

(11) Street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation;

(12) Underground utilities transmission lines;

(13) Water mains, hydrants and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services;

(14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof;

(15) Roadbeds, trackage, signalization, storage facilities for rolling stock, overhead and underground wiring, and any other stationary equipment reasonably necessary for the operation of an electrified public street-car line; and

(16) Programs of aquatic plant control, lake or river restoration, or water quality enhancement. Such programs shall identify all the area of any lake or river which will be improved and shall include the adjacent waterfront property specially benefited by such programs of improvements. Assessments may be levied only on waterfront property including any waterfront property owned by the department of natural resources or any other state agency. Notice of an assessment on a private leasehold in public property shall comply with provisions of chapter 79.44 RCW. Programs under this subsection shall extend for a term of not more than five years.

Passed the House April 23, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 292

[Substitute House Bill No. 548]

PUBLIC WATER SUPPLY SYSTEMS—REVISIONS

AN ACT Relating to public water supply systems; amending section 1, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.010; amending section 2, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.020; amending section 3, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.030; amending section 5, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.050; amending section 7, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.070; amending section 8, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.080; amending section 9, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.090; amending section 10, chapter 99, Laws of 1977 ex. sess. as amended by section 13, chapter 201, Laws of 1982 and RCW 70.119.100; amending section 11, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.110; and amending section 13, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.130.

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

Sec. 1. Section 1, chapter 99, Laws of 1977 ex. sess. and RCW 70.119-.010 are each amended to read as follows:

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~~) technical operation of such systems; and to provide for the promulgation of rules and regulations to carry out this chapter.

Sec. 2. Section 2, chapter 99, Laws of 1977 ex. sess. and RCW 70.119-.020 are each amended to read as follows:

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) "Certified 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~~) as the person responsible for active daily technical operation.

(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.

Sec. 3. Section 3, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.030 are each amended to read as follows:

(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 RCW 70.119.050.

(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. The employing or appointing officials shall designate the position or positions requiring mandatory certification within their individual systems and shall assure that such certified operators are responsible for the system's technical operation.

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

Sec. 4. Section 5, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.050 are each amended to read as follows:

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))~~) continuing educational requirements for renewal of certification under RCW 70.119.100(2), 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.

Sec. 5. Section 7, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.070 are each amended to read as follows:

The secretary is authorized, when taking action pursuant to RCW 70.119.050 and 70.119.060, to consider generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities and commonly accepted national guidelines and standards.

Sec. 6. Section 8, chapter 99, Laws of 1977 ex. sess. and RCW 70.119-.080 are each amended to read as follows:

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; and
- (3) Be expanded to include one commissioner from a water district and one commissioner from a sewer district operating under Title 56 or 57 RCW.

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.

Sec. 7. Section 9, chapter 99, Laws of 1977 ex. sess. and RCW 70.119-.090 are each amended to read as follows:

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 RCW 70.119.030(1). A certificate so issued shall be ~~((conditioned to be))~~ valid ~~((only))~~ for operating ~~((the existing))~~ any plant or system of the same classification and same type of water source.

(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.

Sec. 8. Section 10, chapter 99, Laws of 1977 ex. sess. as amended by section 13, chapter 201, Laws of 1982 and RCW 70.119.100 are each amended to read as follows:

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

(1) Except as provided in RCW 70.119.090, a certificate shall be issued if the operator has satisfactorily passed a written examination, has paid the department an application fee as established by the department under RCW 43.20A.055, 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 fee as established by the department under RCW 43.20A.055 and satisfactory evidence is presented to the secretary that the operator ((demonstrates continued professional growth in the field)) has fulfilled the continuing education requirements as prescribed by rule of the department.

(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.

Sec. 9. Section 11, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.110 are each amended to read as follows:

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)) an intentional violation of 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)) six months from the effective date of the final order of revocation.

Sec. 10. Section 13, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.130 are each amended to read as follows:

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 RCW 70.119.030(1), shall be guilty of a misdemeanor. Each ((day)) month of such operation out of compliance with RCW 70.119.030(1) 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

RCW 70.119.110, no revocation, citation or charge shall be made under RCW 70.119.110 and 70.119.130 until a proper written notice of violation is received and a reasonable opportunity for correction has been given.

Passed the House March 30, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 293

[House Bill No. 555]

LAWS AGAINST DISCRIMINATION—REVISIONS

AN ACT Relating to discrimination; amending section 17, chapter 270, Laws of 1955 as last amended by section 2, chapter 259, Laws of 1981 and RCW 49.60.250; and amending section 5, chapter 100, Laws of 1961 and RCW 49.44.090.

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

Sec. 1. Section 17, chapter 270, Laws of 1955 as last amended by section 2, chapter 259, Laws of 1981 and RCW 49.60.250 are each amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairman of the ((board)) commission. The chairman of the ((board)) commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the ((board)) commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the ((board)) commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the ((board)) commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the ((board)) commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall he participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent may file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.