

(B) aids another applicant, or accepts aid from another applicant in answering examination questions during a written examination; or

(C) makes or attempts to make a manual or electronic copy of the written examination.

(g) If an applicant is guilty of misconduct on a written examination, as determined by the department, both of the following penalties shall apply:

(1) The applicant shall be denied a certificate of competency.

(2) The applicant shall be ineligible to reapply for certification in any operator classification for a period of one year from the date on which the determination of misconduct becomes final.

(h) A hearing for each denial of a certificate of competency shall be held in accordance with the Kansas administrative procedure act upon written notice of the department's intention to deny any certificate. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-33. Operator responsible for the operation and management of a water supply system or wastewater treatment facility, or both. (a) (1) Each system or facility shall have an individual or individuals in responsible charge at the system or facility site, or available at all times.

(2) For the purposes of this regulation, "individual or individuals in responsible charge" shall be defined as the person or persons designated by the owner to be the certified operator or operators who make decisions regarding the daily operational activities of a water supply system or wastewater treatment facility that will directly impact the quality or quantity of drinking water for human consumption or the quality of wastewater effluent.

(b) Except as provided in K.A.R. 28-16-33(f), each individual in responsible charge of a system shall be a certified operator for that class or a higher class of system.

(c) When a new operator responsible for the operation or management of a system or facility classified as small system, class I, or class II is hired, the owner of the system or facility shall, on a form provided by the department, notify the department within 30 days. The person named on the form shall be issued an operator-in-training (OIT) certificate subject to both of the following requirements:

(1) Within six months after completing one full year of operation as an OIT, the operator-in-training shall take the appropriate certification examination.

(2) If the OIT fails the initial examination, the OIT shall make additional preparation and take the examination again at the next time that the department offers the examination.

(d) An OIT certificate shall be valid for one year from the date of issuance. The OIT certificate may be renewed for up to an additional year if the operator demonstrates to the department that the operator is attending training sessions, studying correspondence courses, or otherwise preparing to pass the operator certification examination.

(e) The owner of a system or facility shall not be allowed to utilize an OIT for more than two consecutive years.

(f) An operator with an OIT certificate may be the individual in responsible charge of a system subject to the following:

(1) A written request submitted to the department by the system owner and verification by the owner that the system is unable to employ a currently certified operator; and

(2) a finding by the department that the operator has the basic knowledge necessary to operate the system. The following items shall be the basis for the department's decision:

(A) The results of any on-site inspection of the system; (B) a review of the operational history of the system; and

(C) an examination of other available information. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-34. Issuance and renewal of certificate of competency. (a) Upon satisfactory fulfillment of the requirements specified in K.A.R. 28-16-30, a certificate of competency shall be issued to the applicant. The certificate shall designate the class or classes of either water supply systems or wastewater treatment facilities for which the applicant has received certification to operate. The certificate shall be valid for two years from date of issuance.

(b) The certificate shall expire unless renewed as specified in this regulation before the expiration date. A renewal notice and application form shall be mailed to the last address of record approximately 45 calendar days before the expiration date of the certificate. Failure to receive the notice shall not relieve the certified operator of the responsibility to renew the certificate.

(c) In order to renew a certificate before it expires, the certified operator shall complete the following requirements before the expiration date of the certificate:

(1) Meet the training requirements specified in K.A.R. 28-16-31(b);

(2) submit an application for renewal on a form provided by the department; and

(3) submit the nonrefundable two-year renewal fee specified in K.A.R. 28-16-35 to the department.

(d) An expired certificate may be reinstated within two years of the expiration date, subject to K.A.R. 28-16-34(c)(1) through (3) and the reinstatement fee specified in K.A.R. 28-16-35. In each case of reinstatement, the expiration date of the reinstated operator certificate shall be the same as if the renewal requirements had been met on or before the date of expiration.

(e) Each operator certificate that is expired and is not reinstated within two years after the expiration date shall not be reinstated. Each operator failing to reinstate an expired certificate within two years after the date of expiration shall meet the requirements of K.A.R. 28-16-30, apply for examination, pay all required fees, and pass the examination in order to obtain certification. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-35. Operator certification fees. (a) Fees for certification shall be the following:

OIT (one-year certificate)	No charge
OIT (renewal for one year)	\$5.00
Examination fee.....	\$25.00
Two-year renewal for all classes except OIT	\$20.00

