

Section 5. Repeals and Savings Clause.—(a) Section 4, act of June 13, 1883 (P. L. 122), entitled “A supplement to an act, entitled ‘An act to provide for the incorporation and regulation of certain corporations,’ approved April twenty-ninth, one thousand eight hundred and seventy-four, providing for the improvement, amendment and alteration of the charters of corporations of the second class, and authorizing the incorporation of traction motor companies,” is repealed in so far as inconsistent with this act.

(b) The act of May 28, 1937 (P. L. 1053), known as the “Public Utility Law,” is hereby expressly saved from repeal.

Section 6. Effective Date.—This act shall take effect immediately.

APPROVED—The 18th day of November, A. D. 1968.

RAYMOND P. SHAFER.

No. 322

AN ACT

SB 513

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.

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

Section 1. Short Title.—This act shall be known, and may be cited, as the “Sewage Treatment Plant and Waterworks Operators’ Certification Act.”

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.

(1) “Board” means the State Board for Certification of Sewage Treatment Plant and Waterworks Operators.

(2) “Certified operator” means any operator who holds a valid certificate in accordance with this act.

(3) “Department” means the Department of Health of the Commonwealth.

(4) “Distribution system” means a system, not including a treatment plant, comprising structures which, operating alone or with other structures, result in the derivation, conveyance or distribution of water for potable purposes to the public.

(5) “Operator” means the individual who has the direct responsibility for the operation of a treatment plant or distribution system.

(6) "Owner" means a person owning or operating a treatment plant or distribution system.

(7) "Person" means any individual, municipal or private corporation, municipality authority, partnership, firm, association, trust, estate, public or private institution, or political subdivision.

(8) "Purveyor" means a person owning or operating a water treatment plant or distribution system.

(9) "Sewage treatment plant" means any structure or structures designed to treat sewage and from which effluent in excess of two thousand gallons per day is discharged into waters of the Commonwealth.

(10) "Water treatment plant" means any structure or structures by which water prior to discharge into a distribution system is subjected to the addition or removal of a substance or substances in order to enhance the safety or suitability of the water.

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

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.

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

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

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

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

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.

The Secretary of Health, 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.

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 4. Powers and Duties.—(a) The board shall have the power and its duty shall be to:

(1) Review and pass upon applications for certification of sewage treatment plant and waterworks operators.

(2) Prepare and hold such examinations as may be deemed necessary to determine the fitness of candidates for certification. At least one examination shall be held each year at a time and place designated by the board.

(3) Revoke, suspend or reinstate certificates.

(4) Receive and act upon complaints.

(5) Compel attendance of witnesses and the production of books or records.

(6) Formulate, adopt, promulgate and repeal such rules and regulations as are deemed necessary to implement the provisions of this act.

(7) Issue such orders, or modifications thereof, as may be necessary in connection with proceedings under this act.

(b) The department shall have the power and its duty shall be to:

(1) Initiate proceedings before the board, receive and process applications, administer examinations, make recommendations, issue certificates to applicants approved by the board, and establish and implement such procedures as are necessary and desirable to carry out the provisions of this act and the rules, regulations and orders of the board.

(2) Determine the number and class of sewage treatment plants, water treatment plants and distribution systems which may be supervised by a single operator and issue orders requiring owners to employ the services of additional certified operators and such orders shall be made in accordance with the rules and regulations of the board.

(3) Compile and keep current a register showing the names and addresses of certified operators, which register shall be published at least once every two years. Copies of this register shall be furnished on request upon payment of such reasonable fee as the department shall establish.

Section 5. Sewage Treatment Plant Operator Certificates.—(a) Classification. A certificate issued by the department shall authorize the person to whom it is issued to operate sewage treatment plants in accordance with the following classification:

“Class A certificate.” Treatment plants of all types and capacities.

“Class B certificate.” Treatment plants whose operation depends substantially upon the use of an activated sludge or chemical precipitation process and which have a design capacity of not more than twenty million gallons per day or all other treatment plants.

“Class C certificate.” Treatment plants whose operation depends substantially upon the use of an activated sludge or chemical precipitation process and which have a design capacity of not more than seven and one-half million gallons per day or other treatment plants

which have a design capacity of not more than twenty million gallons per day.

“Class D certificate.” Treatment plants whose operation depends substantially upon the use of an activated sludge or chemical precipitation process and which have a design capacity of not more than one and one-half million gallons per day or other treatment plants which have a design capacity of not more than seven and one-half million gallons per day.

“Class E certificate.” Treatment plants whose operation depends substantially upon the use of an activated sludge or chemical precipitation process and which have a design capacity of not more than two hundred thousand gallons per day or other treatment plants which have a design capacity of not more than one and one-half million gallons per day.

“Class F certificate.” Treatment plants whose operation depends substantially upon the use of an activated sludge or chemical precipitation process and which have a design capacity of not more than twenty thousand gallons per day or other treatment plants which have a design capacity of not more than two hundred thousand gallons per day.

(b) Requirements for Certification.—In order to be eligible for certification, an applicant shall have had sufficient experience acceptable to the board in the operation of treatment plants. The minimum experience which the board may accept shall be two years for a Class A certificate, one year for a Class B certificate, and six months for a Class C or Class D certificate. In determining whether minimum experience requirements are met, the board may make reasonable allowance for education and training in the field of sewage treatment and for training and experience in allied fields. Minimum experience requirements shall not be applicable to the holder of a special certificate under section 8 of this act who applies for a certificate of the same or next higher classification.

Section 6. Waterworks Operator Certificates.—(a) Classification. A certificate issued by the department shall authorize the person to whom it is issued to operate any distribution system and to operate treatment plants in accordance with the following classifications:

“Class A certificate.” Treatment plants of all types and capacities.

“Class B certificate.” Treatment plants utilizing filtration and serving an average of not more than five million gallons per day or treatment plants not utilizing filtration and serving an average of not more than ten million gallons per day.

“Class C certificate.” Treatment plants utilizing filtration and serving an average of not more than one million gallons per day or treatment plants not utilizing filtration and serving an average of not more than five million gallons per day.

“Class D certificate.” This certificate covers distribution systems only.

(b) Requirements for Certification.—In order to be eligible for certification, an applicant shall have had sufficient experience acceptable

to the board in the operation of treatment plants. Except as herein provided the minimum experience which the board may accept shall be eight years for a Class A certificate, six years for a Class B certificate, four years for a Class C certificate, and two years for a Class D certificate, provided that these minimum experience requirements may be reduced to not less than two years for a Class B certificate, one year for a Class C certificate, and eliminated completely for a Class D certificate when the board finds that the applicant is qualified to operate a distribution system. The board may make allowance for experience for the following reasons:

(1) For successful completion of each grade of school or high school above the sixth grade the experience required may be reduced by six months.

(2) For the successful completion of each waterworks short course of at least twenty-four hours' duration or equivalent which is acceptable to the board the experience required may be reduced by six months.

(3) For the successful completion of each correspondence course in sanitary engineering or water supply treatment which is acceptable to the board the experience required may be reduced by one year.

(4) For the successful completion of each academic year with major work in engineering, chemistry, or other scientific subjects closely allied to the field of water treatment, the experience required may be reduced by one year. Appropriate credit may be given for completed semesters or other normal portions of an academic year.

(5) For each graduate degree in engineering, chemistry, or other scientific subjects closely allied to the field of water treatment, the experience required may be reduced by one year.

(6) For each year's experience as a sanitary engineer in the field of water treatment the experience required may be reduced by one year.

(7) Experience in the design, construction, or operation of water, sewage or industrial waste treatment plants or allied fields may be evaluated by the board and applied to reduce the minimum experience requirements set forth above.

Section 7. Professional Engineers.—Anyone registered under the "Professional Engineers Registration Law," approved May 23, 1945 (P. L. 913), who has been examined in civil or sanitary engineering or otherwise proves he is proficient shall be granted a certificate upon application to the board.

Section 8. Special Certificates.—The board shall issue a certificate to any person who at the time of the passage of this act has the direct responsibility for the operation of a sewage treatment plant, water treatment plant or distribution system. Such special certificate shall permit the holder to operate only the type of plants or distribution systems for which certificated. This certificate shall be issued without examination upon submission of an application and payment of the required fee as set forth in section 12.

Section 9. Reciprocity.—The board may issue certificates without

examination to applicants who hold valid certificates issued under laws of any other state, territory, or the District of Columbia, provided the out-of-state certificate was issued as a result of the successful passing of an examination equivalent to the examination given by the board for the same grade. Experience requirements of applicants for certification as operators set forth in sections 5 and 6 shall apply to all such applicants.

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 relative to sewage treatment plants, water treatment plants or distribution systems.

Section 11. Administrative ¹ Procedure and Judicial Review.—The board shall be subject to the provisions of the "Administrative Agency Law," approved June 4, 1945 (P. L. 1388), and its amendments.

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 December following their issuance and must be renewed biennially in the manner prescribed by the Secretary of Health. The renewal fee shall be three dollars (\$3).

Section 13. Operation of Treatment Plants.—(a) After two years from the effective date of this act and, except as provided in the following paragraph, each owner and each purveyor shall employ the services of a certified operator of the required classification who shall have the direct responsibility for the operation of the treatment plant or distribution system and shall employ the services of such additional certified operators as are required pursuant to the provisions of this act. The name of such individual must be on file at all times with the department.

(b) In the event of an emergency or unforeseeable circumstance which results in a treatment plant or distribution system being temporarily without the services of a certified operator of the required classification, the services of a certified operator must be engaged within thirty days. In such a case, the department may issue a temporary certificate to an operator holding a certificate not more than one grade lower than that required for the plant involved, and, in the case of a sewage treatment plant requiring an operator with a Class F certificate, or in the case of a water treatment plant or distribution system requiring an operator with a Class D certificate, to any person selected by the owner who is deemed by the department to be capable of operating the plant or system. Any temporary certificate issued by the department shall specify the period of time for which said certificate shall be in effect.

¹ "Precedure" in original.

Section 14. Penalties.—Any person who violates any provision of this act, shall upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) and costs. For the purpose of this section, each day that an offense continues shall be construed to constitute a separate offense.

Section 15. Civil Relief.—The Secretary of Health 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 16. Effective Date.—This act shall take effect January 1, 1969.

APPROVED—The 18th day of November, A. D. 1968.

RAYMOND P. SHAFER.

No. 323

AN ACT

SB 1076

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto" authorizing boards of health in counties of the third class, prescribing their powers and duties, providing for employes, imposing duties on boards of county commissioners and the Secretary of Health and prescribing penalties.

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

Section 1. Article XXI, act of August 9, 1955 (P. L. 323), known as "The County Code," is amended by adding at the end thereof, a new subdivision to read:

ARTICLE XXI
PUBLIC HEALTH

* * *

(g) Boards of Health in Counties of the Third Class

(1) Board of Health

Section 2185. Board of Health Jurisdiction Incompatibility.—
Each county of the third class may, by ordinance, create a board of
health as herein provided. The jurisdiction of every such board of
health shall extend to all parts of the county in which created: