

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2009 Session of  
1989

INTRODUCED BY GEORGE, LEVDANSKY, BOWLEY, FREEMAN, WOZNIAK,  
MICHLOVIC, HAYDEN, YANDRISEVITS, S. H. SMITH, LUCYK, JAROLIN,  
REBER AND HASAY, OCTOBER 17, 1989

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 18, 1989

## AN ACT

1 Amending the act of November 18, 1968 (P.L.1052, No.322),  
2 entitled "An act providing for the certification of sewage  
3 treatment plant and waterworks operators; creating the State  
4 Board for Certification of Sewage Treatment Plant and  
5 Waterworks Operators and prescribing its powers and duties;  
6 conferring powers and duties upon the Department of Health;  
7 and providing penalties," reestablishing the State Board for  
8 Certification of Sewage Treatment Plant and Waterworks  
9 Operators; AND MAKING EDITORIAL CHANGES. <—

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 ~~Section 1. Section 3 of the act of November 18, 1968~~ <—  
13 ~~(P.L.1052, No.322), known as the Sewage Treatment Plant and~~  
14 ~~Waterworks Operators' Certification Act, is reenacted to read:~~

15 SECTION 1. THE TITLE AND SECTION 2(3) OF THE ACT OF NOVEMBER <—  
16 18, 1968 (P.L.1052, NO.322), KNOWN AS THE SEWAGE TREATMENT PLANT  
17 AND WATERWORKS OPERATORS' CERTIFICATION ACT, ARE AMENDED TO  
18 READ:

19 AN ACT

1 PROVIDING FOR THE CERTIFICATION OF SEWAGE TREATMENT PLANT AND  
2 WATERWORKS OPERATORS; CREATING THE STATE BOARD FOR  
3 CERTIFICATION OF SEWAGE TREATMENT PLANT AND WATERWORKS  
4 OPERATORS AND PRESCRIBING ITS POWERS AND DUTIES; CONFERRING  
5 POWERS AND DUTIES UPON THE DEPARTMENT OF [HEALTH]  
6 ENVIRONMENTAL RESOURCES; AND PROVIDING PENALTIES.

7 SECTION 2. DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES,  
8 WHEN USED IN THIS ACT, SHALL HAVE THE MEANINGS ASCRIBED TO THEM  
9 IN THIS SECTION, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE.

10 \* \* \*

11 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF [HEALTH]  
12 ENVIRONMENTAL RESOURCES OF THE COMMONWEALTH.

13 \* \* \*

14 SECTION 2. SECTION 3 OF THE ACT IS REENACTED AND AMENDED TO  
15 READ:

16 Section 3. State Board for Certification of Sewage Treatment  
17 Plant and Waterworks Operators.--(A)(1) There is hereby created <—  
18 within the Department of [Health] ENVIRONMENTAL RESOURCES, a <—  
19 State Board for Certification of Sewage Treatment Plant and  
20 Waterworks Operators. The board shall consist of the Secretary  
21 of [Health] ENVIRONMENTAL RESOURCES of the Commonwealth of <—  
22 Pennsylvania, or his representative, and five additional members  
23 to be appointed by the Governor.

24 (2) One member shall be an employe of a municipality or <—  
25 municipality authority which operates a sewage treatment plant,  
26 water treatment plant or water distribution system or a  
27 representative of a State association of municipalities or  
28 municipality authorities.

29 (3) One member shall be an individual qualified under this <—  
30 act to operate any water treatment plant.

1       (4) One member shall be the owner or official of a privately     <—  
2 owned waterworks.

3       (5) One member shall be an individual qualified under this     <—  
4 act to operate any sewage treatment plant.

5       (6) One member shall be on the teaching staff of the civil     <—  
6 or sanitary engineering department of an accredited Pennsylvania  
7 university or college.

8       (B) The original appointed members of the board, in the     <—  
9 order listed above, shall hold office for one, two, three, three  
10 and four years respectively. Thereafter, each appointment shall  
11 be for a period of four years duration. The Governor may  
12 reappoint board members for successive terms. Members of the  
13 board shall remain in office until a successor is appointed and  
14 qualified. If vacancies occur prior to completion of a term the  
15 Governor shall appoint another member in accordance with this  
16 section to fill the unexpired term.

17       (C) The Secretary of [Health] ENVIRONMENTAL RESOURCES, or     <—  
18 his representative, shall call the first meeting of the board at  
19 which time a chairman and secretary of the board shall be  
20 elected. Thereafter the chairman and secretary shall be elected  
21 annually. Four members of the board shall constitute a quorum.  
22 Meetings may be called by the chairman as needed to conduct the  
23 business of the board.

24       (D) The members of the board shall receive no compensation     <—  
25 for their service but shall be reimbursed for actual and  
26 necessary expenses incurred in the performance of their duties.

27       SECTION 3. SECTION 10 OF THE ACT IS AMENDED TO READ:     <—

28       SECTION 10. SUSPENSION AND REVOCATION.--THE BOARD MAY  
29 SUSPEND OR REVOKE THE CERTIFICATE OF ANY OPERATOR IF IT HAS  
30 FOUND SAID OPERATOR TO BE INCOMPETENT TO OPERATE A SEWAGE

1 TREATMENT PLANT, WATER TREATMENT PLANT OR DISTRIBUTION SYSTEM OF  
2 THE CLASSIFICATION FOR WHICH HE IS CERTIFIED OR TO HAVE  
3 WILLFULLY NEGLECTED HIS DUTY IN THE OPERATION OF ANY SUCH PLANT  
4 OR SYSTEM, OR TO HAVE DISREGARDED OR DISOBEYED THE LAWFUL  
5 ORDERS, RULES OR REGULATIONS OF THE BOARD RELATIVE TO  
6 CERTIFICATION OR THE LAWFUL ORDERS OF THE PENNSYLVANIA  
7 DEPARTMENT OF [HEALTH OR THE SANITARY WATER BOARD] ENVIRONMENTAL  
8 RESOURCES RELATIVE TO SEWAGE TREATMENT PLANTS, WATER TREATMENT  
9 PLANTS OR DISTRIBUTION SYSTEMS.

10 SECTION 4. SECTION 12 OF THE ACT, AMENDED JUNE 23, 1970  
11 (P.L.435, NO.146), IS AMENDED TO READ:

12 SECTION 12. FEES.--EACH APPLICATION FOR CERTIFICATION AS  
13 OPERATOR SHALL BE ACCOMPANIED BY [A FEE OF TEN DOLLARS (\$10).  
14 CERTIFICATES SHALL EXPIRE ON THE LAST DAY OF JUNE OF THE FIRST  
15 EVEN-NUMBERED YEAR FOLLOWING THE YEAR OF THEIR ISSUANCE AND MUST  
16 BE RENEWED BIENNIALLY IN THE MANNER PRESCRIBED BY THE  
17 DEPARTMENT. THE RENEWAL FEE SHALL BE THREE DOLLARS (\$3).] THE  
18 FEE PRESCRIBED BY LAW AND MUST BE RENEWED ANNUALLY IN THE MANNER  
19 PRESCRIBED BY THE SECRETARY OF ENVIRONMENTAL RESOURCES UPON  
20 PAYMENT OF THE REQUIRED RENEWAL FEE.

21 SECTION 5. SECTION 15 OF THE ACT IS AMENDED TO READ:

22 SECTION 15. CIVIL RELIEF.--THE SECRETARY OF [HEALTH]  
23 ENVIRONMENTAL RESOURCES MAY MAINTAIN AN ACTION IN THE NAME OF  
24 THE COMMONWEALTH FOR AN INJUNCTION OR OTHER PROCESS AGAINST ANY  
25 PERSON TO RESTRAIN OR PREVENT SUCH PERSON FROM VIOLATING THE  
26 PROVISIONS OF THIS ACT OR ANY ORDER, RULES OR REGULATION OF THE  
27 BOARD ISSUED PURSUANT TO THE PROVISIONS OF THIS ACT.

28 Section ~~2~~ 6. This act, with respect to the State Board for <—  
29 Certification of Sewage Treatment Plant and Waterworks Operators  
30 reestablishes this board, which was terminated pursuant to the

1 act of December 22, 1981 (P.L.508, No.142), known as the Sunset  
2 Act.

3 Section ~~3~~ 7. The presently confirmed members of the State <—  
4 Board for Certification of Sewage Treatment Plant and Waterworks  
5 Operators as of December 31, 1988, shall continue to serve as  
6 members of the board until their successors are appointed and  
7 qualified.

8 Section ~~4~~ 8. All powers and duties of the State Board for <—  
9 Certification of Sewage Treatment Plant and Waterworks Operators  
10 shall remain as heretofore provided by law.

11 Section ~~5~~ 9. All actions of the State Board for <—  
12 Certification of Sewage Treatment Plant and Waterworks Operators  
13 prior to the effective date of this act are hereby ratified and  
14 confirmed.

15 Section ~~6~~ 10. The State Board for Certification of Sewage <—  
16 Treatment Plant and Waterworks Operators shall be subject to  
17 evaluation and review and shall terminate on December 31, 1997,  
18 in the manner provided for by the act of December 22, 1981  
19 (P.L.508, No.142), known as the Sunset Act.

20 Section ~~7.~~ ~~With the exception of section 5, this~~ 11. THIS <—  
21 act shall be retroactive to December 31, 1988.

22 Section ~~8~~ 12. This act shall take effect immediately. <—