

# HOUSE BILL 487

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CF SB 326

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By: **Delegate McIntosh (Chair, Environmental Matters Committee)**

Introduced and read first time: February 1, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – State Board of Waterworks and Waste Systems Operators**  
3 **– Sunset Extension and Revisions**

4 FOR the purpose of continuing the State Board of Waterworks and Waste Systems  
5 Operators in accordance with the provisions of the Maryland Program  
6 Evaluation Act (sunset law) by extending to a certain date the termination  
7 provisions relating to the statutory and regulatory authority of the Board;  
8 clarifying that the Department of the Environment is responsible for the  
9 enforcement of certain provisions; requiring that an evaluation of the Board and  
10 the statutes and regulations that relate to the Board be performed on or before  
11 a certain date; requiring the Board to submit a certain report on or before a  
12 certain date; repealing obsolete language; and generally relating to the State  
13 Board of Waterworks and Waste Systems Operators.

14 BY repealing and reenacting, with amendments,  
15 Article – Environment  
16 Section 12–101(c)(2), 12–308, 12–402, 12–501, and 12–602  
17 Annotated Code of Maryland  
18 (2007 Replacement Volume and 2009 Supplement)

19 BY repealing  
20 Article – Environment  
21 Section 12–305(c)  
22 Annotated Code of Maryland  
23 (2007 Replacement Volume and 2009 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article – State Government  
26 Section 8–403(a)  
27 Annotated Code of Maryland  
28 (2009 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(67)  
Annotated Code of Maryland  
(2009 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
MARYLAND, That the Laws of Maryland read as follows:

**Article – Environment**

12–101.

(c) (2) “Certificate” includes:

(i) A certificate; **AND**

(ii) A temporary certificate, as limited by § 12–305 of this title[;  
and

(iii) A limited certificate, as limited by § 12–305 of this title].

12–305.

[(c) The Board may issue a limited certification to any uncertified operator or  
industrial operator who:

(1) On or before July 1, 1982, submits an application to the Board on  
the form that the Board requires;

(2) Is employed in a waterworks, wastewater works, or industrial  
wastewater works; and

(3) Complies with any applicable rule or regulation adopted under this  
title for this purpose.]

12–308.

(a) Subject to the hearing provisions of § 12–309 of this subtitle, the Board  
may deny certification[, limited certification,] or temporary certification to any  
applicant, if the applicant:

(1) Fraudulently or deceptively obtains or attempts to obtain a  
certificate[, **OR** temporary certificate[, or limited certificate] for the applicant or for  
another; or

(2) Fraudulently or deceptively uses a certificate[,] OR temporary certificate[, or limited certificate].

(b) Subject to the hearing provisions of § 12–309 of this subtitle, the Board may reprimand any certificate holder, or suspend or revoke a certification[, limited certification,] or temporary certification, if:

(1) The certificate holder:

(i) Fraudulently or deceptively obtains or attempts to obtain a certificate[,] OR temporary certificate[, or limited certificate] for the certificate holder or another; or

(ii) Fraudulently or deceptively uses a certificate[,] OR temporary certificate[, or limited certificate]; or

(2) The Board has any other reasonable cause for the action.

12–402.

(A) Each waterworks, wastewater works, and industrial wastewater works shall be under the supervision of a superintendent who is certified in the appropriate classification.

**(B) THE DEPARTMENT SHALL ENFORCE THIS SECTION.**

12–501.

(a) A person or municipal or private corporation may not operate a waterworks, wastewater works, or industrial wastewater works unless the facility is under the responsible charge of a certified superintendent.

(b) After July 1, 1982, a person or municipal or private corporation may not operate a waterworks or wastewater works unless all operators in the waterworks or wastewater works are certified operators.

(c) After July 1, 1982, a person or municipal or private corporation may not operate an industrial wastewater works unless all industrial operators in the industrial wastewater works are certified industrial operators.

**(D) THE DEPARTMENT SHALL ENFORCE THIS SECTION.**

12–602.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, and except for the rules and regulations adopted by the Secretary, this title shall terminate and be of no effect after July 1, [2011] **2021**.

**Article – State Government**

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(67) Waterworks and Waste Systems Operators, State Board of (§ 12–201 of the Environment Article: July 1, [2010] **2020**); and

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2011, the State Board of Waterworks and Waste Systems Operators, in conjunction with the Department of the Environment, shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2–1246 of the State Government Article, on the status of nonstatutory recommendations contained in the Sunset Review: Evaluation of the State Board of Waterworks and Waste Systems Operators conducted by the Department of Legislative Services, specifically:

(1) the progress made by the Department of the Environment in developing a database to be used for tracking waste systems facilities;

(2) the capability of databases of the Department of the Environment and the Board to track the employment of superintendents at facilities;

(3) recommendations regarding whether to amend the statute to exempt facilities of a certain size or type from the requirement to employ a certified superintendent;

(4) the Board's promotion of circuit rider services for smaller facilities;

(5) the effect of using circuit riders at previously noncompliant facilities and whether compliant facilities are changing from full-time operators to circuit riders;

(6) the adoption of regulations establishing the Board's circuit rider experience crediting policy;

1                   (7)    labor market conditions affecting facility compliance with the  
2 certified operator requirement;

3                   (8)    the status of upgrading the Board's administrative database;

4                   (9)    the status of the upgrade of the Board's website and compatibility  
5 with the Board's administrative database and the Department of the Environment's  
6 databases;

7                   (10)   the Board's website resources for operators, prospective operators,  
8 circuit riders, facility owners, and the public;

9                   (11)   the use of the Department of the Environment's penalty authority  
10 and any recommended changes to that authority;

11                  (12)   expanding preexamination training opportunities for operators;

12                  (13)   the status of implementing computer-based examinations; and

13                  (14)   the Board's ability to generate sufficient fee revenue for the  
14 General Fund to cover Board expenditures.

15                  SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2010.