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**SUBSTITUTE HOUSE BILL 1710**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** House Committee on Environmental Affairs (originally sponsored by Representatives Miller, Fraser, Rust, Valle, Roland, Winsley and Dorn; by request of Department of Health).

Read first time February 26, 1991.

1 AN ACT Relating to water systems operator certification and  
2 registration; and amending RCW 70.119.010, 70.119.020, 70.119.030,  
3 70.119.060, 70.119.090, 70.119.100, 70.119.110, and 70.119.130.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.119.010 and 1983 c 292 s 1 are each amended to read  
6 as follows:

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

1       **Sec. 2.** RCW 70.119.020 and 1983 c 292 s 2 are each amended to read  
2 as follows:

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

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

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

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

16       (4) "Department" means the department of ~~((social and))~~ health  
17 ~~((services))~~.

18       ~~((4))~~ (5) "Distribution system" means that portion of a public  
19 water ~~((supply))~~ system which stores, transmits, pumps and distributes  
20 water to consumers.

21       ~~((5))~~ (6) "Ground water under the direct influence of surface  
22 water" means any water beneath the surface of the ground with:

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

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

28       (7) "Group A water system" means a system with fifteen or more  
29 service connections, regardless of the number of people; or a system  
30 serving an average of twenty-five or more people per day for sixty or

1 more days within a calendar year, regardless of the number of service  
2 connections.

3       (8) "Nationally recognized association of certification  
4 authorities" shall mean an organization which serves as an information  
5 center for certification activities, recommends minimum standards and  
6 guidelines for classification of potable water treatment plants, water  
7 distribution systems and waste water facilities and certification of  
8 operators, facilitates reciprocity between state programs and assists  
9 authorities in establishing new certification programs and updating  
10 existing ones.

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

16       (~~(7)~~) (9) "Public water ((supply)) system" means any ~~((water supply~~  
17 ~~system intended or used for human consumption or other domestic uses,~~  
18 ~~including source, treatment, storage, transmission and distribution~~  
19 ~~facilities where water is furnished to any community or group of~~  
20 ~~individuals, or is made available to the public for human consumption~~  
21 ~~or domestic use, but excluding all water supply systems serving one~~  
22 ~~single family residence)) system, excluding a system serving only one  
23 single-family residence, providing piped water for human consumption,  
24 including any collection, treatment, storage, or distribution  
25 facilities under control of the purveyor and used primarily in  
26 connection with the system; and collection or pretreatment storage  
27 facilities not under control of the purveyor but primarily used in  
28 connection with the system.~~

29       (~~(8)~~) (10) "Purification plant" means that portion of a public  
30 water ~~((supply))~~ system which treats or improves the physical, chemical

1 or bacteriological quality of the system's water to bring the water  
2 into compliance with state board of health standards.

3 ~~((+9))~~ (11) "Secretary" means the secretary of the department of  
4 ~~((social and))~~ health ~~((services))~~.

5 (12) "Service" means a connection to a public water system designed  
6 to serve a single-family residence, dwelling unit, or equivalent use.  
7 If the facility has group home or barracks-type accommodations, three  
8 persons will be considered equivalent to one service.

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

11 **Sec. 3.** RCW 70.119.030 and 1983 c 292 s 3 are each amended to read  
12 as follows:

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

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

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

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

23 (2) The certified operators shall be in charge of the technical  
24 direction of a water system's operation, or an operating shift of such  
25 a system, or a major segment of a system necessary for monitoring or  
26 improving the quality of water. The operator shall be certified as  
27 provided in RCW 70.119.050.

28 ~~((+2))~~ (3) The amount of time that a certified operator shall be  
29 required to be present shall be based upon the time required to

1 properly operate and maintain the public water ((supply)) system as  
2 designed and constructed in accordance with RCW 43.20.050. The  
3 employing or appointing officials shall designate the position or  
4 positions requiring mandatory certification within their individual  
5 systems and shall assure that such certified operators are responsible  
6 for the system's technical operation.

7 ((+3)) (4) Operators not required to be certified by this chapter  
8 are encouraged to become certified on a voluntary basis.

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

11 The secretary shall further categorize all public water ((supply))  
12 systems with regard to the size, type, source of water, and other  
13 relevant physical conditions affecting purification plants and  
14 distribution systems to assist in identifying the skills, knowledge and  
15 experience required for the certification of operators for each  
16 category of such systems.

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

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

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

27 (2) Certification shall be issued to persons certified by a  
28 governing body or owner of a public water ((supply)) system to have

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

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

11 **Sec. 6.** RCW 70.119.100 and 1987 c 75 s 11 are each amended to read  
12 as follows:

13 The issuance and renewal of a certificate shall be subject to the  
14 following conditions:

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

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

27 (3) The secretary shall notify operators who fail to renew their  
28 certificates before the end of the (~~certificate~~) year that their  
29 certificates are temporarily valid for two months following the end of

1 the certificate year. Certificates not renewed during the two month  
2 period shall be invalid and the secretary shall so notify the holders  
3 of such certificates.

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

8 **Sec. 7.** RCW 70.119.110 and 1983 c 292 s 9 are each amended to read  
9 as follows:

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

19 **Sec. 8.** RCW 70.119.130 and 1983 c 292 s 10 are each amended to  
20 read as follows:

21 (~~On or after one year following the effective date of this act,~~)  
22 Any person, including any operator or any firm, association,  
23 corporation, municipal corporation, or other governmental subdivision  
24 or agency who, after thirty days' written notice, operates a public  
25 water (~~supply~~) system which is not in compliance with RCW  
26 70.119.030(1), shall be guilty of a misdemeanor. Each month of such  
27 operation out of compliance with RCW 70.119.030(1) shall constitute a  
28 separate offense. Upon conviction, violators shall be fined an amount

1 not exceeding one hundred dollars for each offense. It shall be the  
2 duty of the prosecuting attorney or the attorney general, as  
3 appropriate to secure injunctions of continuing violations of any  
4 provisions of this chapter or the rules and regulations adopted  
5 hereunder: PROVIDED, That, except in the case of fraud, deceit, or  
6 gross negligence under RCW 70.119.110, no revocation, citation or  
7 charge shall be made under RCW 70.119.110 and 70.119.130 until a proper  
8 written notice of violation is received and a reasonable opportunity  
9 for correction has been given.