

1 AN ACT relating to water and wastewater systems.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 223.170 is amended to read as follows:

4 **(1)** The Energy and Environment Cabinet shall certify persons as to their qualifications
5 to supervise successfully the operation of water treatment plants or water
6 distribution systems after considering the recommendations of a board of
7 certification which shall be appointed by the secretary of the Energy and
8 Environment Cabinet or his ***or her*** designee.

9 **(2)** The board shall consist of the following:

10 **(a)** Two (2) members who are currently employed as waterworks operators
11 holding valid certificates;

12 **(b)** One (1) member employed by a municipality who holds the position of either
13 city manager, city engineer, director of public works, or the equivalent
14 thereof;

15 **(c)** One (1) member who is a faculty member of a college, university, or
16 professional school whose major field is related to water supply; and

17 **(d)** One (1) ex officio member representing the Energy and Environment Cabinet.
18 Board members shall serve for a four (4) year term or until their successors are
19 appointed and qualify.

20 **(3)** The Energy and Environment Cabinet representative shall serve as executive
21 secretary and treasurer of the board and be responsible for maintaining records. The
22 members of the board shall serve without compensation, but may be reimbursed for
23 all actual and necessary expenses incurred while discharging their official duties.

24 **(4) *On or before December 31, 2024, the board shall submit to the cabinet***
25 ***recommendations for the establishment of:***

26 **(a) *A voluntary certification program for supervisors of certified operators in***
27 ***primary responsible charge of water treatment plants or water distribution***

1 systems or any portions thereof. The voluntary supervisor certification
 2 program shall only be for supervisors who do not hold any operator
 3 certifications required by the cabinet. Supervisor certifications
 4 recommended under this subsection shall be classified by the size, type, and
 5 physical characteristics of the systems they supervise, in the same manner
 6 as operator certifications; and

7 (b) A program or strategy for recruiting applicants to work in the operation of
 8 water treatment plants or water distribution systems who are not currently
 9 participating in any apprenticeships or certification programs administered
 10 by the cabinet.

11 ➔Section 2. KRS 224.73-110 is amended to read as follows:

12 (1) The Kentucky Board of Certification of Wastewater System Operators is
 13 established. The board shall recommend qualified applicants to the cabinet for
 14 certification and perform other acts as may be necessary to carry out the purposes of
 15 this section. Members of the board shall be appointed by the Governor. The board
 16 shall consist of eight (8) members who may have professional backgrounds as
 17 follows:

18 (a) One (1) employee of a municipality who holds the position of either city
 19 manager, city engineer, director of public works, or the equivalent thereof;

20 (b) One (1) member who is a faculty member of a college, university, or
 21 professional school whose major field is related to wastewater treatment;

22 (c) One (1) nonvoting ex officio member representing the cabinet; and

23 (d) Five (5) members currently employed as operators holding valid certificates
 24 where one (1) of these five (5) shall be an operator of an industrial wastewater
 25 system.

26 Board members shall serve for a four (4) year term~~], except for the first board to~~
 27 ~~which two (2) of the operators will be appointed for four (4) years and three (3) for~~

1 ~~two (2) years. The first college faculty member will be appointed for two (2) years~~
2 ~~and the remaining board members will be appointed for four (4) years].~~ The
3 cabinet's representative shall serve as executive secretary and treasurer and be
4 responsible for maintaining records. The members of the board shall serve without
5 compensation but may be reimbursed for all actual and necessary expenses incurred
6 while discharging their official duties. At least four (4) existing members of the
7 board shall constitute a quorum.

- 8 (2) No person shall have primary responsibility for the operation of any sewage system
9 or portion thereof whether publicly or privately owned unless:
- 10 (a) The person has passed an examination prescribed by the Energy and
11 Environment Cabinet and board which shall determine the person's skill and
12 competency for the operation and has been issued a certificate to that effect by
13 the cabinet; or
- 14 (b) The person is operating a sewage system located at the residence where the
15 person lives and the sewage system serves only one (1) residence.
- 16 (3) No person shall authorize or allow any person who does not hold a certificate issued
17 pursuant to subsection (2) of this section to have primary responsibility for the
18 operation of any sewage system or portion thereof.
- 19 (4) The cabinet, with the advice of the board of certification, may classify all sewage
20 systems and portions thereof in the manner provided by the rules and regulations of
21 the cabinet with regard to size, type, physical conditions affecting such systems or
22 portions thereof, and the skill, knowledge and experience required for the operation
23 of the system or portion thereof and restrict the application of any certificate issued
24 pursuant to subsection (2) of this section to the operation of a sewage system or
25 portion thereof of a specific class.
- 26 (5) Any person who has primary responsibility for the operation of a sewage system for
27 a school shall be entitled to a limited certificate of competency for his or her

1 particular system, provided he or she has demonstrated that he or she has the
2 knowledge and experience required to operate properly the particular sewage
3 system for which he or she is responsible. A limited certificate of competency so
4 issued is not transferable to any other sewage system, nor is the period of operation
5 under such a limited certificate eligible for consideration toward the experience
6 requirements for a certificate of competency as provided in subsection (2) of this
7 section.

8 (6) All applicants for the examination and certification for the operation of any sewage
9 system or portion thereof, whether publicly or privately owned, shall pay a
10 reasonable schedule of fees and charges fixed by regulation. The fees required
11 under this section shall be payable to the cabinet.

12 (7) Operators shall have accumulated a minimum number of hours of appropriate board
13 approved training set by regulation for certificate renewal. Such training shall
14 include, but may not be limited to, correspondence courses, short courses, trade
15 association meetings, and on-the-job training. Training hours accumulated in any
16 given year in excess of the minimum requirement necessary for renewal may be
17 carried forward for a period not to exceed two (2) years.

18 (8) The board may waive any or all of the requirements of subsection (7) of this section
19 for all or portions of an established class of operators.

20 **(9) On or before December 31, 2024, the board shall submit to the cabinet**
21 **recommendations for the establishment of:**

22 **(a) A voluntary certification program for supervisors of certified operators in**
23 **primary responsible charge of public or private sewage systems or any**
24 **portions thereof. The voluntary supervisor certification program shall only**
25 **be for supervisors who do not hold any operator certifications required by**
26 **the cabinet. Supervisor certifications recommended under this subsection**
27 **shall be classified by the size, type, and physical characteristics of the**

1 systems they supervise, in the same manner as operator certifications; and
2 (b) A program or strategy for recruiting applicants to work in the operation of
3 public or private sewage systems who are not currently participating in any
4 apprenticeships or certification programs administered by the cabinet.