
SUBSTITUTE SENATE BILL 5885

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senator Fraser)

Read first time 03/03/99.

1 AN ACT Relating to domestic waste treatment plants and plant
2 operators; amending RCW 70.95B.080, 70.95B.090, 70.95B.095, 70.95B.100,
3 70.95B.130, and 70.95B.150; and providing an effective date.

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

5 **Sec. 1.** RCW 70.95B.080 and 1987 c 357 s 5 are each amended to read
6 as follows:

7 ~~((Certificates shall be issued without examination under the~~
8 ~~following conditions:~~

9 ~~(1) Certificates, in appropriate classifications, shall be issued~~
10 ~~without application fee to operators who, on July 1, 1973, hold~~
11 ~~certificates of competency attained by examination under the voluntary~~
12 ~~certification program sponsored jointly by the state department of~~
13 ~~social and health services, health services division, and the Pacific~~
14 ~~Northwest pollution control association.~~

15 ~~(2) Certificates, in appropriate classifications, shall be issued~~
16 ~~to persons certified by a governing body or owner to have been the~~
17 ~~operator in responsible charge of a waste treatment plant on July 1,~~
18 ~~1973. A certificate so issued will be valid only for the existing~~
19 ~~plant.~~

1 ~~(3))~~ A temporary nonrenewable certificate~~((, —temporary—in~~
2 nature,) may be issued, without the required examination, for a period
3 not to exceed twelve months, to an operator who fills a vacated
4 position required to be filled by a certified operator. Only one such
5 certificate may be issued subsequent to each instance of vacation of
6 any such position. An operator issued a temporary certificate must
7 meet the conditions as established by rule.

8 **Sec. 2.** RCW 70.95B.090 and 1987 c 357 s 6 are each amended to read
9 as follows:

10 The issuance and renewal of a certificate shall be subject to the
11 following conditions:

12 (1) A certificate shall be issued if the operator has
13 satisfactorily passed a written examination, or has met the
14 requirements of RCW ~~((70.95B.080))~~ 70.95B.130, and has met the
15 requirements specified in the rules ~~((and regulations))~~ as authorized
16 by this chapter, and has paid the department ~~((an application fee.~~
17 ~~Such application fee shall not exceed fifty dollars))~~ the required
18 certification fees.

19 (2) The term for all certificates shall be from the first of
20 January of the year of issuance until the thirty-first of December of
21 the renewal year. The renewal period, not to exceed three years, shall
22 be set by agency rule. Every certificate shall be renewed upon the
23 payment of a renewal fee and satisfactory evidence presented to the
24 director that the operator demonstrates continued professional growth
25 in the field. ~~((Such renewal fee shall not exceed thirty dollars.~~

26 ~~(3) Individuals who fail to renew their certificates before~~
27 ~~December 31 of the renewal year, upon notice by the director shall have~~
28 ~~their certificates suspended for sixty days. If, during the suspension~~
29 ~~period, the renewal is not completed, the director shall give notice of~~
30 ~~revocation to the employer and to the operator and the certificate will~~
31 ~~be revoked ten days after such notice is given. An operator whose~~
32 ~~certificate has been revoked must reapply for certification and will be~~
33 ~~requested to meet the requirements of a new applicant.))~~

34 (3) The director shall notify individuals who fail to renew their
35 certificates by December 31st that their certificates expire the last
36 day of February, and shall notify the owners of the wastewater
37 treatment plants last known to employ those individuals. An operator
38 whose certificate is invalid and who wishes to become certified must

1 reapply for certification and must meet the requirements of a new
2 applicant.

3 **Sec. 3.** RCW 70.95B.095 and 1987 c 357 s 9 are each amended to read
4 as follows:

5 ~~((Effective January 1, 1988))~~ To support the wastewater operator
6 certification program, the department shall establish rules for the
7 collection of fees for ~~((the issuance and renewal of certificates as~~
8 ~~provided for in RCW 70.95B.090. Beginning January 1, 1992, these fees~~
9 ~~shall be sufficient to recover the costs of the certification~~
10 ~~program.))~~ wastewater treatment plant operators and for wastewater
11 treatment plants. Fees shall be established in amounts to recover
12 expenses incurred by the department in administering the wastewater
13 operator certification program. No wastewater treatment plant annual
14 certification program fee shall be less than the annual renewal fee for
15 certified operators.

16 **Sec. 4.** RCW 70.95B.100 and 1995 c 269 s 2903 are each amended to
17 read as follows:

18 The director may, after conducting a hearing, revoke a certificate
19 found to have been obtained by fraud or deceit, or for gross negligence
20 in the operation of a waste treatment plant, or for violating the
21 requirements of this chapter or any lawful rule, order or regulation of
22 the department. No person whose certificate is revoked under
23 provisions of this section shall be eligible to apply for a certificate
24 for a minimum of one year from the effective date of this final order
25 or revocation.

26 **Sec. 5.** RCW 70.95B.130 and 1973 c 139 s 13 are each amended to
27 read as follows:

28 ~~((On or after July 1, 1973,))~~ Current and valid certification of
29 wastewater treatment plant operators issued by any state which~~((, as~~
30 ~~determined by the director,))~~ accepts certifications made or
31 certification requirements deemed satisfied pursuant to the provisions
32 of this chapter, shall be accorded reciprocal treatment and shall be
33 recognized as valid and sufficient evidence of wastewater treatment
34 plant operating competence within the purview of this chapter, if in
35 the judgment of the director the certification requirements of such
36 state are substantially equivalent to the requirements of this chapter

1 ~~((or))~~ and any rules ~~((or regulations))~~ promulgated hereunder. Such
2 operators may be granted wastewater treatment plant operator
3 certificates in an appropriate grade upon receipt of a completed
4 application accompanied by payment of required fees.

5 In making determinations pursuant to this section, the director
6 ~~((shall consult with the board and))~~ may consider any generally
7 applicable criteria and guidelines developed by the nationally
8 recognized association of certification authorities.

9 **Sec. 6.** RCW 70.95B.150 and 1973 c 139 s 15 are each amended to
10 read as follows:

11 The wastewater operator certification account is created in the
12 general fund of the state treasury. All ~~((receipts realized in the~~
13 administration of this chapter)) fees paid in accordance with this
14 chapter, and any other receipts, shall be ~~((paid))~~ deposited into the
15 ~~((general fund))~~ account. Moneys in the account may be spent only
16 after appropriation. The department shall use moneys from the account
17 to carry out the purposes of the wastewater operator certification
18 program.

19 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2000.
20 Before January 1, 2000, the department of ecology shall adopt the rules
21 necessary to implement this act.

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