

Chapter 70A.212 RCW
DOMESTIC WASTE TREATMENT PLANTS—OPERATORS

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70A.212.900	Effective date—1973 c 139.

*Public water supply systems—Certification and regulation of operators:
Chapter 70A.120 RCW.*

RCW 70A.212.010 Legislative declaration. 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. [1973 c 139 § 1. Formerly RCW 70.95B.010.]

RCW 70A.212.020 Definitions. As used in this chapter unless context requires another meaning:

- (1) "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.
- (2) "Department" means the department of ecology.
- (3) "Director" means the director of the department of ecology.
- (4) "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.

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

(6) "Operator in responsible charge" means an individual who is designated by the owner as the person on-site in responsible charge of the routine operation of a wastewater treatment plant.

(7) "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 chair of the county legislative authority or the chair's designee; in the case of a water-sewer district, board of public utilities, association, municipality, or other public body, the president or chair of the body or the president's or chair's designee; in the case of a privately owned wastewater treatment plant, the legal owner.

(8) "Wastewater certification program coordinator" means an employee of the department who administers the wastewater treatment plant operators' certification program.

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

(10) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial, or industrial 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, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems. [2012 c 117 § 412; 1999 c 153 § 66; 1995 c 269 § 2901; 1987 c 357 § 1; 1973 c 139 § 2. Formerly RCW 70.95B.020.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Part headings not law—1999 c 153: See note following RCW 57.04.050.

Effective date—Part headings not law—Severability—1995 c 269: See notes following RCW 18.16.050.

**RCW 70A.212.030 Wastewater treatment plant operators—
Certification required.** As provided for in this chapter, the 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. [1987 c 357 § 2; 1973 c 139 § 3. Formerly RCW 70.95B.030.]

RCW 70A.212.040 Administration of chapter—Rules and regulations—Director's duties. The director 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 wastewater treatment plants. [1995 c 269 § 2902; 1987 c 357 § 3; 1973 c 139 § 4. Formerly RCW 70.95B.040.]

Effective date—Part headings not law—Severability—1995 c 269:
See notes following RCW 18.16.050.

RCW 70A.212.050 Wastewater treatment plants—Classification. The director shall classify all 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 operate such facilities to protect the public health and the state's water resources. [1987 c 357 § 4; 1973 c 139 § 5. Formerly RCW 70.95B.050.]

RCW 70A.212.060 Criteria and guidelines. The director is authorized when taking action pursuant to RCW 70A.212.040 and 70A.212.050 to consider generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities. [2020 c 20 § 1207; 1973 c 139 § 6. Formerly RCW 70.95B.060.]

RCW 70A.212.070 Ad hoc advisory committees. The director, in cooperation with the secretary of health, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the examination and certification of operators of wastewater treatment plants. [1995 c 269 § 2908. Formerly RCW 70.95B.071.]

Effective date—Part headings not law—Severability—1995 c 269:
See notes following RCW 18.16.050.

RCW 70A.212.080 Certificates—When examination not required. 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 who fills a vacated position required to be filled by a certified operator. Only one such certificate may be issued subsequent to each instance of vacation of any such position. [1987 c 357 § 5; 1973 c 139 § 8. Formerly RCW 70.95B.080.]

RCW 70A.212.090 Certificates—Issuance and renewal conditions.

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 70A.212.080, and has met the requirements specified in the rules and regulations as authorized by this chapter, and has paid the department an application fee as established by the department under RCW 70A.212.100.

(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 renewal year. The renewal period, not to exceed three years, shall be set by agency rule. Every certificate shall be renewed upon the payment of a renewal fee as established by the department under RCW 70A.212.100 and satisfactory evidence presented to the director that the operator demonstrates continued professional growth in the field.

(3) Individuals who fail to renew their certificates before December 31 of the renewal year, upon notice by the director shall have their certificates suspended for 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. [2020 c 20 § 1208; 2018 c 213 § 1; 1987 c 357 § 6; 1973 c 139 § 9. Formerly RCW 70.95B.090.]

RCW 70A.212.100 Certificates—Fees—Department duties.

(1) The department shall establish and collect fees for the issuance and renewal of wastewater treatment plant operator certificates as provided for in RCW 70A.212.090. The department, with the advice of an advisory committee, shall establish an initial fee schedule by rule. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department to administer the wastewater operator certification program, to include evaluating applications necessary to verify compliance with certification requirements, maintaining and administering credible examinations, ensuring operators receive necessary training, outreach, and technical assistance, enforcing certification program requirements, providing necessary education and training to program staff, and supporting the overhead expenses related to administering the wastewater operator certification program.

(2) Once the initial fee schedule is adopted by rule, the department shall conduct a workload analysis and prepare a biennial budget estimate for the wastewater treatment plant operator certification program. Thereafter, the department shall assess and collect fees from all wastewater treatment plant operators at a level that fully recovers the costs identified in its biennial operating budget.

(3) If fee increases above the state's fiscal growth factor are proposed, due to an expansion of the wastewater operator certification program, the department must submit a report to the legislature describing the need for the increase. [2020 c 20 § 1209; 2018 c 213 § 2; 1987 c 357 § 9. Formerly RCW 70.95B.095.]

RCW 70A.212.110 Certificates—Revocation procedures. The director may, after conducting a hearing, 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. [1995 c 269 § 2903; 1973 c 139 § 10. Formerly RCW 70.95B.100.]

Effective date—Part headings not law—Severability—1995 c 269:
See notes following RCW 18.16.050.

RCW 70A.212.120 Administration of chapter—Powers and duties of director. 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 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. [1987 c 357 § 7; 1973 c 139 § 11. Formerly RCW 70.95B.110.]

RCW 70A.212.130 Licenses or certificates—Suspension for noncompliance with support order—Reissuance. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social

and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. [1997 c 58 § 876. Formerly RCW 70.95B.115.]

***Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

RCW 70A.212.140 Violations. 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 wastewater treatment plant unless the individuals identified in RCW 70A.212.030 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. [2020 c 20 § 1210; 1987 c 357 § 8; 1973 c 139 § 12. Formerly RCW 70.95B.120.]

RCW 70A.212.150 Certificates—Reciprocity with other states. On or after July 1, 1973, 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. [1973 c 139 § 13. Formerly RCW 70.95B.130.]

***Reviser's note:** RCW 70.95B.070, which created the water and wastewater operator certification board of examiners, was repealed by 1995 c 269 § 2907, effective July 1, 1995.

RCW 70A.212.160 Penalties for violations—Injunctions. 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. [1973 c 139 § 14. Formerly RCW 70.95B.140.]

RCW 70A.212.170 Wastewater treatment plant operator certification account—Administration of chapter—Receipts. The wastewater treatment plant operator certification account is created in the state treasury. All fees paid pursuant to RCW 70A.212.100 and any other receipts realized in the administration of this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys from the account must be used by the department to carry out the purposes of the wastewater treatment plant operator certification program. [2020 c 20 § 1211; 2017 c 35 § 1. Formerly RCW 70.95B.151.]

RCW 70A.212.900 Effective date—1973 c 139. 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. [1973 c 139 § 17. Formerly RCW 70.95B.900.]