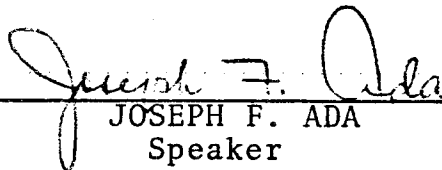


FOURTEENTH GUAM LEGISLATURE
1977 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 121, "An Act to add a new Chapter X to Title LXI of the Government Code of Guam relative to creating a certification requirement for operating personnel of water supply systems and waste water facilities," was on the 11th day of May, 1977, duly and regularly passed.



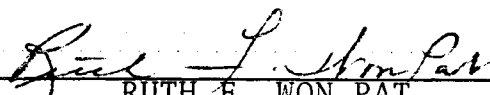
JOSEPH F. ADA
Speaker

ATTESTED:



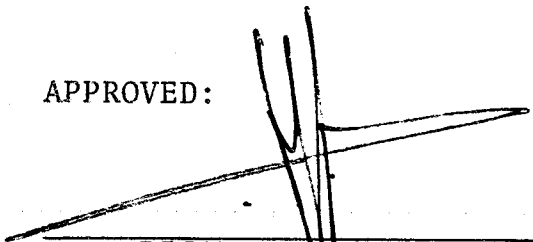
ERNESTO M. ESPALDON
Legislative Secretary

This Act was received by the Governor this 19th day of
May, 1977, at 2:45 o'clock P.M.



RUTH F. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:



RICARDO J. BORDALLO
Governor of Guam

DATED: May 31, 1977
11:50 AM

P.L. 14-31

FOURTEENTH GUAM LEGISLATURE
1977 (FIRST) Regular Session

Bill No. 121
(As Amended by the
Committee on Health,
Welfare & Ecology)

Introduced by E. M. Espaldon

AN ACT TO ADD A NEW CHAPTER X TO TITLE LXI
OF THE GOVERNMENT CODE OF GUAM RELATIVE TO
CREATING A CERTIFICATION REQUIREMENT FOR
OPERATING PERSONNEL OF WATER SUPPLY SYSTEMS
AND WASTE WATER FACILITIES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. A new Chapter X is hereby added to Title LXI of
3 the Government Code of Guam to read as follows:

4 "CHAPTER X

5 WATER AND WASTEWATER OPERATOR'S MANDATORY

6 CERTIFICATION ACT

7 Section 57230. Title. This Act shall be known as the
8 'Water and Wastewater Operator's Mandatory Certification
9 Act'.

10 Section 57231. Statement of Policy. It is hereby
11 declared to be the public policy of the territory of Guam,
12 in order to conserve and protect our water resources and
13 to prevent pollution of waters of the territory, to classify
14 all public and private potable water supply systems and
15 public and private wastewater facilities and to require
16 examination of operating personnel and certification of
17 their competency to supervise the operation of such systems
18 and facilities.

19 Section 57232. Definitions.

20 (a) 'Person' means any individual, partnership,
21 firm, association, joint venture, public or private
22 corporation, trust, estate, commission, board, public

1 or private institution, utility, cooperative, municipi-
2 pality or any other political subdivision of this
3 territory, any interstate body, or any other legal
4 entity.

5 (b) 'Operator' means the person in direct
6 responsible charge of the operation of a potable water
7 supply system or wastewater facility, or a major
8 segment of a system or facility.

9 (c) 'Direct responsible charge' shall mean, in
10 smaller facilities where shift operation is not
11 required, active daily on-site charge and performance
12 of operation. In larger facilities where shift
13 operation is required, 'direct responsible charge'
14 shall mean both

15 active daily on-site technical direction and
16 supervision, and

17 active daily on-site charge of an operating
18 shift, or a major segment of a system or
19 facility.

20 (d) 'Potable water supply system' means the system
21 of pipes, structures, and facilities through which
22 water is obtained, treated and sold, distributed or
23 otherwise offered to the public for household use or
24 any use by humans.

25 (e) 'Water treatment plant' means that portion
26 of the potable water supply system which in some way
27 alters the physical, chemical, or bacteriological
28 quality of the water being treated.

1 (f) 'Water distribution system' means that por-
2 tion of the potable water supply system in which water
3 is stored and conveyed from the water treatment plant
4 or other supply points to the premises of a consumer.

5 (g) 'Wastewater facility(ies)' means the system
6 of pipes, structures, equipment and processes required
7 to collect, carry away and treat domestic and/or
8 industrial wastewater and dispose of the effluent.

9 (h) 'Wastewater treatment plant' means that
10 portion of the wastewater facility used in the treat-
11 ment of domestic and/or industrial wastewater,
12 including solids handling.

13 (i) 'Wastewater collection system' means that
14 portion of the wastewater facilities in which waste-
15 water is received from the premises of the discharger
16 and conveyed to the point of treatment.

17 (j) 'Administrator' means the Administrator of
18 the Guam Environmental Protection Agency, or his
19 delegated representative.

20 (k) 'Board of Certification' means the Board of
21 Directors of the Guam Environmental Protection Agency.

22 (l) 'Association of Boards of Certification for
23 Operating Personnel in water and wastewater utilities
24 (ABC)' means the existing nationally recognized
25 Advisory Association.

26 Section 57233. Classification. The Administrator, as
27 per the standards and guidelines approved by the Board of
28 Certification shall classify all potable water systems used
29 or intended for use by the public or private individuals

1 and all wastewater facilities whether public or private.
2 The classification shall be made taking due regard to size
3 and type of system or facility, character of water or
4 wastewater to be treated, and other physical conditions
5 affecting such systems and facilities, and according to the
6 skill, knowledge and experience required of an operator.

7 Section 57234. Certification. The Administrator, as
8 per the standards and guidelines approved by the Board of
9 Certification shall issue certification entitling qualified
10 persons to supervise the operation of potable water supply
11 systems and wastewater facilities.

12 Section 57235. Board of Certification. The Board of
13 Certification shall develop minimum standards and guidelines
14 for classification of potable water supply systems and
15 wastewater facilities and for certification of operators,
16 facilitate reciprocity between certification programs,
17 supervise the Administrator in the administration of the
18 certification program and hear the appeals of any person
19 aggrieved by the decisions of the Administrator, regarding
20 certification and classification.

21 Section 57236. Association of Certification
22 Authorities. The Administrator is authorized when taking
23 action pursuant to Sections 57233, 57234 and 57238 of
24 this Act to consider generally applicable criteria and
25 guidelines developed by the Association of Boards of
26 Certification for Operating Personnel in Water and Waste-
27 water Utilities.

1 Section 57237. Certification Requirements. All potable
2 water supply systems and wastewater facilities whether
3 publicly or privately owned, used or intended for use by
4 the public or private persons, must at all times be
5 under the direct supervision of an operator whose competency
6 is certified to by the Administrator in a classification
7 corresponding to the classification of the system or
8 facilities to be supervised.

9 Section 57238. Regulations. The Administrator, with
10 the approval of the Board of Certification, shall promulgate
11 such rules and regulations as may be necessary for the
12 administration of this Act, and which shall include at
13 least the following provisions:

14 (a) The basis for classification of potable
15 water supply systems and wastewater facilities
16 (including the type and size of lesser systems and
17 facilities, if any, to which the provisions of the
18 act shall not apply) as required by Section 57233
19 of this Act;

20 (b) Criteria for the qualification of applicants
21 for operator certification corresponding to each of
22 the classifications referred to in Subsection (a)
23 of this Section;

24 (c) Procedures for examination of candidates,
25 and renewal of Certificates;

26 (d) Procedures for the revocation of certificates;

27 (e) Determination as to which additional
28 personnel shall be certified where certification is
29 required for more than the operator in direct
30 responsible charge.

1 Section 57239. Prohibited Acts. On or after two (2)
2 years following the effective date of this Act, it shall be
3 unlawful:

4 (a) For any potable water supply system or waste-
5 water facility to be operated unless the operator is
6 duly certified under the provisions of this Act;

7 (b) For any person to perform the duties of an
8 operator without being duly certified under the pro-
9 visions of this Act.

10 Section 57240. Injunctions and Civil Penalty. Any
11 person who violates or is about to violate any provision of
12 this Act, or any rule, regulation, criterion, procedure or
13 certificate issued hereunder may, in a legal action commenced
14 by the Administrator, with the approval of the Board of
15 Certification:

16 (a) be enjoined from continuing or commencing
17 such violation; and

18 (b) be subject to a civil penalty not to exceed
19 One Thousand Dollars (\$1,000) per day of continuing
20 violation.

21 Section 57241. Criminal Penalties.

22 (a) Except as provided in Subsection (b) of this
23 Section, any person who knowingly and willfully
24 violates Section 57239 of this Act shall upon convic-
25 tion be punished by a fine of not more than One
26 Thousand Dollars (\$1,000) per day of violation or
27 imprisonment for not more than six (6) months, or
28 by both.

1 (b) Any person who knowingly makes any false
2 statements, representation, or certification in any
3 application, record report, plan, or other document
4 filed or required to be maintained under this Act, or
5 by any rule or regulation promulgated under this Act,
6 shall upon conviction, be punished by a fine of not
7 more than Five Hundred Dollars (\$500) or by imprison-
8 ment for not more than six (6) months, or by both.

9 Section 57242. Administration. To carry out the
10 provisions and purposes of this Act, the Administrator is
11 authorized and empowered to:

12 (a) Perform any and all acts and adopt, revise,
13 promulgate and rescind such rules and regulations as
14 he may find necessary or appropriate, with the consent
15 of the Board of Certification and in conformance with
16 the Administrative Adjudication Act;

17 (b) Enter into agreements, contracts, or
18 cooperative arrangements, under such terms and con-
19 ditions as he deems appropriate with other States,
20 Federal or interstate agencies, municipalities,
21 educational institutions, or other organizations or
22 individuals;

23 (c) Receive financial and technical assistance
24 from the Federal Government and other public or private
25 agencies;

26 (d) Participate in related programs of the Federal
27 Government, other states, interstate agencies, or other
28 public or private agencies or organizations;

29 (e) Upon request, furnish Federal, territorial
30 or interstate agencies, municipalities, educational
31 institutions and other organizations and individuals,
32 reports, information and materials relating to the
33 certification program authorized by this Act;

1 (f) Establish adequate fiscal controls and
2 accounting procedures to assure proper disbursement of
3 and accounting for funds appropriated or otherwise
4 provided for the purpose of carrying out the provisions
5 of this Act;

6 (g) The Administrator may delegate those duties
7 and responsibilities as deemed appropriate for the
8 purpose of administering requirements of this Act;

9 (h) The Administrator may establish and collect
10 such fees for conducting examinations and issuing or
11 renewing certificates as are necessary for the support
12 of this Act.

13 Section 57243. Reciprocity.

14 (a) On or after the effective date of this Act,
15 certification of operators by any State which, as
16 determined by the Administrator, accepts certification
17 made or certification requirement, deemed satisfied
18 pursuant to the provisions of this Act, shall be
19 accorded reciprocal treatment and shall be recognized
20 as valid and sufficient within the purview of this
21 Act, if in the judgment of the Administrator the
22 certification requirements of such state are sub-
23 stantially equivalent to the requirements of this Act
24 or any rules and regulations promulgated hereunder.

25 (b) In making determinations pursuant to Sub-
26 section (a) of this Section, the Administrator shall
27 consult with the Board of Certification and may con-
28 sider any generally applicable criteria and guidelines
29 developed by the Association of Boards of Certification
30 for Operating Personnel in Water and Wastewater
31 Utilities.

1 Section 57244. Repealer. The provisions of this Act
2 are intended to supercede existing laws of this territory
3 insofar as they relate to the matters included in this Act.

4 Section 57245. Severability. The provisions of this
5 Act are severable. If any provisions of this Act or the
6 application thereof to any person or circumstance is held
7 invalid, the invalidity shall not effect other provisions
8 or applications of this Act which can be given effect
9 without regard to the invalid provision or application."

10 Section 2. On the effective date of this Act, all employees
11 engaged in the operation of public and private water and waste-
12 water facilities shall be certified by the Administrator to
13 perform the level of plant operations, as established by this
14 Act, that they are performing on such effective date; provided
15 the certification is valid for two (2) years from the effective
16 date of this Act; provided, that no certification requirements
17 pursuant to Section 57237 shall be required for a period of
18 two (2) years following the effective date of this Act.