

NEW SECTION. Sec. 6. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institution, and shall take effect immediately.

Passed the House April 4, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

CHAPTER 99

[Substitute House Bill No. 327]

PUBLIC WATER SUPPLY SYSTEMS—CERTIFICATION AND REGULATION OF OPERATORS

AN ACT Relating to the certification and regulation of operators responsible for the operation of public water supply systems; adding a new chapter to Title 70 RCW; providing penalties; 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 a public water supply system is necessary for the protection of the consumers' health, and therefore it is of vital interest to the public. In order to protect the public health and conserve and protect the water resources of the state, it is necessary to provide for the classifying of all public water supply systems; 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) "Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.

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

(3) "Department" means the department of social and health services.

(4) "Distribution system" means that portion of a public water supply system which stores, transmits, pumps and distributes water to consumers.

(5) "Nationally recognized association of certification authorities" shall mean an 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 waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

(6) "Operator" means an individual employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing

officials to operate or assist in the operation of a water purification plant or distribution system.

(7) "Public water supply system" means any water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence.

(8) "Purification plant" means that portion of a public water supply system which 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.

(9) "Secretary" means the secretary of the department of social and health services.

NEW SECTION. Sec. 3. (1) All public water supply systems which serve either:

(a) One hundred services in use at any one time; or

(b) Twenty-five or more persons which are supplied from a stream, lake or other surface water supply source and which are required by law to use a water filtration system;

are required to have a certified operator designated by the employing or appointing official as the person responsible for active daily technical direction and supervision. The certified operators shall be in charge of the technical direction and supervision of a public water system's operation, or an operating shift of such a system, or a major segment of a system necessary for monitoring or improving the quality of water. The operator shall be certified as provided in section 5 of this act.

(2) The amount of time that a certified operator shall be required to be present shall be based upon the time required to properly operate and maintain the public water supply system as designed and constructed in accordance with RCW 43.20.050.

(3) Operators not required to be certified by this chapter are encouraged to become certified on a voluntary basis.

NEW SECTION. Sec. 4. Nothing in this chapter shall apply to:

(1) Industrial water supply systems which do not supply water to residences for domestic use and are under the jurisdictional requirements of the Washington Industrial Safety and Health Act of 1973, chapter 49.17 RCW, as now or hereafter amended; or

(2) The preparation, distribution, or sale of bottled water or water similarly packaged.

NEW SECTION. Sec. 5. The secretary shall adopt, with the approval of the board, such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of continued professional growth required for renewal of certification under section 10(2) of this

act, and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 6. The secretary shall further categorize all public water supply systems with regard to the size, type, source of water, and other relevant physical conditions affecting purification plants and distribution systems to assist in identifying the skills, knowledge and experience required for the certification of operators for each category of such systems.

NEW SECTION. Sec. 7. The secretary is authorized, when taking action pursuant to sections 5 and 6 of this act, to consider generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities.

NEW SECTION. Sec. 8. For the purpose of carrying out the provisions of this chapter, the membership of the water and wastewater operator certification board of examiners established under RCW 70.95B.070, shall, pursuant to RCW 70.95B.070:

- (1) Be expanded to include two waterworks operators; and
- (2) Serve in a common capacity for the certification of both water and wastewater plant and system operators.

In addition to the powers and duties in RCW 70.95B.070, the board shall assist in the development of rules and regulations implementing this chapter, shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall recommend the issuance or revocation of certificates. The board shall determine where and when the examinations shall be held. Such examinations shall be held at least three times annually.

NEW SECTION. Sec. 9. Certificates shall be issued without examination under the following conditions:

(1) Certificates shall be issued without application fee to operators who, on the effective date of this act, hold certificates of competency attained under the voluntary certification program sponsored jointly by the state department of social and health services, health services division, and the Pacific Northwest section of the American water works association.

(2) Certification shall be issued to persons certified by a governing body or owner of a public water supply system to have been the operators of a purification plant or distribution system on the effective date of this chapter but only to those who are required to be certified under section 3(1) of this act. A certificate so issued shall be conditioned to be valid only for operating the existing plant or system.

(3) A nonrenewable certificate, temporary in nature, may be issued to an operator for a period not to exceed twelve months 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. 10. The issuance and renewal of a certificate shall be subject to the following conditions:

(1) Except as provided in section 9 of this act, a certificate shall be issued if the operator has satisfactorily passed a written examination, has paid the department

an application fee of ten dollars, and has met the requirements specified in the rules and regulations as authorized by this chapter.

(2) The terms for all certificates shall be for one year from the date of issuance. Every certificate shall be renewed annually upon the payment of a five dollar renewal fee and satisfactory evidence presented to the secretary that the operator demonstrates continued professional growth in the field.

(3) The secretary shall notify operators who fail to renew their certificates before the end of the certificate year that their certificates are temporarily valid for two months following the end of the certificate year. Certificates not renewed during the two month period shall be invalid and the secretary shall so notify the holders of such certificates.

(4) An operator who has failed to renew a certificate pursuant to the provisions of this section, may reapply for certification and the secretary may require the operator to meet the requirements established for new applicants.

NEW SECTION. Sec. 11. The secretary may, with the recommendation of the board and after 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 purification plant or distribution system; or for violating the requirements of this chapter or any lawful rules, 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 the final order of revocation.

NEW SECTION. Sec. 12. To carry out the provisions and purposes of this chapter, the secretary is authorized and empowered to:

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

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

NEW SECTION. Sec. 13. On or after one year following the effective date of this act, any person, including any operator or any firm, association, corporation, municipal corporation, or other governmental subdivision or agency who, after thirty days' written notice, operates a public water supply system which is not in compliance with section 3(1) of this act, shall be guilty of a misdemeanor. Each day of such operation out of compliance with section 3(1) of this act 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: PROVIDED, That, except in the case of fraud, deceit, or gross negligence under section 11 of this act, no revocation, citation or charge shall be made under sections 11 and 13 of this act until a proper written notice of violation is received and a reasonable opportunity for correction has been given.

NEW SECTION. Sec. 14. Operators certified by any state under provisions that, in the judgment of the secretary, are substantially equivalent to the requirements of this chapter and any rules and regulations promulgated hereunder, may be issued, upon application, a certificate without examination.

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

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

NEW SECTION. Sec. 16. Sections 1 through 15 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 17. This act shall take effect on January 1, 1978.

Passed the House May 19, 1977.

Passed the Senate May 16, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

CHAPTER 100

[House Bill No. 376]

PACIFIC OFFSHORE FISHERIES—STATE REGULATIONS

AN ACT Relating to fisheries compacts; and amending section 75.40.050, chapter 12, Laws of 1955 and RCW 75.40.050.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 75.40.050, chapter 12, Laws of 1955 and RCW 75.40.050 are each amended to read as follows:

In the event the compact set forth in RCW 75.40.030 becomes effective, the director shall have the power and he is hereby authorized from time to time to make, adopt, amend and promulgate, governing offshore fishing in the Pacific Ocean by citizens of this state, rules and regulations, prohibiting wastage of food or shellfish, establishing open and closed season for all fishing, designating areas open or closed to fishing, setting minimum and maximum sizes of fish and shellfish that may be taken, declaring the kinds of food or shellfish that may be used for bait, and regulating fishing gear to be used as to mesh, size and length of nets and number, length and size of line and hooks(~~(-PROVIDED, That no rule or regulation shall be issued governing the conduct of citizens of this state unless like rules or regulations or statutes have been made or will become effective jointly as to the citizens of the states of Oregon and California))~~ : PROVIDED, HOWEVER, That the Washington department of fisheries may adopt regulations for the waters west of the coast of the state of Washington that are consistent with the regulations adopted by the United States department of commerce for the waters three miles to two hundred miles west of the coast of the state of Washington pursuant to the National Fisheries Conservation and Management Act.

Passed the House May 19, 1977.

Passed the Senate May 18, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.