

SENATE BILL 326

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01r0768
CF 01r2146

By: **Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)**

Introduced and read first time: January 28, 2010

Assigned to: Education, Health, and Environmental Affairs

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume)

2 BY repealing and reenacting, with amendments,
 3 Article – State Government
 4 Section 8–403(b)(67)
 5 Annotated Code of Maryland
 6 (2009 Replacement Volume)

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

9 **Article – Environment**

10 12–101.

11 (c) (2) “Certificate” includes:

12 (i) A certificate; **AND**

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

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

16 12–305.

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

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

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

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

25 12–308.

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

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

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

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

6 (1) The certificate holder:

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

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

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

13 12–402.

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

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

18 12–501.

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

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

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

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

29 12–602.

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

4 **Article – State Government**

5 8–403.

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

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

14 (67) Waterworks and Waste Systems Operators, State Board of (§
15 12–201 of the Environment Article: July 1, [2010] **2020**); and

16 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
17 2011, the State Board of Waterworks and Waste Systems Operators, in conjunction
18 with the Department of the Environment, shall submit a report to the Senate
19 Education, Health, and Environmental Affairs Committee and the House
20 Environmental Matters Committee, in accordance with § 2–1246 of the State
21 Government Article, on the status of nonstatutory recommendations contained in the
22 Sunset Review: Evaluation of the State Board of Waterworks and Waste Systems
23 Operators conducted by the Department of Legislative Services, specifically:

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

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

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

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

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

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

3 (7) labor market conditions affecting facility compliance with the
4 certified operator requirement;

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

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

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

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

13 (12) expanding preexamination training opportunities for operators;

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

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

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