Kansas Administrative Regulations

Department of Health and Environment

Article 16.—Water Pollution Control—Water and Wastewater Operator Certification.

28-16-32. Operator certification examinations.

(a) To be certified, each applicant shall pass the appropriate written examination. A score of 70% or higher shall be considered a passing score.

(b) Examinations shall be given at least twice each year at times and locations set by the department. Notice of examinations shall be sent to certified operators and either communities or districts having a water supply system or wastewater treatment facility, or both, at least 30 days before the date of examination.

(c) The written examinations shall be graded by the department or by a department-approved contractor, and the applicant shall be notified of the results. Examinations shall not be returned to the applicant. Upon receiving a written request, an analysis of the failed examination shall be provided to the applicant. The analysis shall indicate areas in which the applicant needs further study.

(d) Any operator meeting the requirements of K.A.R. 28-16-30 and K.A.R. 28-16-31 may take the same level of examination a maximum of three times per calendar year.

(e) Each operator earning a score of 50% or lower shall provide proof of having attained department-approved training before sitting for a subsequent examination.

(f) An applicant who commits any of the following acts on a written examination shall be deemed guilty of misconduct:

(1) Utilizes text materials, notes, computer-stored materials, or other unauthorized materials while taking an examination; or

(2) without express authorization from examination officials, undertakes any of the following:

(A) Removes or attempts to remove examination materials furnished by the department from the examination room;

(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.)

***** Authenticated Kansas Administrative Regulation *****