

No. 1989-112

## AN ACT

HB 2009

Amending the act of November 18, 1968 (P.L.1052, No.322), entitled "An act providing for the certification of sewage treatment plant and waterworks operators; creating the State Board for Certification of Sewage Treatment Plant and Waterworks Operators and prescribing its powers and duties; conferring powers and duties upon the Department of Health; and providing penalties," reestablishing the State Board for Certification of Sewage Treatment Plant and Waterworks Operators; and making editorial changes.

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

Section 1. The title and section 2(3) of the act of November 18, 1968 (P.L.1052, No.322), known as the Sewage Treatment Plant and Waterworks Operators' Certification Act, are amended to read:

## AN ACT

Providing for the certification of sewage treatment plant and waterworks operators; creating the State Board for Certification of Sewage Treatment Plant and Waterworks Operators and prescribing its powers and duties; conferring powers and duties upon the Department of **[Health] Environmental Resources**; and providing penalties.

Section 2. Definitions.—The following words and phrases, when used in this act, shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

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(3) "Department" means the Department of **[Health] Environmental Resources** of the Commonwealth.

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Section 2. Section 3 of the act is reenacted and amended to read:

Section 3. State Board for Certification of Sewage Treatment Plant and Waterworks Operators.—(a)(1) There is hereby created within the Department of **[Health] Environmental Resources**, a State Board for Certification of Sewage Treatment Plant and Waterworks Operators. The board shall consist of the Secretary of **[Health] Environmental Resources** of the Commonwealth of Pennsylvania, or his representative, and five additional members to be appointed by the Governor.

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

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

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

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

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

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

(c) The Secretary of **[Health] Environmental Resources**, or his representative, shall call the first meeting of the board at which time a chairman and secretary of the board shall be elected. Thereafter the chairman and secretary shall be elected annually. Four members of the board shall constitute a quorum. Meetings may be called by the chairman as needed to conduct the business of the board.

(d) The members of the board shall receive no compensation for their service but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

Section 3. Section 10 of the act is amended to read:

Section 10. Suspension and Revocation.—The board may suspend or revoke the certificate of any operator if it has found said operator to be incompetent to operate a sewage treatment plant, water treatment plant or distribution system of the classification for which he is certified or to have willfully neglected his duty in the operation of any such plant or system, or to have disregarded or disobeyed the lawful orders, rules or regulations of the board relative to certification or the lawful orders of the Pennsylvania Department of **[Health or the Sanitary Water Board] Environmental Resources** relative to sewage treatment plants, water treatment plants or distribution systems.

Section 4. Section 12 of the act, amended June 23, 1970 (P.L.435, No.146), is amended to read:

Section 12. Fees.—Each application for certification as operator shall be accompanied by **[a fee of ten dollars (\$10). Certificates shall expire on the last day of June of the first even-numbered year following the year of their issuance and must be renewed biennially in the manner prescribed by the department. The renewal fee shall be three dollars (\$3).]** *the fee prescribed by law and must be renewed annually in the manner prescribed by the Secretary of Environmental Resources upon payment of the required renewal fee.*

Section 5. Section 15 of the act is amended to read:

Section 15. Civil Relief.—The Secretary of **[Health] Environmental Resources** may maintain an action in the name of the Commonwealth for an injunction or other process against any person to restrain or prevent such

person from violating the provisions of this act or any order, rules or regulation of the board issued pursuant to the provisions of this act.

Section 6. This act, with respect to the State Board for Certification of Sewage Treatment Plant and Waterworks Operators reestablishes this board, which was terminated pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 7. The members of the State Board for Certification of Sewage Treatment Plant and Waterworks Operators serving as of December 31, 1988, shall continue to serve as members of the board until their successors are appointed and qualified.

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

Section 9. All actions of the State Board for Certification of Sewage Treatment Plant and Waterworks Operators prior to the effective date of this act are hereby ratified and confirmed.

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

Section 11. This act shall be retroactive to December 31, 1988.

Section 12. This act shall take effect immediately.

APPROVED—The 22nd day of December, A. D. 1989.

ROBERT P. CASEY