

1 1710-S AAS 4/17/91

2 SHB 1710 - S COMM AMD
3 By Committee on Energy & Utilities

4 Adopted 4/17/91 - Voice Vote
5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.119.010 and 1983 c 292 s 1 are each amended to
8 read as follows:

9 The legislature declares that competent operation of a public water
10 ((supply)) system is necessary for the protection of the consumers'
11 health, and therefore it is of vital interest to the public. In order
12 to protect the public health and conserve and protect the water
13 resources of the state, it is necessary to provide for the classifying
14 of all public water ((supply)) systems; to require the examination and
15 certification of the persons responsible for the technical operation of
16 such systems; and to provide for the promulgation of rules and
17 regulations to carry out this chapter."

18 "Sec. 2. RCW 70.119.020 and 1991 c 3 s 369 are each amended to
19 read as follows:

20 As used in this chapter unless context requires another meaning:

21 (1) "Board" means the board established pursuant to RCW 70.95B.070
22 which shall be known as the water and waste water operator
23 certification board of examiners.

24 (2) "Certificate" means a certificate of competency issued by the
25 secretary stating that the operator has met the requirements for the
26 specified operator classification of the certification program.

1 (3) "Certified operator" means an individual holding a valid
2 certificate and employed or appointed by any county, water district,
3 municipality, public or private corporation, company, institution,
4 person, or the state of Washington and who is designated by the
5 employing or appointing officials as the person responsible for active
6 daily technical operation.

7 (4) "Department" means the department of health.

8 (~~(4)~~) (5) "Distribution system" means that portion of a public
9 water (~~(supply)~~) system which stores, transmits, pumps and distributes
10 water to consumers.

11 (~~(5)~~) (6) "Ground water under the direct influence of surface
12 water" means any water beneath the surface of the ground with:

13 (a) Significant occurrence of insects or other macroorganisms,
14 algae, or large diameter pathogens such as giardia lamblia; or

15 (b) Significant and relatively rapid shifts in water
16 characteristics such as turbidity, temperature, conductivity, or pH
17 which closely correlate to climatological or surface water conditions.

18 (7) "Group A water system" means a system with fifteen or more
19 service connections, regardless of the number of people; or a system
20 serving an average of twenty-five or more people per day for sixty or
21 more days within a calendar year, regardless of the number of service
22 connections. Group A water system does not include a system serving
23 fewer than fifteen single-family residences, regardless of the number
24 of people.

25 (8) "Nationally recognized association of certification
26 authorities" shall mean an organization which serves as an information
27 center for certification activities, recommends minimum standards and
28 guidelines for classification of potable water treatment plants, water
29 distribution systems and waste water facilities and certification of
30 operators, facilitates reciprocity between state programs and assists

1 authorities in establishing new certification programs and updating
2 existing ones.

3 ~~((6))~~ "Certified operator" means an individual employed or
4 appointed by any county, water district, municipality, public or
5 private corporation, company, institution, person, or the state of
6 Washington who is designated by the employing or appointing officials
7 as the person responsible for active daily technical operation.

8 ~~(7))~~ (9) "Public water ((supply)) system" means any ((water supply
9 system intended or used for human consumption or other domestic uses,
10 including source, treatment, storage, transmission and distribution
11 facilities where water is furnished to any community or group of
12 individuals, or is made available to the public for human consumption
13 or domestic use, but excluding all water supply systems serving one
14 single family residence)) system, excluding a system serving only one
15 single-family residence and a system with four or fewer connections all
16 of which serve residences on the same farm, providing piped water for
17 human consumption, including any collection, treatment, storage, or
18 distribution facilities under control of the purveyor and used
19 primarily in connection with the system; and collection or pretreatment
20 storage facilities not under control of the purveyor but primarily used
21 in connection with the system.

22 ~~((8))~~ (10) "Purification plant" means that portion of a public
23 water ((supply)) system which treats or improves the physical, chemical
24 or bacteriological quality of the system's water to bring the water
25 into compliance with state board of health standards.

26 ~~((9))~~ (11) "Secretary" means the secretary of the department of
27 health.

28 (12) "Service" means a connection to a public water system designed
29 to serve a single-family residence, dwelling unit, or equivalent use.

1 If the facility has group home or barracks-type accommodations, three
2 persons will be considered equivalent to one service.

3 (13) "Surface water" means all water open to the atmosphere and
4 subject to surface runoff."

5 "Sec. 3. RCW 70.119.030 and 1983 c 292 s 3 are each amended to
6 read as follows:

7 ~~((All public water supply systems which serve either))~~ A public
8 water system shall have a certified operator if:

9 (a) The system serves one hundred or more services in use at any
10 one time; or

11 (b) ~~((Twenty five or more persons which are supplied from a stream,~~
12 ~~lake or other surface water supply source and which are required by law~~
13 ~~to use a water filtration system;~~

14 ~~are required to have a certified operator))~~ It is a group A water
15 system using a surface water source or a ground water source under the
16 direct influence of surface water.

17 (2) The certified operators shall be in charge of the technical
18 direction of a water system's operation, or an operating shift of such
19 a system, or a major segment of a system necessary for monitoring or
20 improving the quality of water. The operator shall be certified as
21 provided in RCW 70.119.050.

22 ~~((2))~~ (3) The amount of time that a certified operator shall be
23 required to be present shall be based upon the time required to
24 properly operate and maintain the public water ~~((supply))~~ system as
25 designed and constructed in accordance with RCW 43.20.050. The
26 employing or appointing officials shall designate the position or
27 positions requiring mandatory certification within their individual
28 systems and shall assure that such certified operators are responsible
29 for the system's technical operation.

1 (~~(3)~~) (4) Operators not required to be certified by this chapter
2 are encouraged to become certified on a voluntary basis."

3 **"Sec. 4.** RCW 70.119.060 and 1977 ex.s. c 99 s 6 are each amended
4 to read as follows:

5 The secretary shall further categorize all public water (~~(supply)~~)
6 systems with regard to the size, type, source of water, and other
7 relevant physical conditions affecting purification plants and
8 distribution systems to assist in identifying the skills, knowledge and
9 experience required for the certification of operators for each
10 category of such systems, to assure the protection of the public health
11 and conservation and protection of the state's water resources as
12 required under RCW 70.119.010, and to implement the provisions of the
13 state safe drinking water act in chapter 70.119A RCW. In categorizing
14 all public water systems for the purpose of implementing these
15 provisions of state law, the secretary shall take into consideration
16 economic impacts as well as the degree and nature of any public health
17 risk."

18 **"Sec. 5.** RCW 70.119.090 and 1983 c 292 s 7 are each amended to
19 read as follows:

20 Certificates shall be issued without examination under the
21 following conditions:

22 (1) Certificates shall be issued without application fee to
23 operators who, on (~~the effective date of this act~~) January 1, 1978,
24 hold certificates of competency attained under the voluntary
25 certification program sponsored jointly by the state department of
26 social and health services, health services division, and the Pacific
27 Northwest section of the American water works association.

1 (2) Certification shall be issued to persons certified by a
2 governing body or owner of a public water ((supply)) system to have
3 been the operators of a purification plant or distribution system on
4 ((the effective date of this chapter)) January 1, 1978, but only to
5 those who are required to be certified under RCW 70.119.030(1). A
6 certificate so issued shall be valid for operating any plant or system
7 of the same classification and same type of water source.

8 (3) A nonrenewable certificate, temporary in nature, may be issued
9 to an operator for a period not to exceed twelve months to fill a
10 vacated position required to have a certified operator. Only one such
11 certificate may be issued subsequent to each instance of vacation of
12 any such position."

13 "Sec. 6. RCW 70.119.100 and 1987 c 75 s 11 are each amended to
14 read as follows:

15 The issuance and renewal of a certificate shall be subject to the
16 following conditions:

17 (1) Except as provided in RCW 70.119.090, a certificate shall be
18 issued if the operator has satisfactorily passed a written examination,
19 has paid the department an application fee as established by the
20 department under RCW ((43.20B.110)) 43.70.110, and has met the
21 requirements specified in the rules and regulations as authorized by
22 this chapter.

23 (2) ((The terms for all certificates shall be for one year from the
24 date of issuance.)) Every certificate shall be renewed annually upon
25 the payment of a fee as established by the department under RCW
26 ((43.20B.110)) 43.70.110 and satisfactory evidence is presented to the
27 secretary that the operator has fulfilled the continuing education
28 requirements as prescribed by rule of the department.

1 (3) The secretary shall notify operators who fail to renew their
2 certificates before the end of the ((certificate)) year that their
3 certificates are temporarily valid for two months following the end of
4 the certificate year. Certificates not renewed during the two month
5 period shall be invalid and the secretary shall so notify the holders
6 of such certificates.

7 (4) An operator who has failed to renew a certificate pursuant to
8 the provisions of this section, may reapply for certification and the
9 secretary may require the operator to meet the requirements established
10 for new applicants."

11 "Sec. 7. RCW 70.119.110 and 1983 c 292 s 9 are each amended to
12 read as follows:

13 The secretary may, with the recommendation of the board and after
14 hearing before the same, revoke a certificate found to have been
15 obtained by fraud or deceit; or for gross negligence in the operation
16 of a purification plant or distribution system; or for an intentional
17 violation of the requirements of this chapter or any lawful rules,
18 order, or regulation of the department. No person whose certificate is
19 revoked under this section shall be eligible to apply for a certificate
20 for ((~~six months~~)) one year from the effective date of the final order
21 of revocation."

22 "Sec. 8. RCW 70.119.130 and 1983 c 292 s 10 are each amended to
23 read as follows:

24 ((~~On or after one year following the effective date of this act,~~))
25 Any person, including any operator or any firm, association,
26 corporation, municipal corporation, or other governmental subdivision
27 or agency who, after thirty days' written notice, operates a public
28 water ((~~supply~~)) system which is not in compliance with RCW

1 70.119.030(1), shall be guilty of a misdemeanor. Each month of such
2 operation out of compliance with RCW 70.119.030(1) shall constitute a
3 separate offense. Upon conviction, violators shall be fined an amount
4 not exceeding one hundred dollars for each offense. It shall be the
5 duty of the prosecuting attorney or the attorney general, as
6 appropriate to secure injunctions of continuing violations of any
7 provisions of this chapter or the rules and regulations adopted
8 hereunder: PROVIDED, That, except in the case of fraud, deceit, or
9 gross negligence under RCW 70.119.110, no revocation, citation or
10 charge shall be made under RCW 70.119.110 and 70.119.130 until a proper
11 written notice of violation is received and a reasonable opportunity
12 for correction has been given."

13 **SHB 1710** - S COMM AMD
14 By Committee on Energy & Utilities

15 Adopted 4/17/91 - Voice Vote

16 On page 1, line 2 of the title, after "registration;" strike the
17 remainder of the title and insert "and amending RCW 70.119.010,
18 70.119.020, 70.119.030, 70.119.060, 70.119.090, 70.119.100, 70.119.110,
19 and 70.119.130."