

TITLE 43. PROFESSIONS AND BUSINESSES
CHAPTER 51. WATER AND WASTEWATER TREATMENT PLANT OPERATORS
AND LABORATORY ANALYSTS

§ 43-51-1. Short title

This chapter shall be known and may be cited as the "Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act."

HISTORY: Ga. L. 1969, p. 272, § 1; Ga. L. 1980, p. 304, § 1; Ga. L. 1999, p. 81, § 43.

§ 43-51-2. Definitions

As used in this chapter, the term:

- (1) "Board" means the State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts.
- (2) "Certificate" means a document issued by the board stating that the operator or laboratory analyst has met the requirements for the specified operator classification of the certification program.
- (3) "Director" means the director of the Division of Environmental Protection of the Department of Natural Resources.
- (4) "Division" means the Division of Environmental Protection of the Department of Natural Resources.
- (5) "Laboratory analyst" means any person who tests water or wastewater samples in conjunction with the operation of public water supply systems or wastewater treatment plants.
- (6) "Operator" means any person who performs operational duties and water treatment plant and wastewater treatment plant laboratory testing for reporting purposes for operator classifications I and II, as defined by the board, at wastewater treatment plants, wastewater collection systems, water distribution systems, or public water supply systems.
- (7) "Person" means any individual, corporation, company, association, partnership, county, municipality, state agency, federal agency, or other entity.
- (8) "Public water supply system" means the system of pipes, structures, and facilities through which water is obtained and treated to be offered to the public for household use or for any other public consumption.

(9) "Wastewater collection system" means the system of sanitary sewers, pipes, manholes, pumps, and other such apparatus used to convey sewage to wastewater treatment plants.

(10) "Wastewater treatment plant" means the facilities provided for the treatment and disposal of wastewater, including industrial process wastewater.

(11) "Water distribution system" means the system of pipes, pumps, valves, and other such apparatus used to distribute water to the public.

(12) "Water treatment plant" means that portion of the water supply system which in some way alters the physical, chemical, or bacteriological quality of the water.

HISTORY: Ga. L. 1969, p. 272, § 2; Ga. L. 1980, p. 304, §§ 2-4; Ga. L. 1985, p. 432, § 1; Ga. L. 1991, p. 954, § 1; Ga. L. 1994, p. 1927, § 1.

§ 43-51-3. Creation of board; members; qualifications; terms; vacancies; expenses; meetings; officers

(a) There is created the State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts. The board shall be composed of six members to be appointed by the Governor. The appointments shall be made as follows: one member from the technical staff of the Environmental Protection Division of the Department of Natural Resources; one member who is a currently employed public water supply system operator holding a valid certificate of the highest classification issued by the board; one member who is a currently employed wastewater treatment plant operator holding a valid certificate of the highest classification issued by the board; one member who is an employee of a municipality or county required to employ a certified operator and who holds the position of municipal or county manager, engineer, director of public works, or director of water supply and water pollution control; and one member who is a consultant in the field of water supply and water pollution control or who is engaged in teaching or administering courses in water supply and water pollution control in an educational institution in this state. The sixth member shall be appointed from the public at large and shall have no connection whatsoever with the water and wastewater treatment industry. The initial term for the member appointed from the public at large shall expire June 30, 1984; thereafter, the Governor shall appoint successors for a term of four years. The other five members of the board shall serve four-year terms, which terms shall be staggered so that the terms of two members shall expire one year and the term of one member shall expire in each of the following three years. No member of the board may serve more than two consecutive full terms.

(b) The Governor may fill any vacancy in the appointed membership of the board and may remove any appointed member for cause.

(c) The members of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

(d) The members of the board shall meet for an organization meeting at the call of the division director, within 60 days after their appointments and thereafter at least twice a year, at such time and place as may be provided by rules and regulations adopted and promulgated by them; provided, however, that special meetings may be called by the chairman or the division director at such time and under such circumstances as they may deem necessary and proper; and, provided, further, that any notice of such meeting shall be given all members in writing at least ten days prior to the date of the meeting.

(e) At the first meeting of the board and annually thereafter, the members shall elect one of its members to serve as chairman and one to serve as vice-chairman.

HISTORY: Ga. L. 1969, p. 272, § 3; Ga. L. 1975, p. 1074, § 1; Ga. L. 1980, p. 63, § 1; Ga. L. 1991, p. 954, § 2; Ga. L. 2000, p. 1706, § 19.

§ 43-51-4. Division director as administrative agent of board

The division director shall act as the administrative agent for the board and shall, with respect to the board, exercise those powers and duties conferred on him by Chapter 1 of this title.

HISTORY: Ga. L. 1969, p. 272, § 4; Ga. L. 2000, p. 1706, § 19.

§ 43-51-5. Adoption of rules and regulations by board

The board shall have the authority to adopt such rules and regulations as may be necessary to administer this chapter and effectuate the purposes expressed in this chapter. The rules and regulations shall include, but are not limited to, provisions establishing qualifications of applicants and procedures for examination of candidates.

HISTORY: Ga. L. 1969, p. 272, § 10; Ga. L. 1975, p. 1074, § 3; Ga. L. 1994, p. 97, § 43.

§ 43-51-6. Certification of operators of water or wastewater treatment plants and laboratory analysts; renewal; continuing education; training period

(a) The board shall certify persons as to their qualifications to operate wastewater treatment plants, wastewater collection systems, water distribution systems, or public water supply systems.

(b) Any person who operates a wastewater treatment plant, wastewater collection system, water distribution system, or public water supply system shall obtain a certificate from the board; provided, however, that each industrial wastewater treatment or pretreatment facility, wastewater collection system, or distribution system shall be required to have only one responsible operator obtain such a certificate; and provided, further, that any person who is operating a wastewater treatment plant on July 1, 1991, and who is required to obtain a certificate on or after July 1, 1991, but who was not required to have a certificate prior to said date, shall have until July 1, 1996, to obtain such certificate without being in violation of this chapter; provided, further, that no such person who is

operating without a certificate a wastewater treatment plant on July 1, 1991, shall be authorized to operate any other wastewater treatment plant after July 1, 1991, without a certificate as required by the board. Such person shall make application to the board for such certificate, which application shall be accompanied by a fee in an amount established by the board.

(c)(1) Any laboratory analyst who conducts certain tests, as defined by the board, of water or wastewater samples in conjunction with the operation of public water supply systems or wastewater treatment plants shall obtain a certificate from the board; provided, however, that any industrial wastewater or pretreatment plant shall be required to have only one responsible analyst obtain such a certificate, and any other analyst in that facility shall be supervised by such person. Such persons shall make application to the board for such a certificate, which application shall be accompanied by a fee in an amount established by the board; provided, however, that until July 1, 1993, any person who has obtained or shall obtain certification by the board as an operator under this chapter shall not be required to obtain a certificate from the board to provide services as a laboratory analyst.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, any person who possesses certification by the board as Class I and II operators of a water treatment plant or wastewater treatment plant shall not be required to obtain a certificate to perform the duties of a laboratory analyst in conducting certain tests for reporting purposes as defined by the board.

(d) Any certificate granted under this chapter shall be renewable biennially. Application for renewal of certificates shall be accompanied by a renewal fee in an amount established by the board. The board shall be authorized to require continuing education as a condition of certificate renewal. The board shall be authorized to waive the continuing education requirement in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate.

(e) The board may establish a training period during which a certificate is not required.

(f) Any person who possesses certification by the board as an operator of a public water supply system shall not be required to obtain a certificate to operate a water distribution system.

(g) Any person who possesses certification by the board as an operator of a wastewater treatment plant shall not be required to obtain a certificate to operate a wastewater collection system.

HISTORY: Ga. L. 1969, p. 272, § 6; Ga. L. 1975, p. 1074, § 2; Ga. L. 1980, p. 304, § 6; Ga. L. 1989, p. 304, § 1; Ga. L. 1991, p. 954, § 3; Ga. L. 1992, p. 2518, § 1; Ga. L. 1993, p. 305, § 3; Ga. L. 1994, p. 1927, § 2.

§ 43-51-6.1. Establishment of Class IV classifications; certification; renewal; course of training

(a) In addition to current classifications I, II, and III, the division shall establish a new classification to be known as Class IV which designation shall apply to all very small public water supply systems in this state which are ground-water systems serving a population of less than 1,000.

(b) The board shall certify persons as to their qualifications to operate a very small public water supply system.

(c) Any person who operates a very small public water supply system shall obtain a certificate from the board. A requirement for such certification shall be the successful completion of a basic six-hour course of training approved by the board. No person being certified prior to July 1, 2000, shall be required to possess a high school diploma or its equivalent.

(d) A certificate granted under this Code section shall be renewable biennially. Application for renewal of certificates shall be accompanied by a renewal fee in an amount established by the board.

HISTORY: Code 1981, § 43-51-6.1, enacted by Ga. L. 1994, p. 1927, § 3; Ga. L. 1997, p. 835, § 1.

§ 43-51-7. Examinations

The board shall prepare examinations to be used in determining the knowledge, ability, and judgment of applicants for certification as operators or laboratory analysts except for applications submitted prior to July 1, 2000, for Class IV level certifications. Such examinations shall be given at least six times annually.

HISTORY: Ga. L. 1969, p. 272, § 7; Ga. L. 1980, p. 304, § 7; Ga. L. 1994, p. 1927, § 4; Ga. L. 2000, p. 879, § 1.

§ 43-51-8. Reciprocity

The board, upon application, may issue a certificate without examination to any person who holds a certificate in good standing issued by another country or by any state, territory, or possession of the United States which has requirements for certification substantially similar to those of the board.

HISTORY: Ga. L. 1969, p. 272, § 8; Ga. L. 1980, p. 304, § 8; Ga. L. 1991, p. 954, § 4; Ga. L. 1994, p. 1927, § 5.

§ 43-51-9. Revocation and suspension of certificates; hearing

The board may investigate the actions of any operator or laboratory analyst and may revoke or suspend the certificate of an operator or laboratory analyst, following a hearing conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," when it is found that the operator or laboratory analyst has practiced fraud or deception; that reasonable care, judgment, or the application of his knowledge or ability was not used in the performance of his duties; or that the operator or laboratory analyst is incompetent or unable to perform his duties properly.

HISTORY: Ga. L. 1969, p. 272, § 11; Ga. L. 1975, p. 1074, § 4; Ga. L. 1980, p. 304, § 10.

§ 43-51-10. Classification of public water supply systems and wastewater treatment plants

The division shall classify all public water supply systems and wastewater treatment plants with due regard to the size, type, character of water or wastewater to be treated, and other physical conditions affecting such systems or treatment plants, according to the skill, knowledge, and experience that the operator in responsible charge must have to operate the facilities successfully so as to protect the public health and welfare and prevent unlawful pollution.

HISTORY: Ga. L. 1969, p. 272, § 5; Ga. L. 1980, p. 304, § 5; Ga. L. 1994, p. 97, § 43.

§ 43-51-11. Provision by state agencies operating and maintaining facilities of at least one licensed operator in each departmental district

Notwithstanding any other provisions of this chapter, any state agency which operates and maintains facilities contemplated by this chapter shall be required to have a minimum of one licensed operator in each departmental district.

HISTORY: Ga. L. 1975, p. 1074, § 6.

§ 43-51-12. Permit conditions

The director is authorized where appropriate to include, as a condition in a permit issued pursuant to Part 5 of Article 3 of Chapter 5 of Title 12, the "Georgia Safe Drinking Water Act of 1977," or Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," a requirement that the operator and laboratory analyst be duly certified in accordance with this chapter.

HISTORY: Ga. L. 1980, p. 304, § 14.

§ 43-51-13. Application by director for injunctive relief authorized; judgment

(a) Whenever, in the judgment of the director, any person has engaged in, is currently engaged in, or is about to engage in any act or practice which constitutes or will

constitute an unlawful action under this chapter, he may make application to the superior court of the county in which the unlawful act or practice has been or is about to be engaged in for an order enjoining such act or practice or for an order requiring compliance with this chapter; and, upon a showing by the director that such person has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order, or other order shall be granted without the necessity of showing lack of an adequate remedy at law.

(b) The director may file in the superior court of the county wherein the person under order resided, or, if said person is a corporation, in the county wherein the corporation maintains its principal place of business or in the county wherein the violation occurred, a certified copy of a final order issued pursuant to subsection (d) of Code Section 43-51-14 and unappealed from or a final order issued pursuant to subsection (d) of Code Section 43-51-14 affirmed upon appeal; whereupon the court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though the judgment has been rendered in an action duly heard and determined by the court.

HISTORY: Ga. L. 1980, p. 304, §§ 14, 15; Ga. L. 1994, p. 97, § 43.

§ 43-51-14. Penalty

(a) It shall be unlawful for any person to perform the duties of an operator or laboratory analyst without being duly certified under this chapter.

(b) It shall be unlawful for any water or wastewater treatment plant to be operated in Georgia by a person or persons not certified under this chapter.

(c)(1) Any person violating this chapter shall be liable for a civil penalty not to exceed \$500.00 for each day during which such violation continues.

(2) Any person willfully violating this chapter shall be liable for a civil penalty not to exceed \$5,000.00 for each day during which such violation continues.

(d) Whenever the director has reason to believe that any person has violated any provision of this chapter, he may, upon written request, cause a hearing to be conducted before a hearing officer appointed by the Board of Natural Resources. Upon a finding that such person has violated any provision of this chapter, such hearing officer shall issue his initial decision and order imposing such civil penalties as are provided in this Code section. Such hearing and any administrative or judicial review thereof shall be conducted in accordance with subsection (c) of Code Section 12-2-2.

HISTORY: Ga. L. 1969, p. 272, § 13; Ga. L. 1975, p. 1074, § 5; Ga. L. 1980, p. 304, § 13.

§ 43-51-15. Termination

Repealed by Ga. L. 1992, p. 3137, § 39, effective July 1, 1992.

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