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**SUBSTITUTE HOUSE BILL 2298**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** House Environment (originally sponsored by Representatives Halpern, Fitzgibbon, Dolan, Fey, Hudgins, McBride, Stanford, and Ormsby; by request of Department of Ecology)

READ FIRST TIME 01/22/18.

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

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

4       **Sec. 1.** RCW 70.95B.090 and 1987 c 357 s 6 are each amended to  
5 read as follows:

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

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

15       (2) The term for all certificates shall be from the first of  
16 January of the year of issuance until the thirty-first of December of  
17 the renewal year. The renewal period, not to exceed three years,  
18 shall be set by agency rule. Every certificate shall be renewed upon  
19 the payment of a renewal fee as established by the department under  
20 RCW 70.95B.095 and satisfactory evidence presented to the director

1 that the operator demonstrates continued professional growth in the  
2 field. (~~Such renewal fee shall not exceed thirty dollars.~~)

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9 operator whose certificate has been revoked must reapply for  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

12 **Sec. 2.** RCW 70.95B.095 and 1987 c 357 s 9 are each amended to  
13 read as follows:

14 (~~Effective January 1, 1988,~~) (1) The department shall establish  
15 (~~rules for the collection of~~) and collect fees for the issuance and  
16 renewal of wastewater treatment plant operator certificates as  
17 provided for in RCW 70.95B.090. (~~Beginning January 1, 1992, these~~  
18 fees shall be sufficient to recover the costs of the) The  
19 department, with the advice of an advisory committee, shall establish  
20 an initial fee schedule by rule. Fees shall be established in amounts  
21 to fully recover and not to exceed expenses incurred by the  
22 department to administer the wastewater operator certification  
23 program, to include evaluating applications necessary to verify  
24 compliance with certification requirements, maintaining and  
25 administering credible examinations, ensuring operators receive  
26 necessary training, outreach, and technical assistance, enforcing  
27 certification program requirements, providing necessary education and  
28 training to program staff, and supporting the overhead expenses  
29 related to administering the wastewater operator certification  
30 program.

31 (2) Once the initial fee schedule is adopted by rule, the  
32 department shall conduct a workload analysis and prepare a biennial  
33 budget estimate for the wastewater treatment plant operator  
34 certification program. Thereafter, the department shall assess and  
35 collect fees from all wastewater treatment plant operators at a level  
36 that fully recovers the costs identified in its biennial operating  
37 budget.

38 (3) If fee increases above the state's fiscal growth factor are  
39 proposed, due to an expansion of the wastewater operator

1 certification program, the department must submit a report to the  
2 legislature describing the need for the increase.

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