S-4080.3

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**SUBSTITUTE SENATE BILL 6325**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Energy, Environment & Technology (originally sponsored by Senators McCoy, Palumbo, Takko, Hunt, Chase, and Sheldon; by request of Department of Ecology)

AN ACT Relating to wastewater operator certifications; and amending RCW 70.95B.090 and 70.95B.095.

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

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

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

(1) A certificate shall be issued if the operator has satisfactorily passed a written examination, or has met the requirements of RCW 70.95B.080, and has met the requirements specified in the rules and regulations as authorized by this chapter, and has paid the department an application fee as established by the department under RCW 70.95B.095. ((~~Such application fee shall not exceed fifty dollars.~~))

(2) The term for all certificates shall be from the first of January of the year of issuance until the thirty-first of December of the renewal year. The renewal period, not to exceed three years, shall be set by agency rule. Every certificate shall be renewed upon the payment of a renewal fee as established by the department under RCW 70.95B.095 and satisfactory evidence presented to the director that the operator demonstrates continued professional growth in the field. ((~~Such renewal fee shall not exceed thirty dollars.~~))

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 An operator whose certificate has been revoked must reapply for certification and will be requested to meet the requirements of a new applicant.

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

((~~Effective January 1, 1988,~~)) (1)(a) The department shall establish ((~~rules for the collection of~~)) and collect fees for the issuance and renewal of wastewater treatment plant operator certificates as provided for in RCW 70.95B.090. ((~~Beginning January 1, 1992, these fees shall be sufficient to recover the costs of the~~))

(b) The department, with the advice of an advisory committee, shall establish an initial fee schedule by rule. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department to administer the wastewater operator certification program, to include evaluating applications necessary to verify compliance with certification requirements, maintaining and administering credible examinations, ensuring operators receive necessary training, outreach, and technical assistance, enforcing certification program requirements, providing necessary education and training to program staff, and supporting the overhead expenses related to administering the wastewater operator certification program.

(c) The department shall conduct a workload analysis to determine a biennial budget estimate for the wastewater treatment plant operator certification program each biennium. The workload analysis must determine fees sufficient to recover the costs of expenses incurred by the department to administer the wastewater operator certification program.

(2) Thereafter, the department shall assess and collect fees from all wastewater treatment plant operators at a level that fully recovers the costs identified in its biennial operating budget.

(3) If fee increases above the state's fiscal growth factor are proposed, due to an expansion of the wastewater operator certification program, the department must submit a report to the legislature describing the need for the increase.

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