

ACT 196

S.B. NO. 2870

A Bill for an Act Relating to Safe Drinking Water.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 340F, Hawaii Revised Statutes, is amended by amending the title to read as follows:

**“[[CHAPTER 340F]]
HAWAII LAW FOR MANDATORY CERTIFICATION OF
[OPERATING PERSONNEL IN WATER TREATMENT PLANTS]
PUBLIC WATER SYSTEM OPERATORS”**

SECTION 2. Section 340F-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read as follows:

““Public water system” has the same meaning as in section 340E-1.”

2. By amending the definition of “operator” to read:

““Operator” means any individual who operates a [water treatment plant, public water system or a major segment of a public water system such as a water treatment plant.] or distribution system.”

3. By amending the definition of “supervisor” to read:

““Supervisor” means, where shift operation is not required, any individual who has direct responsibility for the operation of a [water treatment plant] public water system or who supervises operators of such a [plant.] system. Where shift operation is required, “supervisor” means any individual who has direct responsibility for active daily [on-site] onsite technical and administrative supervision, and active daily [on-site] onsite charge of an operating shift, or a major segment of a [water treatment plant.] public water system.”

4. By repealing the definition of “water treatment plant”:

[[““Water treatment plant” means the various facilities used in the treatment of water, including source, treatment, storage, and distribution, serving a public water system.”]]

SECTION 3. Section 340F-2, Hawaii Revised Statutes, is amended to read as follows:

“[§340F-2] **Classification.** The board shall classify all public water systems, water treatment plants[,], and distribution systems, and shall define the terms “water treatment plant” and “distribution system”. The [classification] classifications shall take due regard to size, complexity, and type of the water treatment facility[,], or distribution system, character of water to be treated[,], or distributed, and other physical conditions affecting such water treatment plants[,], and distribution systems, and the skill, knowledge, and experience required of an operator.”

SECTION 4. Section 340F-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Upon board approval the director shall issue certificates entitling qualified individuals to operate water treatment plants[.] or distribution systems, or both. Each certificate shall indicate the class of water treatment plant or distribution system for which the individual is qualified.”

SECTION 5. Section 340F-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A state board of certification of five members shall be appointed by the governor to carry out this chapter. The board shall be placed, for administrative purposes, in the department of health. The board shall consist of the following:

- (1) Four individuals who shall be duly qualified in the fields of sanitary engineering or [drinking water treatment plant] public water system operation[.]; and
- (2) One individual from the state agency responsible for the State’s safe drinking water program.”

SECTION 6. Section 340F-6, Hawaii Revised Statutes, is amended to read as follows:

“[§340F-6] **Certification requirement.** All classified water treatment plants whether publicly or privately owned, used, or intended for use by the public or private persons, shall at all times be under the direct supervision of an individual whose competency is certified to by the director in a classification corresponding to the classification of the water treatment plant to be supervised. All classified distribution systems, whether publicly or privately owned, used, or intended for use by the public or private persons, shall at all times be under the supervision of an individual whose competency is certified to by the director in a classification corresponding to the classification of the distribution system to be supervised.”

SECTION 7. Section 340F-7, Hawaii Revised Statutes, is amended to read as follows:

“[§340F-7] **Regulations.] Rules.** The board shall adopt [such] rules [and regulations] as may be necessary for the administration of this chapter, [and] which shall include at least the following provisions:

- (1) The basis for classification of water treatment plants and distribution systems as required by section 340F-2;
- (2) Criteria for the qualification of applicants for operator certification corresponding to each of the classifications referred to in paragraph (1);
- (3) Procedures for examination of candidates and renewal of certificates; and
- (4) Procedures for the revocation of certificates.”

SECTION 8. Section 340F-8, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§340F-8]]~~ **Prohibited acts.** It shall be unlawful:

- (1) For any [water treatment plant] public water system, or major segment of a public water system such as a water treatment plant or distribution system, to be operated unless the operator is duly certified under this chapter; and
- (2) For any individual to perform the duties of an operator without being duly certified under this chapter.”

SECTION 9. No person shall be held in violation of the requirements of section 340F-6, Hawaii Revised Statutes, that distribution systems be supervised by a certified operator, and section 340F-8, Hawaii Revised Statutes, that distribution systems which are part of a public water system be operated by a certified operator, until the date specified in rules adopted under section 340F-7, Hawaii Revised Statutes, to classify ~~distributions~~ systems and provide for certification of their operators.

SECTION 10. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 11. This Act shall take effect upon its approval.

(Approved June 8, 2000.)