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ENGROSSED SUBSTITUTE SENATE BILL 5552

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State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Energy & Utilities (originally sponsored by Senators Barr, Madsen and Williams; by request of Department of Health).

Read first time March 1, 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 (a)  
23 significant occurrence of insects or other macroorganisms, algae, or  
24 large-diameter pathogens such as *Giardia lamblia*, or (b) significant  
25 and relatively rapid shifts in water characteristics such as turbidity,  
26 temperature, conductivity, or pH that closely correlate to  
27 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 other than a system serving fewer than fifteen single-family

1 residences, serving an average of twenty-five or more people per day  
2 for sixty or more days within a calendar year, regardless of the number  
3 of service connections.

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

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

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

1        ~~((8))~~ (10) "Purification plant" means that portion of a public  
2 water ~~((supply))~~ system which treats or improves the physical, chemical  
3 or bacteriological quality of the system's water to bring the water  
4 into compliance with state board of health standards.

5        ~~((9))~~ (11) "Secretary" means the secretary of the department of  
6 ~~((social and))~~ health ~~((services))~~.

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

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

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

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

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

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

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

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

1       (~~(2)~~) (3) The amount of time that a certified operator shall be  
2 required to be present shall be based upon the time required to  
3 properly operate and maintain the public water (~~(supply)~~) system as  
4 designed and constructed in accordance with RCW 43.20.050. The  
5 employing or appointing officials shall designate the position or  
6 positions requiring mandatory certification within their individual  
7 systems and shall assure that such certified operators are responsible  
8 for the system's technical operation.

9       (~~(3)~~) (4) Operators not required to be certified by this chapter  
10 are encouraged to become certified on a voluntary basis.

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

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

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

1 Certificates shall be issued without examination under the  
2 following conditions:

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

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

16 (3) A nonrenewable certificate, temporary in nature, may be issued  
17 to an operator for a period not to exceed twelve months to fill a  
18 vacated position required to have a certified operator. Only one such  
19 certificate may be issued subsequent to each instance of vacation of  
20 any such position.

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

23 The issuance and renewal of a certificate shall be subject to the  
24 following conditions:

25 (1) Except as provided in RCW 70.119.090, a certificate shall be  
26 issued if the operator has satisfactorily passed a written examination,  
27 has paid the department an application fee as established by the  
28 department under RCW (~~43.20B.110~~) 43.70.110, and has met the

1 requirements specified in the rules and regulations as authorized by  
2 this chapter.

3 (2) (~~The terms for all certificates shall be for one year from the~~  
4 ~~date of issuance.~~) Every certificate shall be renewed annually upon  
5 the payment of a fee as established by the department under RCW  
6 (~~43.20B.110~~) 43.70.110 and satisfactory evidence is presented to the  
7 secretary that the operator has fulfilled the continuing education  
8 requirements as prescribed by rule of the department.

9 (3) The secretary shall notify operators who fail to renew their  
10 certificates before the end of the (~~certificate~~) year that their  
11 certificates are temporarily valid for two months following the end of  
12 the certificate year. Certificates not renewed during the two month  
13 period shall be invalid and the secretary shall so notify the holders  
14 of such certificates.

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

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

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

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

3       (~~On or after one year following the effective date of this act,~~)

4 Any person, including any operator or any firm, association,  
5 corporation, municipal corporation, or other governmental subdivision  
6 or agency who, after thirty days' written notice, operates a public  
7 water ((supply)) system which is not in compliance with RCW  
8 70.119.030(1), shall be guilty of a misdemeanor. Each month of such  
9 operation out of compliance with RCW 70.119.030(1) shall constitute a  
10 separate offense. Upon conviction, violators shall be fined an amount  
11 not exceeding one hundred dollars for each offense. It shall be the  
12 duty of the prosecuting attorney or the attorney general, as  
13 appropriate to secure injunctions of continuing violations of any  
14 provisions of this chapter or the rules and regulations adopted  
15 hereunder: PROVIDED, That, except in the case of fraud, deceit, or  
16 gross negligence under RCW 70.119.110, no revocation, citation or  
17 charge shall be made under RCW 70.119.110 and 70.119.130 until a proper  
18 written notice of violation is received and a reasonable opportunity  
19 for correction has been given.