

(ii) Assist the customer in fulfilling the requirements under this section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected.

(3) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

Passed the House March 16, 1987.

Passed the Senate April 24, 1987.

Approved by the Governor May 13, 1987.

Filed in Office of Secretary of State May 13, 1987.

CHAPTER 357

[Substitute House Bill No. 388]

WASTEWATER TREATMENT PLANTS—OPERATOR CERTIFICATION

AN ACT Relating to certification and regulation of operators of domestic waste treatment plants; amending RCW 70.95B.020, 70.95B.030, 70.95B.040, 70.95B.050, 70.95B.080, 70.95B.090, 70.95B.110, and 70.95B.120; and adding a new section to chapter 70.95B RCW.

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

Sec. 1. Section 2, chapter 139, Laws of 1973 and RCW 70.95B.020 are each amended to read as follows:

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 RCW 70.95B.070.

(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)~~ Wastewater treatment plant" means a facility used ~~((in the collection, transmission, storage, pumping, treatment or discharge of))~~ to treat any liquid or waterborne waste ~~((, whether))~~ of domestic origin or a combination of domestic, commercial or industrial ~~((waste))~~ origin, 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))~~ treatment plants, or wastewater collection systems.

(6) "Operator in responsible charge" 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))~~ owner as the person on-site in responsible charge of the ~~((actual))~~ routine operation of a ~~((waste))~~ wastewater 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.

(8) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used for the purpose of collecting and transporting wastewater.

(9) "Operating experience" means routine performance of duties, on-site in a wastewater treatment plant, that affects plant performance or effluent quality.

(10) "Owner" means in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chairman of the county legislative authority or the chairman's designee; in the case of a sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee; in the case of a privately owned wastewater treatment plant, the legal owner.

(11) "Wastewater certification program coordinator" means an employee of the department who is appointed by the director to serve on the board and who administers the wastewater treatment plant operators' certification program.

Sec. 2. Section 3, chapter 139, Laws of 1973 and RCW 70.95B.030 are each amended to read as follows:

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))~~ individual on-site at a wastewater treatment plant who is designated by the owner as the operator in responsible charge of the operation and maintenance of the plant on a routine basis shall be certified at a level equal to or higher than the classification rating of the plant being operated.

If a wastewater treatment plant is operated on more than one daily shift, the operator in charge of each shift shall be certified at a level no lower than one level lower than the classification rating of the plant being operated and shall be subordinate to the operator in responsible charge who is certified at a level equal to or higher than the plant. This requirement for shift operator certification shall be met by January 1, 1989.

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

Sec. 3. Section 4, chapter 139, Laws of 1973 and RCW 70.95B.040 are each amended to read as follows:

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))~~ wastewater treatment plants.

Sec. 4. Section 5, chapter 139, Laws of 1973 and RCW 70.95B.050 are each amended to read as follows:

The director shall classify all ~~((waste))~~ wastewater 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))~~ operate such facilities to protect the public health and the state's water resources.

Sec. 5. Section 8, chapter 139, Laws of 1973 and RCW 70.95B.080 are each amended to read as follows:

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 July 1, 1973, 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 July 1, 1973. 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))~~ who fills a vacated position required to ~~((have))~~ be filled by a certified operator. Only one such certificate may be issued subsequent to each instance of vacation of any such position.

Sec. 6. Section 9, chapter 139, Laws of 1973 and RCW 70.95B.090 are each amended to read as follows:

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 RCW 70.95B.080, 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))~~. Such application fee shall not exceed fifty 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))~~ renewal year. The renewal period, not to exceed three years, shall be set by agency rule. 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. Such renewal fee shall not exceed thirty dollars.

(3) ~~((An))~~ Individuals who fail~~((s))~~ to renew ~~((the))~~ their certificates before ~~((the end of certification))~~ December 31 of the renewal year, upon notice by the director shall have ~~((his))~~ their certificates suspended for ~~((thirty))~~ sixty 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.

Sec. 7. Section 11, chapter 139, Laws of 1973 and RCW 70.95B.110 are each amended to read as follows:

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))~~ the director 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.

Sec. 8. Section 12, chapter 139, Laws of 1973 and RCW 70.95B.120 are each amended to read as follows:

On and after one year following July 1, 1973, it shall be unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency to operate a ~~((waste))~~ wastewater treatment plant unless the ~~((operator of the plant or system is))~~ individuals identified in RCW 70.95B.030 are 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. 9. A new section is added to chapter 70.95B RCW to read as follows:

Effective January 1, 1988, the department shall establish rules for the collection of fees for the issuance and renewal of certificates as provided for in RCW 70.95B.090. Beginning January 1, 1992, these fees shall be sufficient to recover the costs of the certification program.

Passed the House April 21, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor May 13, 1987.

Filed in Office of Secretary of State May 13, 1987.

CHAPTER 358

[Engrossed Substitute House Bill No. 578]

TAXING DISTRICT BOUNDARIES

AN ACT Relating to the date boundaries of taxing districts are established for the levy of property taxes; and amending RCW 84.09.030.

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

Sec. 1. Section 84.09.030, chapter 15, Laws of 1961 as last amended by section 9, chapter 203, Laws of 1984 and RCW 84.09.030 are each amended to read as follows: