



# Water and Wastewater Works Advisory Board

State of Alaska  
Department of Environmental Conservation

## Policy Statement 2023-01 Disciplinary Actions for Uncertified Individuals

### Background

The Water and Wastewater Operator Certification and Training regulations at 18 AAC 74.830 address disciplinary actions against Alaska operators for acts of misconduct stemming from fraud or deceit in obtaining a certificate, fraud or deceit in plant record keeping, gross negligence in the operation of a system, or a substantial violation of the requirements of 18 AAC 74 or 18 AAC 80 (Drinking Water regulations). However, the disciplinary actions in this section may not be applicable or appropriate for acts of misconduct by individuals holding no certifications.

### Introduction

The Department requested that the Board discuss what constitutes misconduct for uncertified individuals, the possible disciplinary actions, and then develop a policy for the Department to implement disciplinary actions for uncertified individuals.

### Discussion

The Board recognizes the disciplinary actions at 18 AAC 74.830 should address disciplinary actions for uncertified individuals; however, until changes can be made to the regulations, a Board policy needs to be developed.

The Board discussed what types of misconduct for uncertified individuals would warrant disciplinary action and the types of disciplinary actions.

### Policy

An uncertified individual is defined as someone who does not hold any active Alaska certifications but may hold passing exam scores.

Upon determination that an uncertified individual has one or more occurrences of the following acts of misconduct:

- cheating on a certification exam;
- fraud or deceit when applying for certification;
- fraud or deceit in plant record keeping;
- gross negligence in the operation of a system; or
- substantial violation of the 18 AAC 72, 18 AAC 74, or 18 AAC 80.

Then that individual may face one or more of the following disciplinary actions:

- a consent agreement with the individual;
- a letter of reprimand;
- suspension of all test-taking privileges for a minimum of one year; or
- suspension from obtaining certification for a minimum of one year.

The Department will determine the length of the suspension based on the circumstances, up to a permanent suspension. A copy of the consent agreement with the individual, letter of reprimand, or suspension will be forwarded to any known water or wastewater utility employer of that individual. During suspensions of test-taking privileges or of obtaining certification, the individual may not use any operating experience gained during suspension to satisfy the experience requirements of 18 AAC 74.050 or 18 AAC 74.440.

When pursuing disciplinary action, the Department will follow the procedure outlined in 18 AAC 74.830(c).

Adopted this twenty-eighth day of April 2023

/Mark Buggins/ Mark Buggins

---

Chair, Water and Wastewater Works Advisory Board

*(Effective April 28, 2023)*