any other related training expenses, shall be reimbursed to the municipality, municipal utility board, county, or the state which paid for the training. The municipality, municipal utility board, county, or the state which paid for the training shall submit an itemized sworn statement to the new employer of the water or wastewater operator, as the case may be, shall demand payment thereof, and may enforce collection of the obligation through civil remedies and procedures. The terms "water operator" and "wastewater operator" shall have the same meanings as in Section 22-25-1.

*(Acts 1996, No. 96-626, p. 997, §3; Act 2002-424, p. 1090, §1.)*