

Accompanying the thirty-second recommendation of the Executive Office of Consumer Affairs and Business Regulation (House, No. 33).  
Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATING TO THE BOARD OF CERTIFICATION OF OPERATORS OF DRINKING WATER SUPPLY FACILITIES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section sixty-six B of Chapter thirteen of the  
2 General Laws is hereby repealed.

1 SECTION 2. Section 8 of Chapter 21A of the General Laws,  
2 as most recently amended, is hereby further amended by inserting  
3 after the first sentence the following sentence: It shall also include  
4 the board of certification of operators of drinking water supply  
5 facilities.

1 SECTION 3. Said Chapter 21A is hereby amended by  
2 inserting after Section 10 the following Sections 10A, 10B and  
3 10C: —

4 Section 10A. There shall be within the Department of  
5 Environmental Quality Engineering a board of certification of  
6 operators of drinking water supply facilities. The purpose of the  
7 board shall be to insure the proper management, operation and  
8 maintenance of public water supply systems. The board shall  
9 consist of seven members as follows: the commissioner of the  
10 Department of Environmental Quality Engineering or his  
11 designee, who shall be chairman; the commissioner of the  
12 Department of Public Health or his designee; the chairman of the  
13 Water Resources Commission or his designee; and four members  
14 to be appointed by the governor. Of the members appointed by

15 the governor, one shall be a registered professional engineer  
16 engaged in the practice of sanitary engineering, one member of  
17 a Massachusetts labor organization, one shall be appointed from  
18 a list of qualified operators of water supply facilities in the  
19 Commonwealth which has been recommended by the executive  
20 committee of the New England Water Works Association, and  
21 one shall be appointed from a list of qualified operators  
22 recommended by the executive board of the Massachusetts Water  
23 Works Association. Each appointive member of the board shall  
24 receive his necessary traveling expenses incurred in the discharge  
25 of his official duties; provided that the expenses of the members  
26 of the board, and the expenses of the board, including those of  
27 such employees as it may appoint, shall not in any one year exceed  
28 its receipts. Each appointive member shall serve for a term of four  
29 years. As the term of office of a member of the board expires,  
30 his successor shall be appointed in like manner for a term of four  
31 years, except for persons appointed to fill vacancies who shall  
32 serve for the unexpired term. Any appointive member shall be  
33 eligible for reappointment. The board shall meet at the call of the  
34 chairman. The Department of Environmental Quality Engineer-  
35 ing shall provide professional, technical and clerical assistance  
36 necessary for the administration and enforcement of the board's  
37 programs.

38 Section 10B. The board shall conduct a program of evaluating  
39 and certifying individuals who wish to be certified as operators  
40 of drinking water supply facilities. The board may establish classes  
41 and categories of certifications, and the minimum qualifications  
42 and standards for said certifications. The board may prepare and  
43 conduct examinations, maintain records, and may issue, renew  
44 or deny, or suspend or revoke, after reasonable opportunity for  
45 hearing and for cause, certificates of competency. The board may  
46 adopt, amend or repeal rules and regulations for the performance  
47 of its duties.

48 Any individual who desires to be certified as an operator of a  
49 drinking water supply facility shall file with the board an  
50 application upon a form furnished by the board. Each applicant  
51 shall include in such application under oath his qualifications and  
52 shall pay with such application an application fee. Prior to issuing  
53 an original certificate, the board shall evaluate each applicant to

54 determine his competence and fitness with respect to the class or  
55 category of certification for which certification is sought. Said  
56 evaluation shall include such examinations as the board may  
57 require. Examinations may be taken only upon payment of a  
58 nonrefundable examination fee. Prior to renewal of a certificate,  
59 the board may make such review of an applicant's competence  
60 and fitness as it deems necessary and appropriate. Such renewal  
61 shall be made only upon payment of a renewal fee.

62 Each certification issued by the board shall be valid only for  
63 the individual to whom it is issued, may not be transferred, and  
64 shall not continue in force and effect after the death of the  
65 individual to whom it is issued. Certification and renewals thereof  
66 shall be issued for a term not to exceed two years, unless sooner  
67 revoked.

68 The board may issue, for good cause shown and upon payment  
69 of a fee, a temporary emergency certification which shall be in  
70 effect for a period not to exceed six months.

71 Fees for the aforementioned application, examination, original  
72 certification, renewal and temporary emergency certification shall  
73 be determined annually by the commissioner of administration  
74 under the provisions of section three B of chapter seven.

75 Section 10C. No person, corporation, city, town or district  
76 shall furnish to the public any drinking water for which any charge  
77 is made unless the treatment and distribution of such water is at  
78 all times under the supervision of a person who shall have received  
79 a certificate of competency or a temporary emergency certification  
80 issued by the board of certification of operators of drinking water  
81 supply facilities, established by section ten A. Any person who  
82 violates any provision of this section or any valid regulation, order  
83 or permit issued by the board; or who knowingly makes any false  
84 representation in any application required under the provisions  
85 of section 10B shall be punished by a fine of not more than twenty-  
86 five hundred dollars per day of such violation or by imprisonment  
87 for not more than one year or both, or shall be subject to a civil  
88 penalty of not more than twenty-five hundred dollars per day of  
89 such violation, which may be assessed in an action brought on  
90 behalf of the Commonwealth in any court of competent  
91 jurisdiction.

1 SECTION 4. Section eighty-seven CCCC of Chapter one  
2 hundred twelve of the General Laws is hereby repealed.

1 SECTION 5. Section eighty-seven DDDD of said Chapter one  
2 hundred twelve is hereby repealed.

1 SECTION 6. The members of the board of certification of  
2 drinking water supply facilities appointed pursuant to the  
3 authority of the law repealed by section one of this Act shall  
4 continue, without interruption in their term, as members of the  
5 board established by the laws added by section three of this Act.

1 SECTION 7. All orders and certifications duly issued pursuant  
2 to the authority of the laws repealed by sections one, four and  
3 five of this Act, shall continue in force and effect until their terms  
4 expire or until revoked. The rules and regulations adopted  
5 pursuant to the laws repealed by section one of this Act shall  
6 continue in force and effect until amended or repealed by the  
7 board established by the laws added by section three of this Act.  
8 The state secretary shall recodify said regulations in a title of the  
9 Code of Massachusetts Regulations numerically proximate to the  
10 title pertaining to the regulations of the Department of  
11 Environmental Quality Engineering.

1 SECTION 8. No suit, action, cause of action or other  
2 proceeding lawfully commenced or arising under the laws repealed  
3 by sections one, four and five of this Act prior to the effective  
4 date of this Act shall abate by reason of the passage of this Act.  
5 Any such suit, action, cause of action or proceeding shall be  
6 continued, completed and enforceable by the board transferred  
7 by this Act.