

## CHAPTER 139

[House Bill No. 381]

DOMESTIC WASTE TREATMENT PLANTS--OPERATORS--  
CERTIFICATION--REGULATION

AN ACT Relating to the certification and regulation of operators responsible for the operation of domestic waste treatment plants; adding a new chapter to Title 43 RCW; providing penalties; declaring an emergency; and making an effective date.

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

NEW SECTION. Section 1. The legislature declares that competent operation of waste treatment plants plays an important part in the protection of the environment of the state and therefore it is of vital interest to the public. In order to protect the public health and to conserve and protect the water resources of the state, it is necessary to provide for the classifying of all domestic wastewater treatment plants; to require the examination and certification of the persons responsible for the supervision and operation of such systems; and to provide for the promulgation of rules and regulations to carry out this chapter.

NEW SECTION. Sec. 2. As used in this chapter unless context requires another meaning:

(1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) "Board" means the water and wastewater operator certification board of examiners established by section 7 of this 1973 act.

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

(5) "Waste treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

(6) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person on-site in responsible charge of the actual operation of a waste treatment plant.

(7) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

NEW SECTION. Sec. 3. As provided for in this chapter, the operator in responsible charge of the day-to-day operation of a waste treatment plant shall be certified. When a waste treatment plant is normally operated for more than one shift, the man responsible for each shift operation shall also be certified. Operating personnel not required to be certified by this chapter are encouraged to become certified hereunder on a voluntary basis.

NEW SECTION. Sec. 4. The director, with the approval of the board, shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of waste treatment plants.

NEW SECTION. Sec. 5. The director shall classify all waste treatment plants with regard to the size, type, and other conditions affecting the complexity of such treatment plants and the skill, knowledge, and experience required of an operator to supervise the operation of such facilities to protect the public health and the State's water resources.

NEW SECTION. Sec. 6. The director is authorized when taking action pursuant to sections 4 and 5 of this 1973 act to consider generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities.

NEW SECTION. Sec. 7. For the purpose of carrying out the provisions of this chapter, a board of examiners for wastewater operator certification shall be appointed. This board may serve in a common capacity for the certification of both water and wastewater plant and system operators. One member shall be named from the department of ecology, by its director to serve at his pleasure, and one member from the department of social and health services by its secretary, to serve at his pleasure, and one member who is required to employ a certified operator and who holds the position of city manager, city engineer, director of public works, superintendent of utilities, or an equivalent position who will be appointed by the governor. The governor shall also appoint two members who are operators holding a certificate of at least the second highest operator classification for wastewater plant operators established by

regulation of the director, and if authorized in a water supply system operator certification act, two members who are operators holding a certificate of at least the second highest classification for waterworks operators established pursuant to such act.

The employer representative shall be appointed for an initial one-year term and the operators for initial terms of two and three years respectively. Thereafter, the members appointed by the governor shall serve for a three-year period. Vacancies shall be filled for the remainder for an unexpired term by the appointing authorities.

This board shall assist in the development of rules and regulations, shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall recommend the issuance of revocation of certificates. The board shall determine when and where the examinations shall be held. The examination shall be held at least three times annually.

Each member appointed by the governor shall serve without compensation, but shall be reimbursed twenty-five dollars per diem for each day or portion thereof he performs assigned services as a board member, and shall be paid his necessary traveling expenses while engaged in the business of the board as prescribed in chapter 43.03 RCW as now or hereafter amended.

NEW SECTION. Sec. 8. Certificates shall be issued without examination under the following conditions:

(1) Certificates, in appropriate classifications, shall be issued without application fee to operators who, on the effective date of this 1973 act, hold certificates of competency attained by examination under the voluntary certification program sponsored jointly by the state department of social and health services, health services division, and the pacific northwest pollution control association.

(2) Certificates, in appropriate classifications, shall be issued to persons certified by a governing body or owner to have been the operator in responsible charge of a waste treatment plant on the effective date of this 1973 act. A certificate so issued will be valid only for the existing plant.

(3) A nonrenewable certificate, temporary in nature, may be issued for a period not to exceed twelve months, to an operator to fill a vacated position required to have a certified operator. Only one such certificate may be issued subsequent to each instance of vacation of any such position.

NEW SECTION. Sec. 9. 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 section 8 of this 1973 act, and has met the requirements specified in the rules and regulations as authorized by this chapter, and has paid the department an application fee of ten 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 same year. Every certificate shall be renewed annually upon the payment of a five dollar renewal fee and satisfactory evidence presented to the director that the operator demonstrates continued professional growth in the field.

(3) An individual who fails to renew the certificate before the end of certification year, upon notice by the director shall have his certificate suspended for thirty 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.

NEW SECTION. Sec. 10. The director may, with the recommendation of the board and after a hearing before the same, revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

NEW SECTION. Sec. 11. To carry out the provisions and purposes of this chapter, the director is authorized and empowered to:

(1) Enter into agreements, contracts, or cooperative arrangements, under such terms and conditions as he deems appropriate with other state, federal, or interstate agencies, municipalities, education institutions, or other organizations or individuals.

(2) Receive financial and technical assistance from the federal government and other public or private agencies.

(3) Participate in related programs of the federal government, other states, interstate agencies, or other public or private agencies or organizations.

(4) Upon request, furnish reports, information, and materials relating to the certification program authorized by this chapter to federal, state, or interstate agencies, municipalities, education institutions, and other organizations and individuals.

(5) Establish adequate fiscal controls and accounting procedures to assure proper disbursement of and accounting for funds

appropriated or otherwise provided for the purpose of carrying out the provisions of this chapter.

NEW SECTION. Sec. 12. On and after one year following the effective date of this 1973 act, it shall be unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency to operate a waste treatment plant unless the operator of the plant or system is duly certified by the director under the provisions of this chapter or any lawful rule, order, or regulation of the department. It shall also be unlawful for any person to perform the duties of an operator as defined in this chapter, or in any lawful rule, order, or regulation of the department, without being duly certified under the provisions of this chapter.

NEW SECTION. Sec. 13. On or after the effective date of this 1973 act, certification of operators by any state which, as determined by the director, accepts certifications made or certification requirements deemed satisfied pursuant to the provisions of this chapter, shall be accorded reciprocal treatment and shall be recognized as valid and sufficient within the purview of this chapter, if in the judgment of the director the certification requirements of such state are substantially equivalent to the requirements of this chapter or any rules or regulations promulgated hereunder.

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

NEW SECTION. Sec. 14. Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency violating any provisions of this chapter or the rules and regulations adopted hereunder, is guilty of a misdemeanor. Each day of operation in such violation of this chapter or any rules or regulations adopted hereunder shall constitute a separate offense. Upon conviction, violators shall be fined an amount not exceeding one hundred dollars for each offense. It shall be the duty of the prosecuting attorney or the attorney general, as appropriate, to secure injunctions of continuing violations of any provisions of this chapter or the rules and regulations adopted hereunder.

NEW SECTION. Sec. 15. All receipts realized in the administration of this chapter shall be paid into the general fund.

NEW SECTION. Sec. 16. There is added to Title 43 RCW a new chapter to read as set forth in sections 1 through 15 of this 1973 act.

NEW SECTION. Sec. 17. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the

support of the state government and its existing public institutions, and shall take effect on July 1, 1973.

Passed the House March 7, 1973.

Passed the Senate March 7, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 140

[House Bill No. 402]

ABSENTEE BALLOTS--COUNTING PROCEDURES

AN ACT Relating to the counting of absentee ballots; adding a new section to chapter 29.36 RCW; and amending section 29.36.060, chapter 9, Laws of 1965 and RCW 29.36.060.

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

Section 1. Section 29.36.060, chapter 9, Laws of 1965 and RCW 29.36.060 are each amended to read as follows:

The opening(~~(; counting)~~) and canvassing of absentee ballots cast at any primary or election, special or general, may begin on or after the tenth day (~~(after)~~) prior to such primary or election (~~(is held but)~~): PROVIDED, That the opening of the inner envelopes and actual counting of such absentee ballots shall not commence until after 8:00 o'clock p.m. on the day of the primary or election but must be completed on or before the tenth day following the primary or election: PROVIDED, That when a state general election is held, the canvassing period shall be extended to and including the fifteenth day following such election.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for counting and canvassing of absentee ballots.

The canvassing board or its duly authorized representatives shall examine the postmark, receipt mark and statement on the outer envelope containing the absentee ballot and verify that the voter's signature thereon is the same as that on the original application. The board then shall open each outer envelope postmarked or received (if not delivered by mail) not later than the primary or election day and upon which the statement has been executed according to law in such a way as not to mar the statement, and remove therefrom the inner envelope containing the ballot.

The inner envelopes shall be initialed by the canvassing board or its duly authorized representatives. The inner envelopes thus initialed must be filed by the county auditor under lock and key.