

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 2848

By Delegates Riley, Linville, Cannon, Barnhart,
Westfall, Clark, Fehrenbacher, W. Hall, Maynor,
Adkins and Hite

[Originating in the Committee on Health and Human
Resources; Reported on February 14, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §16-1-9g, related to modifying the requirements for out of state wastewater
3 operators to obtain a license in the state; setting forth application requirements; and
4 providing a waiver.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-9g. Reciprocity in licensing for public water systems operators and wastewater operators.

1 (a) The commissioner shall grant certification to a public water systems operator or
2 wastewater operator certified by another jurisdiction, if the applicant:

3 (1) Is actively seeking, has been offered or has accepted employment which requires a
4 certified operator in West Virginia;

5 (2) Submits a completed application in a manner approved by the commissioner;

6 (3) Meets the educational and work experience requirements prescribed by the
7 commissioner through his rulemaking authority; and

8 (4) Demonstrates he or she has successfully passed an examination, which is
9 substantially equivalent to the certification level sought in West Virginia, as determined by the
10 commissioner.

11 (b) If the commissioner determines that the other jurisdiction's examination is not
12 equivalent, the water system operator or wastewater operator is required to successfully complete
13 the West Virginia certification examination applicable to the certification level sought.

14 (c) Upon application to and approval by the commissioner, a certified public water system
15 may apply for a limited waiver. If approved, a limited waiver shall permit a certified public water
16 systems operator or wastewater operator to perform the tasks of an operator certified one grade
17 higher as a supplement to the certified public water system's staffing and availability of the primary
18 operator. A limited waiver shall only be granted to a certified public water system, if it has at least

- 19 one certified public water system operator or wastewater operator in the required class for its
20 operation.”

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.