

Chapter 246-292 WAC

WATER WORKS OPERATOR CERTIFICATION

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-292-030	Certification board. [Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-030, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-040, filed 9/22/78.] Repealed by 96-19-041, filed 9/12/96, effective 10/13/96. Statutory Authority: RCW 43.70.040.
246-292-120	Purpose. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-120, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 82-24-070 (Order 1917), § 248-55-210, filed 12/1/82.] Repealed by 94-04-004, filed 1/20/94, effective 2/20/94. Statutory Authority: Chapter 70.119 RCW.
246-292-130	Notice of decision—Adjudicative proceeding. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-130, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW, RCW 34.05.220 (1)(a) and 70.119.050. 90-06-019 (Order 039), § 248-55-220, filed 2/28/90, effective 3/1/90. Statutory Authority: RCW 70.119.050. 82-24-070 (Order 1917), § 248-55-220, filed 12/1/82.] Repealed by 94-04-004, filed 1/20/94, effective 2/20/94. Statutory Authority: Chapter 70.119 RCW.
246-292-140	Certificate denial—Adjudicative procedure. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-140, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW, RCW 34.05.220 (1)(a) and 70.119.050. 90-06-019 (Order 039), § 248-55-235, filed 2/28/90, effective 3/1/90.] Repealed by 94-04-004, filed 1/20/94, effective 2/20/94. Statutory Authority: Chapter 70.119 RCW.
246-292-150	Certificate suspension, modification, or revocation—Adjudicative procedure. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-150, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW, RCW 34.05.220 (1)(a) and 70.119.050. 90-06-019 (Order 039), § 248-55-240, filed 2/28/90, effective 3/1/90. Statutory Authority: RCW 70.119.050. 82-24-070 (Order 1917), § 248-55-240, filed 12/1/82.] Repealed by 94-04-004, filed 1/20/94, effective 2/20/94. Statutory Authority: Chapter 70.119 RCW.
246-292-170	Severability. [Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-170, filed 1/20/94, effective 2/20/94.] Repealed by 01-02-070, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119

WAC 246-292-001 Purpose. Pursuant to the provisions of chapter 70.119 RCW, the purpose of this chapter is to protect public health by setting minimum requirements and standards for public water system operation and certification of operators in responsible charge of public water systems. Certification under this chapter is available to all operators who can meet the minimum qualifications of a given classification.

[Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-001, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-001, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-010, filed 9/22/78.]

WAC 246-292-010 Definitions. Abbreviations and acronyms:

- BAT - Backflow assembly tester;
 - BTO - Basic treatment operator;
 - CCS - Cross connection control specialist;
 - GW1 - Groundwater under the direct influence of surface water;
 - NTNC - Nontransient noncommunity;
 - OIT - Operator-in-training;
 - SMA - Satellite management agency;
 - TNC - Transient noncommunity;
 - WAC - Washington Administrative Code;
 - WDM - Water distribution manager;
 - WDS - Water distribution specialist;
 - WTPO - Water treatment plant operator;
- "Available" means based on system size, complexity, and source water quality, a certified operator must be on-site or able to be contacted as needed to initiate the appropriate action in a timely manner.

"Certificate" means a certificate of competency issued by the department stating that the operator has met the requirements for the specified operator classification of the certification program.

"Certified operator" means a person who has met the applicable requirements of this chapter and holds a valid certificate.

"Complex filtration technology" means conventional, direct, in-line or diatomaceous earth filtration.

"Community water system" means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or

more days within a calendar year, regardless of the number of people, or regularly serving twenty-five year-round (i.e., more than one hundred eighty days per year) residents. Examples of a community water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.

"Continuing education unit (CEU)" means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction and qualified instruction. Forty-five relevant CEUs equals forty-five relevant college quarter credits or thirty relevant college semester credits as determined by the department.

"Contract operator" means a person in charge of the daily operational activities of three or more public water systems.

"Cross connection control program" means the administrative and technical procedures the owner implements to protect the public water system from contamination via cross-connections as required in WAC 246-290-490.

"Department" means the Washington state department of health, through the secretary of health or the secretary's designee.

"Distribution system" means all piping components of a public water system that serves to convey water from transmission mains linked to source, storage and treatment facilities to the consumer excluding individual services.

"Grandparenting" means the exemption for the existing operator in responsible charge from meeting the initial education, experience and examination requirements for the class of certification the system has been assigned.

"Gross negligence" means an act or omission performed or not performed in reckless disregard of a legal duty, or without even slight care. In considering whether an act or omission constitutes gross negligence, the department shall consider all relevant factors including, but not limited to:

- (1) The standard of care commonly exercised by operators;
- (2) Whether the legal duty was known or should have been known to the alleged violator; and
- (3) The degree to which the alleged violation endangered public health.

"Groundwater under the direct influence of surface water (GWI)" means any water beneath the surface of the ground with:

Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*; or

Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water condition.

"Group A water system" means a public water system providing service such that it meets the definition of a public water system provided in the 1996 amendments to the federal Safe Drinking Water Act (Public Law 104-182, Section 101, subsection b). Group A water systems are further defined as community and noncommunity water systems (see other definitions).

"Group B water system" means a public water system with less than fifteen residential connections and serving:

An average of less than twenty-five people per day for sixty or more days within a calendar year; or

Any number of people for less than sixty days within a calendar year.

"Nationally recognized association of certification authorities" means an organization that:

- Serves as an information center for certification activities;
- Recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems, wastewater facilities and certification of operators;
- Facilitates reciprocity between state programs; and
- Assists authorities in establishing new and updating existing certification programs.

"Noncommunity water system" means a Group A water system that is not a community water system. Noncommunity water systems are further defined as nontransient noncommunity (NTNC) and transient noncommunity (TNC).

"Nontransient noncommunity water system (NTNC)" means a Group A water system that provides service to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year. Examples of a NTNC water system include a school or day care center, or a business, factory, motel or restaurant with twenty-five or more employees on-site.

"Owner" means any agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that holds as property, a public water system.

"Operating experience" means the routine on-site performance of duties in a water purification plant or distribution system. Those duties affect plant or system performance and/or water quality.

"Operating shift" means that period of time during which operator decisions are made and actions are taken that will directly impact water quality and/or quantity of drinking water.

"Professional growth reporting period" means a designated time period of not less than three years, in which a certified operator shall demonstrate professional growth.

"Public water system" means any system providing water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm. The term includes:

- Collection, treatment, storage, and/or distribution facilities under control of the owner and used primarily in connection with such systems; and
- Collection or pretreatment storage facilities not under control of the owner, but primarily in connection with such system.

"Purification plant" means that portion of a public water system that treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards. Unit processes installed to perform water filtration, ion exchange, electro dialysis, reverse osmosis, or iron and manganese

removal shall be included within the scope of the term purification plant. Unit processes installed to allow in-line fluoridation, in-line chlorination, or chemical addition to inhibit corrosion are not included within the scope of the term purification plant.

"Relevant water system training" means training that:

- (1) Is approved by the department;
- (2) Has an influence on water quality, water supply, or public health protection; and
- (3) Is directly related to the operation, or maintenance of a water system; or
- (4) Is directly related to managing the operation or maintenance of a water system. Examples of acceptable management training include drinking water regulatory compliance, capacity development, rate setting, financial viability, water system security, and responding to drinking water emergencies.

"Responsible charge" means the operator(s) designated by the owner to be the certified operator(s) who makes the decisions regarding the daily operational activities of a public water system, water treatment facility and/or distribution system that will directly impact water quality and/or quantity of drinking water including, but not limited to, decisions concerning process control and system integrity.

"Satellite management agency (SMA)" means a person or entity that is approved by the department to own or operate public water systems on a regional or county-wide basis without the necessity for a physical connection between such systems.

"Service connection" means a connection to a public water system designed to provide water to a single family residence, or other residential or nonresidential population.

"Significant noncomplier" means a system that is violating or has violated department rules, and the violation may create, or has created an imminent or a significant risk to human health. Such violations include, but are not limited to, repeated violations of monitoring requirements, failure to address an exceedance of permissible levels of regulated contaminants, or failure to comply with treatment technique standards or requirements.

"Transient noncommunity (TNC)" means a Group A water system that serves:

- Twenty-five or more different people each day for sixty or more days within a calendar year; or
- Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within the calendar year.

"Validated exam" means an exam that is independently reviewed by subject matter experts to ensure that the exam is based on a job analysis and related to the classification of the system or facility.

[Statutory Authority: Chapter 70.119 RCW, 05-06-122, § 246-292-010, filed 3/2/05, effective 4/2/05. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-010, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW, 94-04-004, § 246-292-010, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-292-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050, 78-10-053 (Order 1343), § 248-55-020, filed 9/22/78.]

(11/22/05)

WAC 246-292-020 General system requirements. (1)

The following public water systems shall designate the certified operator(s) in responsible charge of the daily operational activities of the public water system, water treatment facility, and/or distribution system that will directly impact water quality and/or quantity of drinking water as required under WAC 246-292-050:

- (a) Group A community or nontransient noncommunity (NTNC) systems; and
 - (b) Group A transient noncommunity (TNC) systems classified as significant noncompliers (SNCs); and
 - (c) Group A transient noncommunity (TNC) systems using a surface water or GWI source.
- (2) Operator certification requirement. Operators in responsible charge of the following public water systems or portions thereof shall be certified:
- (a) Group A community and nontransient noncommunity (NTNC) systems;
 - (b) Group A transient noncommunity (TNC) systems classified as significant noncompliers (SNCs); and
 - (c) Group A transient noncommunity (TNC) systems using a surface water or GWI source.
- (3) A designated certified operator shall be in responsible charge and available for each operating shift.

[Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-020, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW, 94-04-004, § 246-292-020, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-292-020, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050, 78-10-053 (Order 1343), § 248-55-030, filed 9/22/78.]

WAC 246-292-031 Certified operator duties. (1)

The certified operator shall operate the public water system with due care and diligence for protecting public health and shall abide by applicable state and federal drinking water laws and regulations.

(2) The certified operator shall operate the water system consistent with experience and training appropriate to their level of certification.

(3) The certified operator shall perform his or her duties in accordance with this section. Failure to do so may threaten public health and safety which could result in the suspension or revocation of his or her certification.

[Statutory Authority: Chapter 70.119 RCW, 05-06-122, § 246-292-031, filed 3/2/05, effective 4/2/05.]

WAC 246-292-040 Classification of public water systems. (1)

The department shall classify purification plants according to the Association of Boards of Certification's "*Purification Plant Criteria*" and set forth in the *Water Works Certification Program Guideline* (guideline). Copies of the guideline are available on request by contacting the Department of Health, Drinking Water Division, Water Works Certification Program P.O. Box 47822, Olympia, Washington 98504-7822.

(2) The department shall classify distribution systems into groups as follows:

Classification	Population Served*
Group S	less than 251
Group 1	251 to 1,500

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Classification	Population Served*
Group 2	1,501 to 15,000
Group 3	15,001 to 50,000
Group 4	greater than 50,000

* If the population served is not known, apply this formula: Number of Service Connections x 2.5 = Population Served

[Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-040, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-040, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-050, filed 9/22/78.]

WAC 246-292-050 Minimum certification requirements for public water systems. (1) Owners shall have at least one certified operator in responsible charge of the daily operational activities of their system as follows:

(a) A water treatment plant operator (WTPO) shall be responsible for the operation of:

- (i) A purification plant with a Class 2 rating or higher;
- (ii) Any purification plant using complex filtration technology; or
- (iii) Any unfiltered Group A surface water or GWI system with one hundred or more services in use at any one time.

(b) A basic treatment operator (BTO) shall be responsible for the operation of:

- (i) A public water system with a Class 1 purification plant rating; or
- (ii) An unfiltered Group A surface water or GWI system with less than one hundred services in use at any one time.

(c) A water distribution manager (WDM) shall be responsible for the operation of a Group A water system:

- (i) Serving a population greater than two hundred fifty people.
- (ii) A Class 2 purification plant rating or higher; or
- (iii) Any purification plant using complex filtration technology.

(d) A water distribution specialist (WDS) shall be responsible for the operation of:

- (i) Group A community or NTNC water systems serving a population of two hundred fifty people or less.
- (ii) Group A TNC systems classified as significant non-compliers (SNCs) and not required to provide treatment other than simple disinfection if serving a population of two hundred fifty people or less.

(2) Owners required to develop a cross-connection control program in accordance with WAC 246-290-490 shall ensure that a cross-connection control specialist (CCS) is responsible for:

- (a) The system's cross-connection control program;

(b) Initial inspection of premises served by the system, for cross-connections; and

(c) Periodic reinspection of premises served by the system, for cross-connections.

(3) Owners shall ensure that a backflow assembly tester (BAT) is responsible for inspecting, testing, and monitoring backflow prevention assemblies in accordance with WAC 246-290-490.

(4) A WTPO and WDM shall be certified at a level equal to or higher than the water system's classification rating assigned by the department in accordance with WAC 246-292-040.

(5) The certified operator in responsible charge of each operating shift shall be certified at a minimum of one level lower than the classification of the purification plant or distribution system.

[Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-050, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-050, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-050, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-060, filed 9/22/78.]

WAC 246-292-055 Minimum requirements for contract operators. (1) Contract operators in responsible charge of the daily operational activities of three or more public water systems for operation of a system shall be certified as follows:

(a) At a minimum, a WDM and CCS, with the WDM level determined by the largest public water system operated;

(b) A BTO for public water systems with a Class 1 purification plant rating; and

(c) A WTPO for public water systems with a Class 2 purification plant rating or higher or any purification plant using complex filtration technology.

(2) Contract operators shall be available on a twenty-four-hour per day basis.

(3) Contract operators shall submit two copies of all signed operations contracts to the department within thirty days of the effective date.

(4) Contract operators who are satellite management agencies (SMAs) shall also comply with the provisions of RCW 70.116.134.

[Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-055, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-055, filed 1/20/94, effective 2/20/94.]

WAC 246-292-060 Minimum education and experience requirements for water works operators. Minimum education and operating experience requirements for the following water works operator classifications and levels shall be as indicated in Tables 1A and 1B:

Table 1A
MINIMUM EDUCATION AND OPERATING EXPERIENCE REQUIREMENTS

WATER WORKS OPERATOR CLASSIFICATIONS	LEVEL									
	OPERATOR-IN-TRAINING OIT*		1		2		3		4	
	Education	Operating Experience	Education	Operating Experience	Education	Operating Experience	Education	Operating Experience	Education	Operating Experience

Table 1A
MINIMUM EDUCATION AND OPERATING EXPERIENCE REQUIREMENTS

Water Distribution Manager (WDM)	12 years	3 months	12 years	1 year	12 years	3 years	14 years	4 years	16 years	4 years
Water Treatment Plant Operator (WTPO)	12 years	3 months	12 years	1 year	12 years	3 years	14 years	4 years	16 years	4 years

* OIT experience may be fulfilled by three months operating experience or thirty hours of relevant water system training (three CEUs or college credits).

Table 1B

MINIMUM EDUCATION AND OPERATING EXPERIENCE REQUIREMENTS

WATER WORKS OPERATOR CLASSIFICATIONS	Education	Operating Experience
Basic Treatment Operator (BTO)	12 years	6 months
Water Distribution Specialist (WDS)	12 years	6 months
Cross-connection Control Specialist (CCS)	12 years	6 months
Backflow Assembly Tester (BAT)	NA	NA

(1) Minimum education requirement shall be the acceptable level of education, or experience which may be substituted for education as outlined in the guideline.

(2) Minimum operating experience requirement shall be the routine on-site performance of duties in a water purification plant or distribution system. Those duties shall affect plant or system performance and/or water quality.

(3) The department may allow substitutions of a person's relevant experience when the person cannot meet the formal education requirement, or vice versa in the WDM, WTPO, BTO, WDS and CCS classifications as outlined in the guideline.

[Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-060, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-060, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-060, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-070, filed 9/22/78.]

WAC 246-292-070 Application and examination. (1) Applicants for any classification of water works operator shall:

- (a) Submit a completed application, application fee and examination charge to cover the cost of a validated exam;
- (b) Meet the minimum education and operating experience criteria for the level of certification for which they are applying in accordance with WAC 246-292-060; and
- (c) Pass a validated examination.

(2) The department shall:

- (a) Ensure a validated examination is conducted at least three times annually at convenient places and times as set by the department;
- (b) Provide notice of places and times of regularly scheduled examinations; and

(c) Issue applicable certificates to applicants meeting all the conditions for certification.

(3) Applicants who fail or do not appear for their scheduled examination may reapply for a regularly scheduled examination by submitting a new application, application fee and examination charge.

[Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-070, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-070, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-070, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-080, filed 9/22/78.]

WAC 246-292-075 Reciprocity. The department may issue a certification without examination to individuals who possess a certificate from another state or province if:

(1) The applicant possesses a certificate from a state or province having substantially equivalent standards as determined by the department; and

(2) A completed application, application fee and a copy of the valid state or province certificate are submitted to the department.

[Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-075, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-075, filed 1/20/94, effective 2/20/94.]

WAC 246-292-080 System temporary operator certification. (1) The department may issue temporary certification to an operator without examination if:

(a) The public water system submits:

(i) A letter requesting temporary certification for the operator; and

(ii) The applicable fee.

(b) The operator completes and submits a certification application; and

(c) The operator meets or will meet the minimum education and operating experience requirements of the mandatory classification for the vacated position, prior to the expiration date of the temporary certification.

(2) Only one temporary certification may be issued in each instance of any position vacancy.

(3) The temporary certification shall be valid for up to twelve months.

(4) The temporary certification shall be specific to the designated system and is not transferrable to any other system or operator.

[Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-080, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-080, filed 1/20/94, effective 2/20/94. Statutory Authority:

RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-080, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-090, filed 9/22/78.]

WAC 246-292-085 Grandparenting. Operators who received a grandparented certification prior to January 1, 2001, for the minimum classification of a water system remain subject to the following:

- (1) A grandparent operator certification is site specific and nontransferrable;
- (2) A grandparented operator shall meet all certification renewal requirements under the provisions of WAC 246-292-090;
- (3) If a grandparented operator fails to renew his or her certification under WAC 246-292-090, the grandparent certification is no longer valid. To become recertified, the operator must apply for certification and meet all the requirements of a new applicant; and
- (4) If plant or distribution system classification changes to a higher level, the grandparent certification is no longer valid; and the owner and operator shall comply with chapter 246-292 WAC.

[Statutory Authority: Chapter 70.119 RCW. 05-06-122, § 246-292-085, filed 3/2/05, effective 4/2/05. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-085, filed 12/29/00, effective 1/29/01.]

WAC 246-292-090 Renewal of certificates. (1) The operator must renew his or her certificate by January 1st of each year.

(2) The department shall renew an operator's certificates when the operator:

- (a) Pays the applicable renewal fee; and
- (b) Demonstrates completion of required professional growth in accordance with subsections (3) and (4) of this section. The operator must provide evidence of professional growth acceptable to the department within the designated professional growth reporting period as described in the department guideline titled, *Water Works Certification Program Guideline*.

(3) To demonstrate professional growth, a holder of WDM, WTPO, WDS, BTO or CCS certification shall accomplish one of the following activities during each professional growth reporting period:

- (a) Accumulate a minimum of three continuing education units (CEU), or college credits for training that:
 - (i) Has an influence on water quality, water supply, or public health protection; and
 - (ii) Is directly relevant to the operation, or maintenance of a water system; or
 - (iii) Is directly relevant to managing the operation, or maintenance activities of a water system;
- (b) Advance by examination in the Washington water works operator certification program within the classifications WDM and WTPO to a level 2, 3, or 4; or
- (c) Achieve certification by examination in a different classification as shown below:
 - (i) WDM to WTPO, BTO or CCS;
 - (ii) WTPO to WDM, or CCS;
 - (iii) WDS to WDM, WTPO, BTO or CCS;
 - (iv) BTO to WDM, WTPO, WDS or CCS; or
 - (v) CCS to WDM, WTPO, BTO, or WDS.

(4) To demonstrate professional growth, a certified BAT must satisfactorily complete the department's backflow assembly tester professional growth examination during each professional growth reporting period.

(5) If an operator fails to renew his or her certificate, the department shall notify the operator by December 31st, that the certificate is temporarily valid for two months beginning January 1st.

(6) If an operator fails to renew the certificate within the two-month period, the certificate is invalid. The department shall notify the operator in writing of an invalid certificate.

(7) An operator who fails to renew his or her certification may reapply for certification, but must meet the requirements for a new applicant.

[Statutory Authority: Chapter 70.119 RCW. 05-06-122, § 246-292-090, filed 3/2/05, effective 4/2/05. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-090, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-090, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-090, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 201, Laws of 1982. 82-13-009 (Order 1823), § 248-55-110, filed 6/4/82. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-110, filed 9/22/78.]

WAC 246-292-100 Revocation and suspension. (1) The department may suspend an operator's certificate for up to a year or revoke an operator's certificate for up to five years if the operator:

- (a) Obtains a certificate by fraud or deceit;
- (b) Performs an act of gross negligence in the operation of a purification plant or a distribution system; or
- (c) Intentionally violates the requirements of this chapter or department statutes, rules or orders.

(2) Except in a case of fraud, deceit, or gross negligence, the department may not revoke or suspend a certificate under subsection (1)(c) of this section until the department notifies the operator in writing of the violation and provides an opportunity for the operator to correct the violation.

(3) A revocation or suspension action brought under this section shall be conducted in accordance with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(4) A person whose certificate is revoked may not apply for certification until the period of revocation has ended.

(5) After the revocation period has ended, a person whose certificate was revoked may reapply for certification as a new operator under WAC 246-292-070.

(6) An operator whose certificate is suspended shall continue to meet all renewal requirements in accordance with WAC 246-292-090 in order to maintain certification after the suspension period has lapsed.

[Statutory Authority: Chapter 70.119 RCW. 05-06-122, § 246-292-100, filed 3/2/05, effective 4/2/05. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-100, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-100, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-120, filed 9/22/78.]

WAC 246-292-110 Enforcement. When any Group A water system or operator is out of compliance with these regulations, the department may initiate appropriate enforce-

ment actions as authorized under chapter 70.119 and 70.119A RCW. These actions may include any one or combination of the following:

- (1) Issuance of informal letters instructing or requiring appropriate corrective measures;
- (2) Issuance of a compliance schedule;
- (3) Issuance of a departmental order;
- (4) Issuance of civil penalties for up to five thousand dollars per day per violation;
- (5) Prosecution as a criminal misdemeanor with fines up to one hundred dollars per offense;
- (6) Revocation or suspension of a license; and

(7) Other legal action by the attorney general or local prosecutor.

[Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-110, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-110, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-292-110, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. 78-10-053 (Order 1343), § 248-55-130, filed 9/22/78.]

WAC 246-292-160 Water works certification fees. (1)
Operator fees:

(a) Applicable fees are listed in Table 2 of this section;

Table 2
WATER WORKS OPERATOR FEES

OPERATOR CLASSIFICATION	APPLICATION FEE	REAPPLICATION FEE	ANNUAL RENEWAL FEE	LATE FEE
WTPO	\$87.00	\$42.00	\$42.00*	\$35.00 **
WDM	\$87.00	\$42.00	\$42.00*	\$35.00 **
WDS	\$87.00	\$42.00	\$42.00*	\$35.00 **
CCS	\$51.00	\$42.00	\$42.00*	\$35.00 **
BAT	\$51.00	\$42.00	\$42.00*	\$35.00
BTO	\$51.00	\$42.00	\$42.00*	\$35.00

*The annual renewal fee for a WTPO,WDM,WDS and CCS certification is thirty-five dollars regardless of the number of classifications held.

**The annual late fee for a WTPO, WDM, WDS, and CCS certification is thirty-five dollars regardless of the number of classifications held.

(b) The department will assess a late fee to operators who fail to submit the required fee within the time period specified on the renewal form; and

(c) The fee for application for reciprocity is one hundred seventy-seven dollars per classification.

(2) Group A system fees:

(a) Applicable fees are listed as indicated in Table 3 of this section.

(4) Fees required under this chapter must be paid by check or money order made payable to the department of health and mailed to the department at P.O. Box 1099, Olympia, Washington 98507-1099.

[Statutory Authority: RCW 43.70.250 and 70.119.160. 05-23-152, § 246-292-160, filed 11/22/05, effective 12/23/05; 04-12-123, § 246-292-160, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 43.70.250, 43.20B.020, and 70.119.160. 03-13-028, § 246-292-160, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.250 and 70.119.160. 02-01-065, § 246-292-160, filed 12/14/01, effective 1/14/02. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-160, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 43.70.250. 00-02-015, § 246-292-160, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-292-160, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.20B.020. 98-12-015, § 246-292-160, filed 5/22/98, effective 6/22/98. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-160, filed 1/20/94, effective 2/20/94.]

Table 3

ANNUAL SYSTEM CERTIFICATION FEES

SYSTEM SIZE* (Number of Equivalent Services)	SYSTEM FEE
Less than 601 Services	\$132.00
601 through 6,000 Services	\$403.00
6,001 through 20,000 Services	\$536.00
More than 20,000 Services	\$809.00

* Systems designated by the department as approved satellite management agencies (SMAS) shall pay a fee based on total services in all systems owned by the SMA.

(b) A Group A system must pay the fee in Table 3 in conjunction with the system's annual operating permit fee required in chapter 246-294 WAC.

(c) The department will assess a late fee against any system that fails to submit its fees to the department within the designated time period. The late fee is based on the water system's classification and is equal to ten percent of the system fee in Table 3 or thirty-five dollars, whichever is greater.

(d) The system fee for issuance of a temporary certification shall be eighty-seven dollars for each temporary position.

(3) Fees are nonrefundable and transfers of fees are not allowable.