

## Chapter 416

(House Bill 487)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Environment

Section 12–101(c)(2), 12–202(a)(2), 12–308, 12–402, 12–501, and 12–602

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

BY repealing

Article – Environment

Section 12–305(c)

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2009 Replacement Volume)

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].

12–202.

(a) (2) With the advice and consent of the Senate, the Governor shall appoint 8 members who represent one or more of the following:

(i) Municipal government;

(ii) County government;

(iii) A sanitary or a metropolitan commission;

(iv) Waterworks supervision;

(v) Wastewater works or industrial wastewater works supervision;

(vi) Agriculture;

(vii) Industrial wastewater works superintendents; and

(viii) The [Department of Natural Resources] MARYLAND ENVIRONMENTAL SERVICE.

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;~~
- ~~(7) labor market conditions affecting facility compliance with the certified operator requirement;~~
- ~~(8) the status of upgrading the Board's administrative database;~~
- ~~(9) the status of the upgrade of the Board's website and compatibility with the Board's administrative database and the Department of the Environment's databases;~~
- ~~(10) the Board's website resources for operators, prospective operators, circuit riders, facility owners, and the public;~~
- ~~(11) the use of the Department of the Environment's penalty authority and any recommended changes to that authority;~~
- ~~(12) expanding preexamination training opportunities for operators;~~
- ~~(13) the status of implementing computer-based examinations; and~~
- ~~(14) the Board's ability to generate sufficient fee revenue for the General Fund to cover Board expenditures.~~

(1) the options for development of a database to be used for tracking waste systems facilities and the employment of superintendents at facilities;

(2) whether to recommend statutory changes to exempt facilities of a certain size or type from the requirement to employ a certified superintendent;

(3) the use of circuit riders by facilities in Maryland and system compliance for facilities with circuit riders;

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

(5) workforce conditions, including retirement, turnover, and salary, that affect future facility compliance with the certified operator requirement;

(6) the options for upgrading the Board's administrative database and website, and the compatibility of the Board's administrative database with the Department of the Environment's databases;

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

(8) preexamination training opportunities for operators;

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

(10) the Board's ability to generate sufficient fee revenue for the General Fund to cover the Board's expenses.

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

**Approved by the Governor, May 4, 2010.**