

By: Senator(s) Moffatt, Nunnelee

To: Environment Prot, Cons
and Water Res

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3027

1 AN ACT TO AMEND SECTION 21-27-203, MISSISSIPPI CODE OF 1972,
2 TO DEFINE A COMMERCIAL CLASS I RUBBISH SITE; TO AMEND SECTION
3 21-27-205, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION
4 ON ENVIRONMENTAL QUALITY TO ESTABLISH RECIPROCAL CERTIFICATION
5 STANDARDS FOR OPERATORS OF SUCH RUBBISH SITES; TO AMEND SECTION
6 21-27-207, MISSISSIPPI CODE OF 1972, TO DELETE REFERENCE TO
7 NONEXISTENT ADVISORY COMMITTEE; TO AMEND 21-27-211, MISSISSIPPI
8 CODE OF 1972, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE A
9 COMMERCIAL CLASS I RUBBISH SITE IF THE OPERATOR IS NOT CERTIFIED;
10 AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 21-27-203, Mississippi Code of 1972, is
13 amended as follows:

14 21-27-203. For purposes of Sections 21-27-201 through
15 21-27-221, the following terms shall have the meanings ascribed
16 herein, unless the context shall otherwise require:

17 (a) "Association" means the Mississippi Water and
18 Pollution Control Operator's Association, Inc.

19 (b) "Board" means the Mississippi State Board of
20 Health.

21 (c) "Commission" means the Mississippi Commission on
22 Environmental Quality.

23 (d) "Community water system" means a public water
24 system serving piped water for human consumption to fifteen (15)
25 or more individual service connections used by year-round
26 consumers or regularly serving twenty-five (25) or more individual
27 consumers year-round, including, but not limited to, any
28 collection, pretreatment, treatment, storage and/or distribution
29 facilities or equipment used primarily as part of, or in
30 connection with, that system, regardless of whether or not the

31 components are under the ownership or control of the operator of
32 the system.

33 (e) "Commercial Class I rubbish site" means a permitted
34 rubbish site which accepts for disposal Class I rubbish, as
35 defined by the commission, for compensation or from more than one
36 (1) generator.

37 (f) "Nontransient, noncommunity water system" means a
38 public water system that is not a community water system and that
39 regularly serves at least twenty-five (25) of the same persons
40 over six (6) months per year.

41 (g) "Operator" means the person who directly supervises
42 and is personally responsible for the daily operation and
43 maintenance of a wastewater facility, community water system,
44 nontransient, noncommunity water system or commercial nonhazardous
45 solid waste management landfill.

46 (h) "Person" means the state or any agency or
47 institution of the state, any municipality, political subdivision,
48 public or private corporation, individual, partnership,
49 association or other entity, including any officer or governing or
50 managing body of any municipality, political subdivision, or
51 public or private corporation, or the United States or any officer
52 or employee of the United States.

53 (i) "Pollution" means contamination or other alteration
54 of the physical, chemical or biological properties of any waters
55 of the state, including change in temperature, taste, color,
56 turbidity or odor of the waters, or the discharge of any liquid,
57 gaseous, solid, radioactive or other substance or heat into any
58 waters of the state.

59 (j) "Wastewater facilities" means pipelines or
60 conduits, pumping stations, force mains, treatment plants, lagoons
61 or any other structure, device, appurtenance or facility, whether
62 operated individually or in any combination, used for collecting,
63 treating and/or disposing of municipal or domestic wastewater, by

64 either surface or underground methods, which is required to have a
65 permit under Section 49-17-29.

66 (k) "Waters of the state" means all waters within the
67 jurisdiction of this state, including all streams, lakes, ponds,
68 impounding reservoirs, marshes, watercourses, waterways, wells,
69 springs, irrigation systems, drainage systems and all other bodies
70 or accumulations of water, surface and underground, natural or
71 artificial, situated wholly or partly within or bordering upon the
72 state, and such coastal waters as are within the jurisdiction of
73 the state, except lakes, ponds or other surface waters which are
74 wholly landlocked and privately owned.

75 **SECTION 2.** Section 21-27-205, Mississippi Code of 1972, is
76 amended as follows:

77 21-27-205. (1) The board shall classify all municipal and
78 domestic water collection, storage, treatment and/or distribution
79 systems actually used or intended for use as community water
80 systems or nontransient, noncommunity water systems according to
81 size, type, character of water to be treated, number of service
82 connections, and other physical conditions affecting the operation
83 and maintenance of those systems, and also according to the degree
84 of skill, knowledge, training and experience required of the
85 operators of those systems to ensure competent, efficient
86 operation and maintenance of such systems and protection of public
87 health.

88 (2) The commission shall classify all municipal and domestic
89 wastewater facilities according to size, type, character of
90 wastewater to be treated, and other physical conditions affecting
91 the operation and maintenance of the facilities, and also
92 according to the degree of skill, knowledge, training and
93 experience required of the operators of the facilities to ensure
94 competent, efficient operation and maintenance of the facilities
95 and prevention of pollution of waters of the state.

96 (3) The commission shall establish reciprocal certification
97 arrangements with other states and private companies that
98 establish training and certification programs for operators of
99 commercial nonhazardous solid waste management landfills that meet
100 or exceed the requirements of the commercial nonhazardous solid
101 waste management landfill operator training and certification
102 program established by the commission.

103 (4) The commission may establish reciprocal certification
104 arrangements with other states and private companies that
105 establish training and certification programs for operators of
106 commercial Class I rubbish sites that meet or exceed the
107 requirements of the commercial Class I rubbish site operator
108 training and certification program established by the commission.

109 **SECTION 3.** Section 21-27-207, Mississippi Code of 1972, is
110 amended as follows:

111 21-27-207. Both the board and commission may adopt, modify,
112 repeal and promulgate, after due notice and hearing, and may make
113 exceptions to and grant exemptions and variances from and may
114 enforce those rules, regulations and procedures as are necessary
115 or appropriate to effectuate the duties and responsibilities of
116 these agencies arising under Sections 21-27-201 through 21-27-221.
117 The rules, regulations and procedures shall include, but not be
118 limited to, the following: criteria for classifying municipal and
119 domestic community water systems, nontransient, noncommunity water
120 systems and wastewater facilities; qualifications for operators of
121 community water systems, nontransient, noncommunity water systems
122 and wastewater facilities; certification of operators of
123 commercial Class I rubbish sites; procedures for examining or
124 testing applicants for operator certificates; procedures and fees
125 for issuing, reissuing, modifying, revoking or terminating
126 operator certificates; and reciprocal certification of operators
127 certified in other states having certification requirements not

128 less stringent than those established by the board and
129 commission. * * *

130 **SECTION 4.** Section 21-27-211, Mississippi Code of 1972, is
131 amended as follows:

132 21-27-211. (1) It is unlawful to operate or cause to be
133 operated any wastewater facility or community water system covered
134 under Sections 21-27-201 through 21-27-221 unless the operator of
135 that facility or system holds a current certificate of competency
136 issued by the board or commission, as provided by Sections
137 21-27-201 through 21-27-221, in a classification corresponding to
138 the classification of the facility or system. After July 1, 1998,
139 it shall be unlawful to operate or cause to be operated any
140 nontransient, noncommunity water system covered under Sections
141 21-27-201 through 21-27-221, unless the operator of that system
142 holds a current certificate of competency issued by the board. If
143 an operator is lost due to illness, death, resignation, discharge
144 or other legitimate cause, the owner or president of the governing
145 board of the facility or system shall immediately notify either
146 the board or commission, as the case may be. The facility or
147 system may continue to operate without a certified operator on an
148 interim basis for a period not to exceed one hundred eighty (180)
149 days, except for good cause shown upon petition to the responsible
150 agency. The board or the commission, as the case may be, may
151 grant, upon petition of the facility or system, an extension of
152 the interim operating period not to exceed an additional one
153 hundred eighty (180) days for good cause shown.

154 (2) It is unlawful to operate or cause to be operated any
155 commercial nonhazardous solid waste management landfill permitted
156 under Section 49-17-29 unless the operator of that facility holds
157 a current certificate of competency issued by the commission, as
158 provided by Sections 21-27-201 through 21-27-221. However, in the
159 event of the loss of an operator due to illness, death,
160 resignation, discharge or other legitimate cause, notice shall be

161 immediately given to the commission and the continued operation of
162 the facility without a certified operator may proceed on an
163 interim basis for a period not to exceed one hundred eighty (180)
164 days, except for good cause shown upon petition to the commission.

165 (3) After June 30, 2005, it is unlawful to operate or cause
166 to be operated any commercial Class I rubbish site, unless the
167 operator of that facility holds a certificate of competency issued
168 by the commission under Sections 21-27-201 through 21-27-221.
169 However, in the event of the loss of an operator due to illness,
170 death, resignation, discharge or other legitimate cause, notice
171 shall be immediately given to the commission and the continued
172 operation of the facility without a certified operator may proceed
173 on an interim basis for a period not to exceed one hundred eighty
174 (180) days, except for good cause shown upon petition to the
175 commission.

176 **SECTION 5.** This act shall take effect and be in force from
177 and after July 1, 2004.