

Accompanying the third recommendation of the Department of Environmental Quality Engineering (House, No. 128). Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

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2 General Laws is hereby repealed.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, as
2 most recently amended, is hereby further amended by inserting
3 after the first sentence the following sentence: — It shall also
4 include the board of certification of operators of drinking water
5 supply facilities.

1 SECTION 3. Said Chapter 21A is hereby further amended by
2 inserting after Section 10 the following Sections 10A, 10B and 10C:
3 Section 10A. There shall be within the Department of Envi-
4 ronmental Quality Engineering a board of certification of opera-
5 tors of drinking water supply facilities. The purpose of the board
6 shall be to insure the proper management, operation and mainte-
7 nance of public water supply systems. The board shall consist of
8 seven member as follows: the commissioner of the Department of
9 Environmental Quality Engineering or his designee, who shall be
10 chairman; the commissioner of the Department of Public Health or
11 his designee; the chairman of the Water Resources Commission or
12 his designee; and four members to be appointed by the governor. Of
13 the members appointed by the governor, one shall be a registered
14 professional engineer engaged in the practice of sanitary engineer-

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

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

45 Any individual who desires to be certified as an operator of a
46 drinking water supply facility shall file with the board an applica-
47 tion upon a form furnished by the board. Each applicant shall
48 include in such application under oath his qualifications and shall
49 pay with such application an application fee. Prior to issuing an
50 original certificate, the board shall evaluate each applicant to
51 determine his competence and fitness with respect to the class or
52 category of certification for which certification is sought. Said
53 evaluation shall include such examinations as the board may

54 require. Examinations may be taken only upon payment of a
55 nonrefundable examination fee. Prior to renewal of a certificate,
56 the board may make such review of an applicant's competence and
57 fitness as it deems necessary and appropriate. Such renewal shall be
58 made only upon payment of a renewal fee.

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

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

67 Fees for the aforementioned application, examination, original
68 certification, renewal and temporary emergency certification shall
69 be determined annually by the commissioner of administration
70 under the provisions of section three B of chapter seven.

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

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

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

1 SECTION 6. The members of the board of certification of
2 drinking water supply facilities appointed pursuant to the authority
3 of the law repealed by section one of this Act shall continue,
4 without interruption in their term, as members of the board estab-
5 lished 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 five
3 of this Act, shall continue in force and effect until their terms expire
4 or until revoked. The rules and regulations adopted pursuant to
5 the laws repealed by section one of this Act shall continue in force
6 and effect until amended or repealed by the board established by
7 the laws added by section three of this Act. The state secretary shall
8 recodify said regulations in a title of the Code of Massachusetts
9 Regulations numerically proximate to the title pertaining to the
10 regulations of the Department of Environmental Quality Engineer-
11 ing.

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