

By: Senator(s) Moffatt, Nunnelee

To: Environment Prot, Cons  
and Water Res

SENATE BILL NO. 3027

1 AN ACT TO AMEND SECTION 21-27-205, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE COMMISSION ON ENVIRONMENTAL QUALITY TO ESTABLISH  
3 RECIPROCAL CERTIFICATION STANDARDS FOR OPERATORS OF RUBBISH SITES;  
4 TO AMEND SECTION 21-27-207, MISSISSIPPI CODE OF 1972, TO DELETE  
5 REFERENCE TO NONEXISTENT ADVISORY COMMITTEE; TO AMEND 21-27-211,  
6 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IT IS UNLAWFUL TO  
7 OPERATE A CLASS I RUBBISH SITE IF THE OPERATOR IS NOT CERTIFIED;  
8 AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 21-27-205, Mississippi Code of 1972, is  
11 amended as follows:

12 21-27-205. (1) The board shall classify all municipal and  
13 domestic water collection, storage, treatment and/or distribution  
14 systems actually used or intended for use as community water  
15 systems or nontransient, noncommunity water systems according to  
16 size, type, character of water to be treated, number of service  
17 connections, and other physical conditions affecting the operation  
18 and maintenance of those systems, and also according to the degree  
19 of skill, knowledge, training and experience required of the  
20 operators of those systems to ensure competent, efficient  
21 operation and maintenance of such systems and protection of public  
22 health.

23 (2) The commission shall classify all municipal and domestic  
24 wastewater facilities according to size, type, character of  
25 wastewater to be treated, and other physical conditions affecting  
26 the operation and maintenance of the facilities, and also  
27 according to the degree of skill, knowledge, training and  
28 experience required of the operators of the facilities to ensure  
29 competent, efficient operation and maintenance of the facilities  
30 and prevention of pollution of waters of the state.

31 (3) The commission shall establish reciprocal certification  
32 arrangements with other states and private companies that  
33 establish training and certification programs for operators of  
34 commercial nonhazardous solid waste management landfills that meet  
35 or exceed the requirements of the commercial nonhazardous solid  
36 waste management landfill operator training and certification  
37 program established by the commission.

38 (4) The commission shall establish reciprocal certification  
39 arrangements with other states and private companies that  
40 establish training and certification programs for operators of  
41 Class I rubbish sites that meet or exceed the requirements of the  
42 Class I rubbish site operator training and certification program  
43 established by the commission.

44 **SECTION 2.** Section 21-27-207, Mississippi Code of 1972, is  
45 amended as follows:

46 21-27-207. Both the board and commission may adopt, modify,  
47 repeal and promulgate, after due notice and hearing, and may make  
48 exceptions to and grant exemptions and variances from and may  
49 enforce those rules, regulations and procedures as are necessary  
50 or appropriate to effectuate the duties and responsibilities of  
51 these agencies arising under Sections 21-27-201 through 21-27-221.  
52 The rules, regulations and procedures shall include, but not be  
53 limited to, the following: criteria for classifying municipal and  
54 domestic community water systems, nontransient, noncommunity water  
55 systems and wastewater facilities; qualifications for operators of  
56 community water systems, nontransient, noncommunity water systems  
57 and wastewater facilities; procedures for examining or testing  
58 applicants for operator certificates; procedures and fees for  
59 issuing, reissuing, modifying, revoking or terminating operator  
60 certificates; and reciprocal certification of operators certified  
61 in other states having certification requirements not less  
62 stringent than those established by the board and  
63 commission. \* \* \*

64           **SECTION 3.** Section 21-27-211, Mississippi Code of 1972, is  
65 amended as follows:

66           21-27-211. (1) It is unlawful to operate or cause to be  
67 operated any wastewater facility or community water system covered  
68 under Sections 21-27-201 through 21-27-221 unless the operator of  
69 that facility or system holds a current certificate of competency  
70 issued by the board or commission, as provided by Sections  
71 21-27-201 through 21-27-221, in a classification corresponding to  
72 the classification of the facility or system. After July 1, 1998,  
73 it shall be unlawful to operate or cause to be operated any  
74 nontransient, noncommunity water system covered under Sections  
75 21-27-201 through 21-27-221, unless the operator of that system  
76 holds a current certificate of competency issued by the board. If  
77 an operator is lost due to illness, death, resignation, discharge  
78 or other legitimate cause, the owner or president of the governing  
79 board of the facility or system shall immediately notify either  
80 the board or commission, as the case may be. The facility or  
81 system may continue to operate without a certified operator on an  
82 interim basis for a period not to exceed one hundred eighty (180)  
83 days, except for good cause shown upon petition to the responsible  
84 agency. The board or the commission, as the case may be, may  
85 grant, upon petition of the facility or system, an extension of  
86 the interim operating period not to exceed an additional one  
87 hundred eighty (180) days for good cause shown.

88           (2) It is unlawful to operate or cause to be operated any  
89 commercial nonhazardous solid waste management landfill permitted  
90 under Section 49-17-29 unless the operator of that facility holds  
91 a current certificate of competency issued by the commission, as  
92 provided by Sections 21-27-201 through 21-27-221. However, in the  
93 event of the loss of an operator due to illness, death,  
94 resignation, discharge or other legitimate cause, notice shall be  
95 immediately given to the commission and the continued operation of  
96 the facility without a certified operator may proceed on an

97 interim basis for a period not to exceed one hundred eighty (180)  
98 days, except for good cause shown upon petition to the commission.  
99 (3) After June 30, 2005, it is unlawful to operate or cause  
100 to be operated any Class I rubbish sites, unless the operator of  
101 that facility holds a certificate of competency issued by the  
102 commission under Sections 21-27-201 through 21-27-221. However,  
103 in the event of the loss of an operator due to illness, death,  
104 resignation, discharge or other legitimate cause, notice shall be  
105 immediately given to the commission and the continued operation of  
106 the facility without a certified operator may proceed on an  
107 interim basis for a period not to exceed one hundred eighty (180)  
108 days, except for good cause shown upon petition to the commission.

109 **SECTION 4.** This act shall take effect and be in force from  
110 and after July 1, 2004.