
SENATE BILL 5885

State of Washington

56th Legislature

1999 Regular Session

By Senator Fraser

Read first time 02/15/1999. Referred to Committee on Environmental Quality & Water Resources.

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

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 nonrenewable certificate, temporary in nature, may be
2 issued for a period not to exceed twelve months, to an operator who
3 fills a vacated position required to be filled by a certified operator.
4 Only one such certificate may be issued subsequent to each instance of
5 vacation of any such position. An operator issued a temporary
6 certificate must meet the conditions as established by rule.

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

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

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

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

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31 ~~certificate has been revoked must reapply for certification and will be~~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

33 (3) The director shall notify individuals who fail to renew their
34 certificates by December 31st that their certificates are temporarily
35 valid for two months. Certificates not renewed during the two-month
36 period, which ends the last day of February, are invalid, and the
37 director shall notify the holder of those certificates and the owners
38 of the wastewater treatment plants last known to employ those

1 individuals. An operator whose certificate is invalid and who wishes
2 to become certified must reapply for certification and must meet the
3 requirements of a new applicant.

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

6 ((Effective January 1, 1988)) To support the wastewater operator
7 certification program, the department shall establish rules for the
8 collection of fees ((for the issuance and renewal of certificates as
9 provided for in RCW 70.95B.090. Beginning January 1, 1992, these fees
10 shall be sufficient to recover the costs of the certification
11 program.)) through a schedule of fees for wastewater treatment plant
12 operators and a separate schedule of certification program fees for
13 wastewater treatment plants. Fees shall be established in amounts to
14 recover expenses incurred by the department in administering the
15 wastewater operator certification program. The annual certification
16 fee paid by a wastewater treatment plant shall be determined by the
17 number of residences or residential equivalents contributing to the
18 wastewater treatment system. For the purposes of this section,
19 "residential equivalent" means a single-family residence or a unit of
20 sewer service that yields an amount of gross revenue equal to the
21 average annual user charge for a single-family residence. If the
22 treatment plant owner agency does not maintain data on any combination
23 of gross revenue, user charges, or the number of single-family
24 residences being served, "residential equivalent" means an average
25 influent flow rate of two hundred fifty gallons per day. If residences
26 or residential equivalents cannot be determined or reasonably
27 estimated, fees shall be based upon other appropriate criteria. The
28 wastewater treatment plant certification fee shall be calculated as six
29 and sixty-five one-thousandths of a cent per year per residential
30 equivalent, except that no wastewater treatment plant annual
31 certification program fee shall be less than the annual renewal fee for
32 certified operators. Before the adoption of rules under chapter . . . ,
33 Laws of 1999 (this act), the department shall continue to collect fees
34 for the issuance and renewal of certificates under the fee schedule
35 existing at the time of enactment of chapter . . . , Laws of 1999 (this
36 act).

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

3 The director may, after conducting a hearing, revoke a certificate
4 found to have been obtained by fraud or deceit, or for gross negligence
5 in the operation of a waste treatment plant, or for violating the
6 requirements of this chapter or any lawful rule, order or regulation of
7 the department. No person whose certificate is revoked under
8 provisions of this section shall be eligible to apply for a certificate
9 for a minimum of one year from the effective date of this final order
10 or revocation.

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

13 (~~On or after July 1, 1973,~~) Current and valid certification of
14 wastewater treatment plant operators by any state which, as determined
15 by the director, accepts certifications made or certification
16 requirements deemed satisfied pursuant to the provisions of this
17 chapter, shall be accorded reciprocal treatment and shall be recognized
18 as valid and sufficient evidence of wastewater treatment plant
19 operating competence within the purview of this chapter, if in the
20 judgment of the director the certification requirements of such state
21 are substantially equivalent to the requirements of this chapter or any
22 rules or regulations promulgated hereunder. Such operators may be
23 granted wastewater treatment plant operator certificates in an
24 appropriate grade upon receipt of a completed application accompanied
25 by payment of appropriate fees.

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

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

32 The wastewater operator certification account is created in the
33 general fund of the state treasury. All (~~receipts realized in the~~
34 ~~administration of this chapter~~) fees paid in accordance with this
35 chapter, and any other receipts, shall be (~~paid~~) deposited into the
36 (~~general fund~~) account. Moneys in the account may be spent only
37 after appropriation. The department shall use moneys from the account

- 1 to carry out the purposes of the wastewater operator certification
- 2 program.

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