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Passed on File.

**Senate File 387**  
By McCARVILLE and HEDIN.

Passed Senate, Date .....  
Vote: Ayes..... Nays.....  
Passed House, Date .....  
Vote: Ayes..... Nays.....  
Approved .....

## A BILL FOR

An Act requiring the operation of sewage treatment plants by licensed superintendents or operators; providing for the licensing of sewage treatment plant superintendents or operators; creating a board to examine applicants for plant superintendents or operators license; providing for rules and regulations for administering the Act; providing for the issuance of a license upon meeting qualifications established by the board and the payment of license fees; and setting forth penalties for violation of the Act.

*Be It Enacted by the General Assembly of the State of Iowa:*

- 1 Section 1. This Act may be cited as the "Iowa Sewage
- 2 Treatment Plant Operators Licensing Law."
- 1 Sec. 2. (a) "Sewage treatment plant" means any structure
- 2 or structures classified as such by the state department of
- 3 health by means of which domestic and industrial wastes are
- 4 subjected to any process in order to remove or so alter the
- 5 constituents as to render the wastes less offensive or
- 6 dangerous.
- 7 (b) "Superintendents or operators" means all persons
- 8 under any local titles or other designations who are now
- 9 or shall hereafter be in direct general charge of sewage
- 10 treatment plants and who are responsible for the quality of

11 the effluent discharged or flowing from said plant.

12 (c) "Department" means the state department of health  
13 of the state of Iowa.

14 (d) "Rules and regulations" means the rules and regulations  
15 adopted by the board established in this Act for the conduct of  
16 examinations and issuance of licenses, including temporary  
17 licenses, to superintendents or operators, and which include  
18 the qualifications for admittance to examinations and the  
19 classifications of licenses according to requirements for  
20 operating sewage treatment plants of different types and  
21 capacities.

22 (e) "Commissioner" means the commissioner of public  
23 health of the state of Iowa.

1 Sec. 3. In order to protect and preserve public health,  
2 safety and welfare, and the natural resources of the state and  
3 the investment of the citizens in sewage treatment plants no  
4 municipality, corporation or person shall appoint any person as  
5 superintendent or operator in charge of any sewage treatment  
6 plant, as defined in this Act, or permit a person to discharge  
7 the duties of superintendent or operator of any such plant, who  
8 is not a holder of a license issued by the department under the  
9 provisions of this Act.

1 Sec. 4. There is hereby created an examining board  
2 consisting of three (3) members who shall be appointed by the  
3 governor upon recommendation of the commissioner. One (1)  
4 member shall be currently employed and active as a sewage

5 treatment plant superintendent or operator. One (1) member  
6 shall be a professional engineer actively engaged in the field  
7 of sewage and waste treatment. One (1) member shall be a  
8 municipal official actively serving in an incorporated city or  
9 town within the state. All members of the board shall be  
10 residents of the state. The period of appointment shall be for  
11 two (2) years and members shall be so appointed that at least  
12 two (2) members are incumbent or have previously served. The  
13 director of the division of public health engineering, Iowa  
14 state department of health, or an engineer member of his staff  
15 whom he designates shall serve as executive secretary of the  
16 board.

1     Sec. 5. The members of the board created under this Act  
2 shall receive compensation for their services ten dallars  
3 (\$10.00) per day for each day that they may spend in conducting  
4 the examination as provided for under this Act. They shall be  
5 entitled to no more than two (2) days' payment for any one (1)  
6 examination. However, in addition to the actual two (2) days  
7 in which the examination shall be given, they shall also be  
8 compensated at the rate of ten dollars (\$10.00) per day for  
9 the day or fraction of a day that it shall be necessary for them  
10 to spend in traveling to and from the place of the examination.  
11 They shall also be entitled to their actual traveling expenses.

1     Sec. 6. The board shall cause examinations to be held at  
2 least twice annually and not more than four (4) times annually,  
3 and at such times and places as it may elect. The examinations

4 shall be for the purpose of determining the qualifications of  
5 applicants for licensing as superintendents or operators. Such  
6 examinations shall be in such subjects and conducted in such a  
7 manner as the board shall direct. Every applicant whose  
8 examination shall be deemed satisfactory, and be approved by  
9 the board, shall receive a license as a superintendent or operator  
10 in the classification for which he is qualified, from the  
11 department of health of the state of Iowa. An applicant seeking  
12 to be licensed and examined by the board shall submit an  
13 application to take the examination, and shall file the same  
14 with the executive secretary of the board. A license shall be  
15 issued by the department of health upon certification by the  
16 board that the applicant has satisfactorily passed all the  
17 requirements of this Act.

1 Sec. 7. Nothing herein contained shall prevent any  
2 municipality, corporation or person from continuing the  
3 employment of any person now employed as a superintendent or  
4 operator in charge of a sewage treatment plant, and the board  
5 upon certification from the proper municipal officer, corporation  
6 or individual, that such person was employed as superintendent  
7 or operator in charge of such plant for a period of six (6)  
8 months prior to the time this Act shall become effective, shall  
9 instruct the department to issue a license to said person in  
10 the same manner as if he had passed an examination in accordance  
11 with the provisions of this Act.

1 Sec. 8. The license fee shall be five dollars (\$5.00) per

2 annum, of which two dollars (\$2.00) shall accompany the application,  
3 the remainder to be paid upon notification that the applicant is  
4 entitled to a license. Should the board deny admittance to the  
5 examination, or the issuance of a license to any applicant for  
6 any reason, the initial fee of two dollars (\$2.00) shall be  
7 retained. Licenses shall expire on the first day of July  
8 following the issuance or renewal thereof. The licensee shall  
9 apply for renewal on or before the first day of July of each year.  
10 Renewal may be effective at any time during the month of July by  
11 the payment of five dollars (\$5.00). The failure on the part of  
12 the licensee to renew his license annually in the month of July,  
13 as required, shall not deprive such person of the rights of  
14 renewal but the fee to be paid for renewal of a license after  
15 the first day of July shall be one dollar (\$1.00) for every three  
16 (3) months or fraction thereof that said applicant shall be  
17 delinquent. And this one dollar (\$1.00) for each three (3) months'  
18 period shall be in addition to the annual renewal fee of five  
19 dollars (\$5.00). The failure on the part of the licensee to  
20 renew his license within two (2) years from the date of expiration  
21 of said license, will automatically revoke such license.

1 Sec. 9. The board may revoke the license of any superintendent  
2 or operator, if, after a hearing held by the board at which the  
3 superintendent or operator shall have had an opportunity to be  
4 heard, either in person or by counsel, the board determines that  
5 the superintendent or operator is incompetent to manage the plant,  
6 or that he has wilfully neglected his duty in supervising the

7 operation of the plant, or that he has disregarded or disobeyed  
8 the lawful orders, rules or regulations of the board or the  
9 state department of health. Any superintendent or operator  
10 whose license shall have been revoked, shall be ineligible for  
11 admission to any examination authorized by this Act for a period  
12 of one (1) year.

1 Sec. 10. Any person, firm, corporation, or any officer or  
2 agent thereof, owning, operating or being responsible for the  
3 maintenance and operation of a sewage treatment plant, who shall  
4 violate any of the provisions of this Act, or any person  
5 commencing or continuing to discharge the duties of a superintendent  
6 or operator of a sewage treatment plant, without first having  
7 obtained a license, or having failed to renew his license as  
8 provided in this Act, or discharging the duties of superintendent  
9 or operator of such plant contrary to any of the provisions of  
10 this Act, shall be guilty of a misdemeanor, and upon conviction  
11 thereof shall be punished by a fine of not more than one hundred  
12 dollars (\$100.00) or by imprisonment in the county jail not to  
13 exceed thirty (30) days and may be restrained by permanent  
14 injunction.

1 Sec. 11. The board may adopt such rules and regulations,  
2 not inconsistent with the law, as necessary for the proper  
3 performance of its duty.

1 Sec. 12. The executive secretary shall collect and account  
2 for all fees provided for by this Act and pay the same to the  
3 state treasurer who shall keep such monies in a separate fund

4 to be known as the "state sewage treatment plant superintendent  
5 and operators licensing fund" which shall be continued from  
6 year to year and shall be drawn on only to defray expenses as  
7 provided in this Act.

1 Sec. 13. Nothing in this Act shall be construed to interfere  
2 with the duties and functions of the state department of health  
3 as prescribed in other statutes.

1 Sec. 14. If any provisions of this Act shall be held  
2 invalid, such invalidity shall not affect the provisions or  
3 applications of this Act which can be given effect without the  
4 invalid provisions or applications, and the provisions of this  
5 Act are declared to be severable.

1 Sec. 15. All Acts or parts of Acts which are inconsistent  
2 with the provisions of this Act, are hereby repealed.

#### EXPLANATION OF S. F. 387

This bill is necessary to assure efficient operation of sewage and industrial waste treatment plants through a procedure of licensing thereby establishing minimum qualifications and training for superintendents or operators.

Treatment facilities are constructed to protect the health, comfort and property of the inhabitants of the state and conserve the natural resources including water, fish and other aquatic life through the control of the quality of the effluent discharged therefrom.

Modern treatment facilities involve mechanical, biological, bacteriological, and chemical processes which require the ability to make and interpret analytical determinations for efficient operation. Licensing will avoid the entrusting of such facilities to unqualified or untrained operators.