



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health

- Preproposal Statement of Inquiry was filed as WSR 09-21-043 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

Chapter 246-292 WAC, Waterworks Operator Certification. The Department of Health is proposing to incorporate changes from Substitute House Bill 1283 (Chapter 221, Laws of 2009), clarify the rule language, and update the rule to include department guidance and current program practices.

**Hearing location(s):**

Department of Health  
310 Israel Road S.E.  
Point Plaza East  
Room 153  
Tumwater, Washington 98501

Date: 09/27/2013

Time: 10:00 a.m.

**Submit written comments to:**

Name: Brad Burnham  
Address:  
Washington State Department of Health  
PO Box 47822  
Olympia, WA 98504-7822  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-2254 by (date) 09/27/2013

**Assistance for persons with disabilities:** Contact

Brad Burnham by 09/10/2013

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 10/08/2013

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of the proposed rules is to address statutory changes that better protect public health by establishing specific certification requirements for cross-connection control specialists and backflow assembly testers, incorporate long-standing guidance and current program practices, and clarify rule language and procedural requirements.

**Reasons supporting proposal:**

The proposed rules are necessary to reflect the most recent changes to chapter 70.119 RCW pertaining to the department's authority to take enforcement actions for violations and clarify the department's authority to certify backflow assembly testers and cross-connection control specialists.

**Statutory authority for adoption:**

RCW 70.119.050

**Statute being implemented:**

Chapter 70.119 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE** 08/16/2013

**NAME** (type or print)

John Wiesman, DrPH, MPH

**SIGNATURE**

, DrPH, MPH

**TITLE**

Secretary

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** August 16, 2013

**TIME:** 10:33 AM

**WSR 13-17-070**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Washington State Department of Health

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Theresa Phillips	243 Israel Road S.E., Tumwater, WA 98501	360-236-3147
Implementation.... Chris McCord	243 Israel Road S.E., Tumwater, WA 98501	360-236-3137
Enforcement..... Chris McCord	243 Israel Road S.E., Tumwater, WA 98501	360-236-3137

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Brad Burnham

Address: Washington State Department of Health

PO Box 47822

Olympia, Washington 98504-7822

phone 360-236-3158

fax 360-236-2252

e-mail [brad.burnham@doh.wa.gov](mailto:brad.burnham@doh.wa.gov)

No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Brad Burnham

Address: Washington State Department of Health

PO Box 47822

Olympia, Washington 98504-7822

phone 360-236-3158

fax 360-236-2252

e-mail [brad.burnham@doh.wa.gov](mailto:brad.burnham@doh.wa.gov)

No: Please explain:

# **Small Business Economic Impact Statement**

## **Chapter 246-292 WAC, Waterworks Operator Certification**

### **August 16, 2013**

#### **Section 1. What is the scope of the proposed rule package?**

The primary purpose of the proposed rule revision is to incorporate changes made to chapter 70.119 RCW from Substitute House Bill (SHB) 1283 Chapter 221, Laws of 2009, Public Water System Operators, clarify federal requirements, incorporate Department of Health (department) guidance, incorporate long-standing program practices, and clarify existing rule requirements and procedures.

The rule proposal affects certified operators, Group A public water systems, Cross-connection Control Specialists (CCSs), and Backflow Assembly Testers (BATs).

#### Rule Revision Background

Revisions are needed to address statutory changes that affect the protection of public health, updates due to program operational changes and current program practices, incorporation of long-standing guidelines into the rule, and rule language clarification and procedure improvements.

##### 1. Statutory Changes

The Legislature adopted SHB 1283, to amend chapter 70.119 RCW. The bill:

- Strengthened the department's authority to take immediate enforcement actions in cases of gross negligence;
- Clarified the department's authority to certify BATs and CCSs;
- Amended the definition of a "Group A public water system" to be consistent with other related drinking water statutes;
- Added a definition of "operator" to include a BAT, certified operator, and CCS; and
- Added a reference to chapter 18.106 RCW for the specialty plumbers licensing requirements that cover some activities performed by BATs.

##### 2. Program Operational Changes

The proposed revisions include program requirements that have been long-standing standard operating procedures, changes include:

- Addressing large public water system recruitment issues to allow broader substitution options for minimum education requirements;
- Adding duties for operators in responsible charge, and duties for CCSs and BATs;
- Revising temporary certification requirements for water treatment plant operators to increase public health protection for these high-risk water systems; and
- Adding minimum requirements for field test and inspection reports completed and submitted by BATs.

### 3. Program Practices and Guidelines

The Waterworks Operator Program Guideline (Guideline) explains how to comply with the rule requirements for certified operators and Group A public water systems. The proposed revisions include requirements that have been long-standing guidelines and program practice.

- Moves and updates the definition of “available” into the duties of a certified operator section (WAC 246-292-032); and
- Updates most sections to clarify requirements using “plain language” from the Guideline.

### 4. Rule Clarification and Procedure Improvements

The proposed revisions include plain language clarifications and procedural improvements.

- Clarifies roles and responsibilities of certified operators;
- Specifies requirements for BATs conducting backflow preventer inspections, field tests, maintenance, and reporting the results of such work;
- Modifying procedures and timelines for certification of operators;
- Clarifying existing requirements to make the rule easier to understand and use, reformatting tables to simplify information, and creating new rule sections; and
- Clarifying federal operator certification requirements.

Many requirements for Group A public water systems in chapter 246-290 WAC (Group A rule), obligate certified operators to perform specific functions even though the Group A rule does not directly regulate operators. The proposed revisions to this chapter adopt specific requirements from the Group A rule that apply specifically to certified operators, such as cross-connection control, backflow prevention, and reporting requirements.

### **Section 2. Which businesses are impacted by the proposed rule package? What are their North American Industry Classification System (NAICS) codes? What is the minor cost threshold?**

NAICS Code (4, 5 or 6 digit)	NAICS Business Description	# of businesses in WA	Minor Cost Threshold = 1% of Average Annual Payroll
221310	Water supply and irrigation systems	147	\$1307
237110	Water and sewer line and related structures construction	342	\$8243

### **Section 3. What is the average cost per business of the proposed rule?**

#### **WAC 246-292-032, Duties of a certified operator in responsible charge**

The proposal specifies that a certified operator in responsible charge must be available twenty-four hours per day, seven days per week, and able to take action within two hours of contact. Although the proposed rule requires the certified operator in responsible charge or the designee to respond within two hours of contact, it also provides flexibility to allow the operator to determine the “appropriate action.” The proposed rule does not obligate a certified operator to be on-site at all times to resolve problems. A certified operator in responsible charge can direct other qualified staff, contractors, or other individuals to make necessary repairs or resolve problems to address an issue.

Costs: Under this section, some water systems will not incur additional costs. For example, their contract operator may be able to enlist individuals that live on the system to be available to complete selected tasks in their absence (such as turning off power or turning on an emergency generator). Other systems may enter into agreements with other systems to provide cross coverage (you cover for me, and I will cover for you). There will be some water systems; however, that will incur costs because they may elect to have staff “on-call” to comply with the proposed requirement. Based on results from a survey the department conducted (see Appendix B of the Significant Analysis), the probable costs under this scenario range between \$0 to \$432 per month for labor (\$0-\$5,184 annual), depending on the wage rates and union contract provisions.

#### **WAC 246-292-034, Duties of a BAT**

The proposed rule clarifies the specific responsibilities of BATs in detail and proposes BATs meet the following proposed requirements:

- Be properly equipped and capable of using a field test kit, all tools and other equipment needed to conduct inspections and field tests;
- Use proper field test procedures that meet the requirements in WAC 246-290-490(7)(d);
- Use field test kits meeting the standards established in the Manual of Cross-Connection Control published by the University of Southern California (USC Manual), 10<sup>th</sup> Edition (2009); and
- Have field test kits evaluated, checked for accuracy, and calibrated at twelve month intervals according to the standards in the USC Manual.

Costs: The equipment required to inspect and field test backflow preventers includes, at a minimum, a field test kit, including fittings and connectors, and other tools needed to inspect and field test backflow preventers. The cost of the field test kit meeting the standards in the USC Manual 10<sup>th</sup> Edition (2009) ranges from \$750 to \$1,000 for a basic analog model. The cost of the fittings and connectors could be an additional \$1,000. Annual verification and recalibration (if needed) costs are between \$75 and \$90. If a field test kit is found to be inaccurate and must be repaired, the most commonly required field test kit repair typically costs between \$40 and \$270. Even though the requirements are new, BAT’s have been incurring these costs as a standard business cost since purveyors require this as part of their Quality Assurance/Quality Control programs required by WAC 246-290-490.

Cost Category	Section 032 Availability	Section 034 BAT Equipment	Cost
Reporting			
Record Keeping			
Training			
Professional Services (laboratory testing/repair)		\$0-\$360 annual cost	
Equipment (field test kit)		\$0-\$2000 one time cost	
Supplies (type, amount)			
Labor	\$0-\$432 per month (\$0-(\$5,184 annual)		
Administration			
Lost Sales or Revenue			
Other			
Total Cost (annual and one time costs)			\$0-\$7,544

**Section 4. Does the rule impose more than minor costs on impacted businesses?**

Cost per business \$7,544

Minor cost threshold- 1% payroll \$1,307<sup>1</sup>

Does the cost per business exceed the minor cost thresholds? Yes

**Section 5. Does the rule have a disproportionate impact on small businesses?**

The costs identified in Section 4 of this SBEIS are related to the size and complexity of the water system regardless of the type or size of the business (purveyor) that owns and operates the water system. Because of this, the department assumes the rules have a disproportionate impact on small businesses.

**Section 6. Did we make an effort to reduce the impact of the rule?**

**A. Did we reduce, modify, or eliminate substantive regulatory requirements?**

Yes, the proposed rule does eliminate and modify existing regulatory requirements:

- The proposal eliminates the requirement for Class 1 treatment plants that serve fewer than 1,000 service connections to employ a Basic Treatment Operator (BTO). Instead, the proposal allows a Class 1 treatment plant to employ a Water Treatment Plant Operator 1 (WTPO 1) to

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<sup>1</sup> For the purposes of this analysis, the department’s assumption is that water systems (and their customers) will ultimately be responsible for paying for the costs of the required actions. Therefore, the analysis uses the minor cost threshold for water supply and irrigation systems in this section.

operate any system with a Class 1 rating. Eliminating this restriction will provide purveyors a larger candidate pool for employment. The proposal also provides a pathway to transition BTOs to become certified as a WTPO 1 without charging a fee for the transition.

- The proposal allows a purveyor to assign an operator in responsible charge at one level lower than the treatment plant or distribution system rating. In addition, the proposal allows a purveyor to assign an operator at one level lower than the operator in responsible charge. These two changes reduce labor costs to purveyors.

**B. Did we simplify, reduce, or eliminate record keeping and reporting requirements?**

Yes, the proposed rules simplify and clarify record keeping and reporting requirements. Although the current rule does not require BATs to keep records and report results for inspecting and testing backflow preventers, BATs are currently required to perform these duties in accordance with the Group A rule. The proposal clarifies in detail the minimum requirements for record keeping and reporting. These requirements are identified in Section 036 to make it easier for a BAT to comply with the Group A rule requirements for record keeping and reporting.

**C. Did we reduce the frequency of inspections?**

No. This proposed rule does not regulate the frequency of inspections.

**D. Did we delay compliance timetables?**

No. This proposed rule does not regulate compliance timetables?

**E. Did we reduce or modify fine schedules for noncompliance?**

No. This proposed rule does not modify fine schedules for noncompliance?

**F. Did we create or implement any other mitigation techniques?**

The proposed rule includes the following additional mitigation measures:

- The Department considered, but did not include in the proposed rule a requirement for electronic reporting of backflow preventer inspection and field test reports because of the cost to purveyors who do not have electronic systems in place.
- The proposed rule also allows experience to substitute for the minimum education requirement to reduce the educational cost to applicants to become a certified operator.

**G. If you answered “No” for all the previous six questions, please explain why it is not “legal or feasible” to implement any of these mitigation techniques.**

Not applicable.

**Section 7. Did we involve small businesses in the rule development process?**

To obtain cost estimates for the proposed changes, the department consulted the Waterworks Advisory Committee (see Appendix A of the significant analysis) and other stakeholders to determine the probable costs. Department staff met with stakeholder groups representing:

- Small, medium, and large water systems;
- Certified operators from small, medium, and large water systems;
- CCSs;
- BATs;
- Satellite system management agencies; and
- Contract operators.

Throughout the rule making process, the department gave several presentations to discuss the changes and get feedback from stakeholders (representing small, medium, and large businesses) at conferences and meetings at various locations across Washington for the following groups between Fall 2009 and Fall 2013.

Stakeholder Groups
American Water Works Association-Pacific Northwest Section Trustees & Cross-Connection Control Committee
Association of Boards of Certification
Association of Washington Cities/Counties
Certified operators, BATs, and CCCs
Evergreen Rural Water of Washington
Group A public water systems
Rural Community Assistance Corporation
Spokane Regional Cross-Connection Control Chapter
U. S. EPA – Region 10 (Alaska, Idaho, Oregon, and Washington)
Washington Association of Sewer and Water Districts
Washington Certification Services
Washington Environmental Training Center
Washington Operator Workshop
Washington Public Utility District Association
Washington Water Utility Council
Water and Wastewater Operators of Washington
Western Washington Cross-Connection Prevention Professionals (The Group)

**Section 8. Will businesses have to hire or fire any employees because of the requirements in the rule?**

The department’s analysis concludes that that there may be jobs created as a result of the proposed rule.

**Chapter 246-292 WAC**  
**((~~WATER WORKS~~)) WATERWORKS OPERATOR CERTIFICATION**

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

**WAC 246-292-001 Purpose.** ((Pursuant to the provisions of chapter 70.119 RCW,)) The purpose of this chapter is to protect public health by setting minimum requirements and standards for ((public water system operation and certification of operators in responsible charge of public water systems. Certification under this chapter is available to all operators who can meet the minimum qualifications of a given classification.)):

(1) Public water systems required to have a certified operator in responsible charge;

(2) Certified operators of public water systems;

(3) Certified operators that develop and implement cross-connection control programs; and

(4) Certified operators that inspect, field test, maintain, and repair backflow assemblies, devices, and air gaps that protect public water systems.

AMENDATORY SECTION (Amending WSR 05-06-122, filed 3/2/05, effective 4/2/05)

**WAC 246-292-010 Definitions, abbreviations, and acronyms.** ((Abbreviations and acronyms:

BAT — backflow assembly tester;

BTO — basic treatment operator;

CCS — cross connection control specialist;

GWU — groundwater under the direct influence of surface water;

NTNC — nontransient noncommunity;

OIT — operator in training;

SMA — satellite management agency;

TNC — transient noncommunity;

WAC — Washington Administrative Code;

WDM — water distribution manager;

WDS — water distribution specialist;

WTPO — water treatment plant operator;

**"Available"** means based on system size, complexity, and source water quality, a certified operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner.)) The definitions, abbreviations, and acronyms in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Air gap" means a physical separation measured vertically between the lowest point of a free-flowing discharge end of a potable water supply pipeline and the overflow rim of an open or nonpressurized receiving vessel.

(2) "Approved air gap" is defined in chapter 246-290 WAC.

(3) "Approved AVB (approved atmospheric vacuum breaker)" is defined in chapter 246-290 WAC.

(4) "Approved backflow preventer" is defined in chapter 246-290 WAC.

(5) "Approved backflow prevention assembly" is defined in chapter 246-290 WAC.

(6) "Authority having jurisdiction" means the local official, board, department, or agency authorized to administer and enforce the Uniform Plumbing Code adopted in chapter 19.27 RCW.

(7) "AVB (atmospheric vacuum breaker)" means a device that contains an air inlet, vent, air inlet valve, and check seat and is used to prevent backsiphonage backflow.

(8) "BAT (backflow assembly tester)" means an individual meeting the requirements of this chapter and certified under chapter 70.119 RCW to inspect, field test, maintain, and repair backflow prevention assemblies, devices, and air gaps that protect the public water system.

(9) "Backflow" means the reversal of flow of water or other substances through a cross-connection into the public water system or consumer's water system.

(10) "Backflow preventer" means a backflow prevention assembly, air gap, or AVB.

(11) "Backflow preventer inspection and field test" means the set of procedures and measurements performed by a BAT to evaluate a backflow preventer's approval status, installation, and performance to determine compliance with the requirements in WAC 246-290-490.

(12) "Backflow prevention assembly" means a mechanical backflow preventer designed for in-line testing and repair including, but not limited to:

- (a) Reduced pressure backflow assembly;
- (b) Reduced pressure detector assembly;
- (c) Double check valve assembly;
- (d) Double check detector assembly;
- (e) Pressure vacuum breaker assembly; or
- (f) Spill-resistant vacuum breaker assembly.

(13) "BTO (basic treatment operator)" means an individual meeting the requirements of this chapter and certified under chapter 70.119 RCW to perform routine on-site duties in a water treatment plant. BTO duties affect water treatment plant performance, public water system performance, water quality, water quantity, or public health protection.

(14) "CCS (cross-connection control specialist)" means an individual meeting the requirements of this chapter and certified under chapter 70.119 RCW to develop and implement a cross-connection control program.

(15) "Certificate" means a ((certificate of competency)) document issued annually by the department stating that the operator has met the requirements for ((the specified)) a specific certified operator classification ((of the certification program)) in WAC 246-292-060.

(16) "Certified operator" means ((a person who has met the applicable requirements of this chapter and holds)) an individual meeting the requirements of this chapter, certified under chapter 70.119 RCW, and who has a valid certificate for one or more of the following classifications:

- (a) BAT;
- (b) BTO;
- (c) CCS;

- (d) WDS;
- (e) WDM; or
- (f) WTPO.

~~(( "Complex filtration technology" means conventional, direct, in-line or diatomaceous earth filtration.))~~ (17) **"CEU (continuing education unit)"** means the nationally recognized measurement, similar to college credit, developed by IACET, in which one CEU is awarded for every ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.

(18) **"College credit"** means a measurement that documents completion of educational courses earned toward a college degree from an accredited college or university.

(19) **"Community water system"** means any Group A public water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents. ~~((Examples of a community water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.~~

~~"Continuing education unit (CEU)" means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction and qualified instruction. Forty five relevant CEUs equals forty five relevant college quarter credits or thirty relevant college semester credits as determined by the department.))~~

(20) **"Consumer"** means any person receiving water from a public water system from either the meter or the point where the service line connects with the distribution system if no meter is present. For purposes of cross-connection control, "consumer" means the owner or operator of a water system connected to a public water system through a service connection.

(21) **"Consumer's premises"** means a consumer's real property, any easement held by a consumer for the purpose of delivering the water to the consumer's real property, and all buildings and fixtures on the consumer's real property.

(22) **"Consumer's water system"** means any potable or industrial water system that begins at the point of delivery from the public water system and is located on the consumer's premises. The consumer's water system includes all auxiliary sources of supply, storage, treatment, and distribution facilities, piping, plumbing, and fixtures under the control of the consumer.

(23) **"Contract operator"** means a ~~((person in charge of the daily operational activities of))~~ certified operator who is approved by the department to operate three or more Group A public water systems.

(24) **"Cross-connection control program"** means the administrative and technical procedures the ~~((owner))~~ purveyor implements to protect the public water system from contamination via cross-connections as required in WAC 246-290-490.

(25) **"Department"** means the Washington state department of health ~~((, through the secretary of health or the secretary's designee)).~~

(26) **"Distribution system"** means all piping components of a public water system that serve ~~((s))~~ to convey water from transmission

mains linked to source, storage and treatment facilities to the consumer excluding individual services.

~~(( "Grandparenting" means the exemption for the existing operator in responsible charge from meeting the initial education, experience and examination requirements for the class of certification the system has been assigned.))~~ (27) "GED" means the general educational development test of the American Council on Education.

(28) "Grandparented certification" means an operator certification granted before January 1, 2001, under which the department granted an exemption for the existing operator in responsible charge from meeting the initial education, experience and examination requirements for the public water system's assigned certification classification.

(29) "Gross negligence" means an act or omission performed or not performed in reckless disregard of a legal duty, or without even slight care. ((In considering whether an act or omission constitutes gross negligence, the department shall consider all relevant factors including, but not limited to:

(1) ~~The standard of care commonly exercised by operators;~~

(2) ~~Whether the legal duty was known or should have been known to the alleged violator; and~~

(3) ~~The degree to which the alleged violation endangered public health.~~

~~"Groundwater under the direct influence of surface water (GWI)" means any water beneath the surface of the ground with:~~

~~Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as Giardia lamblia; or~~

~~Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water condition.~~

~~"Group A water system" means a public water system providing service such that it meets the definition of a public water system provided in the 1996 amendments to the federal Safe Drinking Water Act (Public Law 104 182, Section 101, subsection b). Group A water systems are further defined as community and noncommunity water systems (see other definitions).~~

~~"Group B water system" means a public water system with less than fifteen residential connections and serving:~~

~~An average of less than twenty five people per day for sixty or more days within a calendar year; or~~

~~Any number of people for less than sixty days within a calendar year.))~~

(30) "GWI (groundwater under the direct influence of surface water)" means any water beneath the surface of the ground that the department determines has the following characteristics:

(a) Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as Giardia lamblia or Cryptosporidium; or

(b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water conditions where natural conditions cannot prevent the introduction of surface water pathogens into the source at the system's point of withdrawal.

(31) "IACET" means the International Association for Continuing Education and Training.

(32) "Major segment" means a distinct portion of a public water system based on system size and complexity that a purveyor assigns to one or more certified operators in responsible charge.

**(33) "Nationally recognized association of certification authorities"** means an organization that:

~~((+))~~ (a) Serves as an information center for certification activities;

~~((+))~~ (b) Recommends minimum standards and guidelines for classification of potable water treatment plants, ~~((water))~~ distribution systems, ~~((wastewater facilities))~~ and certification of operators;

~~((+))~~ (c) Facilitates reciprocity between a state or provincial program~~((s))~~; and

~~((+))~~ (d) Assists authorities in establishing new certification programs and updating existing ~~((certification))~~ programs.

**(34) "Noncommunity water system"** means a Group A public water system that is not a community water system. Noncommunity water systems are further defined as nontransient noncommunity ~~((NTNC))~~ and transient noncommunity ~~((TNC))~~.

**(35) "Nontransient noncommunity water system ~~((NTNC))~~"** means a Group A public water system that provides service opportunities to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year. ~~((Examples of a NTNC water system include a school or day care center, or a business, factory, motel or restaurant with twenty five or more employees on site.~~

~~"Owner" means any agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that holds as property, a public water system.)~~

**(36) "OIT (operator in training)"** means an individual with less than one year of operating experience meeting the requirements of this chapter and certified under chapter 70.119 RCW to perform routine on-site duties in a water treatment plant or distribution system.

**(37) "Operating experience"** means the routine ~~((on-site))~~ performance or management of duties ~~((in a water purification plant or distribution system. Those duties affect plant or system performance and/or water quality))~~:

(a) In a water treatment plant or distribution system; and

(b) That affect water treatment plant performance, distribution system performance, water quality, water quantity, or public health protection.

**(38) "Operating shift"** means ~~((that))~~ a designated period of time ~~((during))~~ in which a certified operator makes decisions ~~((are made))~~ and takes actions ~~((are taken))~~ that ~~((will))~~ directly impact drinking water quality ~~((and/or))~~, water quantity ~~((of drinking water))~~, or public health protection.

**(39) "Person"** means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities.

**(40) "Premises isolation"** is defined in chapter 246-290 WAC.

**(41) "Professional growth reporting period"** means a designated ~~((time))~~ period of time not less than three years, in which a certified operator ~~((shall demonstrate))~~ completes the professional growth requirement in WAC 246-292-095.

~~("Public water system" means any system providing water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single family residence and a system with four or fewer connections all of which serve residences on the same farm. The term includes:~~

~~• Collection, treatment, storage, and/or distribution facilities under control of the owner and used primarily in connection with such systems; and~~

~~• Collection or pretreatment storage facilities not under control of the owner, but primarily in connection with such system.~~

~~"Purification plant" means that portion of a public water system that 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. Unit processes installed to perform water filtration, ion exchange, electro dialysis, reverse osmosis, or iron and manganese removal shall be included within the scope of the term purification plant. Unit processes installed to allow in-line fluoridation, in-line chlorination, or chemical addition to inhibit corrosion are not included within the scope of the term purification plant.)~~ (42) **"Public water system (Group A public water system)"** means:

(a) A system with fifteen or more service connections, regardless of the number of people; or

(b) A system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections; and

(c) In addition, a Group A public water system is further defined in WAC 246-290-020.

(43) "Purveyor" means an agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or other entity owning or operating a public water system. Purveyor also means the authorized agents of these entities.

(44) "Relevant excess education" means science, applied science, or technology CEUs or college credits that exceed the minimum education required for certification in a specific certified operator classification. Example fields of study include, but are not limited to:

(a) Biology;

(b) Chemistry;

(c) Engineering;

(d) Geology; and

(e) Physics.

(45) "Relevant water system training" means training that directly relates to information and procedures that influence water quality, water quantity, or public health protection, including:

~~((1) Is approved by the department;~~

~~(2) Has an influence on water quality, water supply, or public health protection; and~~

~~(3) Is directly related to the))~~ (a) The operation((7)) or maintenance activities of a public water system; or

~~((4) Is directly related to))~~ (b) Managing the operation or maintenance activities of a public water system. ((Examples of acceptable management training include drinking water regulatory compliance, capacity development, rate setting, financial viability, water system security, and responding to drinking water emergencies.

~~"Responsible charge" means the operator(s) designated by the owner to be the certified operator(s) who makes the decisions regarding the daily operational activities of a public water system, water treatment facility and/or distribution system that will directly impact water quality and/or quantity of drinking water including, but not limited to, decisions concerning process control and system integrity.~~

~~"Satellite management agency (SMA)" means a person or entity that is approved by the department to own or operate public water systems on a regional or county wide basis without the necessity for a physical connection between such systems.~~

~~"Service connection" means a connection to a public water system designed to provide water to a single family residence, or other residential or nonresidential population.~~

~~"Significant noncomplier" means a system that is violating or has violated department rules, and the violation may create, or has created an imminent or a significant risk to human health. Such violations include, but are not limited to, repeated violations of monitoring requirements, failure to address an exceedance of permissible levels of regulated contaminants, or failure to comply with treatment technique standards or requirements.)~~

(46) "Responsible charge" means the authority a purveyor grants to a certified operator to make decisions:

(a) That will directly impact water quality, water quantity, or public health protection of a public water system; and

(b) Regarding the daily operational activities, process control, or system integrity of a water treatment plant or distribution system.

(47) "SMA (satellite system management agency)" means a person that is approved by the department under chapter 246-295 WAC to own or operate more than one public water system on a regional or county-wide basis without the necessity for a physical connection between the systems.

(48) "Surface water" means a body of water open to the atmosphere and subject to surface runoff.

(49) "Transient noncommunity ((TNC)) water system" means a Group A public water system that serves:

((•)) (a) Twenty-five or more different people each day for sixty or more days within a calendar year; or

((•)) (b) Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within the calendar year.

(50) "USC" means the University of Southern California.

(51) "Validated ((exam)) examination" means an ((exam)) examination that is independently reviewed by subject matter experts, to ((ensure)) verify that the ((exam)) examination is based on a job analysis ((and related to the classification of the system or facility)) and, where applicable, is related to the classification of a water treatment plant and distribution system.

(52) "Water-related experience" means experience:

(a) Operating a water treatment plant or distribution system;

(b) Working in water quality, water resources, or water infrastructure in a federal, state, county, local, or other governmental agency;

(c) Working in industrial water;

(d) Working in wastewater treatment; or

(e) Working as a consulting engineer or operations consultant in water quality, water resources, or water infrastructure.

(53) "Water treatment plant" means that portion of a public water system that treats or improves the physical, chemical, or microbial quality of the system's water to comply with water quality requirements in chapter 246-290 WAC.

(54) "WDM (water distribution manager)" means an individual meeting the requirements of this chapter and certified under chapter 70.119 RCW to perform or manage routine on-site duties in the distri-

tribution system of a public water system that serves more than two hundred fifty people. WDM duties affect the public water system performance, water quality, water quantity, or public health protection.

(55) "WDS (water distribution specialist)" means an individual meeting the requirements of this chapter and certified under chapter 70.119 RCW to perform or manage on-site duties in a distribution system of a public water system that serves two hundred fifty people or less. WDS duties affect public water system performance, water quality, water quantity, or public health protection.

(56) "WFI (water facilities inventory)" means the department form required in WAC 246-290-480(2) that summarizes a public water system's characteristics.

(57) "WTPO (water treatment plant operator)" means an individual meeting the requirements of this chapter and certified under chapter 70.119 RCW to perform or manage on-site duties in a water treatment plant. WTPO duties affect plant performance, public water system performance, water quality, water quantity, or public health protection.

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

**WAC 246-292-020 ((General)) Public water system requirements.** (1) ~~((The following public water systems))~~ A purveyor shall designate ~~((the))~~ at least one certified operator ~~((+s))~~ in responsible charge ~~((of the daily operational activities of the public water system, water treatment facility, and/or distribution system that will directly impact water quality and/or quantity of drinking water))~~ to meet the requirements of WAC 246-292-032 and as required ~~((under))~~ in WAC 246-292-050(~~+~~

~~(a) Group A community or nontransient noncommunity (NTNC) systems; and~~

~~(b) Group A transient noncommunity (TNC) systems classified as significant noncompliers (SNCs); and~~

~~(c) Group A transient noncommunity (TNC) systems using a surface water or GWI source)) (1), (2), and (4), as applicable.~~

(2) ((Operator certification requirement.)) A purveyor may designate additional certified operators in responsible charge ~~((of the following public water systems or portions thereof shall be certified:~~

~~(a) Group A community and nontransient noncommunity (NTNC) systems;~~

~~(b) Group A transient noncommunity (TNC) systems classified as significant noncompliers (SNCs); and~~

~~(c) Group A transient noncommunity (TNC) systems using a surface water or GWI source.~~

(3) A designated certified operator shall be in responsible charge and available for each operating shift)) in accordance with WAC 246-292-050(3) when a purveyor has designated operating shifts and major segments.

(3) A purveyor shall designate and report mandatory certified operator in responsible charge positions to the department within thirty days of:

(a) Starting operations of a public water system; or

(b) When a mandatory certified operator in responsible charge position is vacated.

(4) The purveyor shall not require certified operators to perform an action or correction that is inconsistent with their experience, skills, abilities, or level of certification.

AMENDATORY SECTION (Amending WSR 05-06-122, filed 3/2/05, effective 4/2/05)

**WAC 246-292-031 Duties of a certified operator ((duties)).** (1) A certified operator shall:

~~((1) The certified operator shall))~~ (a) Operate the public water system with due care and diligence ((for protecting)) to protect public health and ((shall abide by)) comply with this chapter and applicable state and federal drinking water laws and regulations.

~~((2) The certified operator shall operate the water system))~~ (b) Perform only the duties consistent with ((experience)) the operator's experience, skills, abilities, and ((training appropriate to their)) level of certification.

~~((3) The certified operator shall perform his or her duties in accordance with this section. Failure to do so may threaten public health and safety which could result in the suspension or revocation of his or her certification.))~~ (c) Inform the purveyor if a required action or correction is inconsistent with the operator's experience, skills, abilities, or level of certification.

(2) The certified operator duties in this chapter do not relieve a purveyor of the responsibility to comply with the requirements of chapter 246-290 WAC.

NEW SECTION

**WAC 246-292-032 Duties of a certified operator in responsible charge.** (1) A certified operator designated by the purveyor to be in responsible charge as required in WAC 246-292-020 shall perform or manage the public water system's daily operational and maintenance activities in this chapter, chapter 246-290 WAC, and according to acceptable public health practices and water industry standards.

(2) A certified operator in responsible charge or designee must be available on-site or able to be contacted immediately by telephone or other electronic communication twenty-four hours per day, every day, and able to initiate appropriate action within two hours of contact. Appropriate action may include, but is not limited to:

(a) Making necessary repairs or resolving problems; or

(b) Directing staff or contractors to make necessary repairs or resolve problems.

(3) The duties of a certified operator in responsible charge or designee include, but are not limited to:

(a) Conducting water quality monitoring, maintaining adequate records and taking follow-up action, if necessary, to comply with state and federal drinking water regulations;

(b) Implementing preventive maintenance programs, inspecting treatment and other public water system components for malfunctions, maintaining adequate records, and making needed repairs;

(c) Analyzing, reviewing, and maintaining records of instrument readings and laboratory test results, determining the location and causes of any malfunctions, adjusting various treatment processes or other components;

(d) Implementing a cross-connection control program, if directed by the purveyor;

(e) Determining and implementing remedial actions in an emergency and, if applicable, following departmental directives;

(f) Cooperating during a special purpose investigation or sanitary survey as required in chapter 246-290 WAC;

(g) Providing required records and reports to the department or its representative upon request; and

(h) Providing written notification to the department within thirty days of:

(i) Starting operations of a public water system; or

(ii) Ending operations of a public water system.

(4) The duties of a certified operator in responsible charge required in this chapter do not relieve a purveyor of the responsibility to comply with the requirements of chapter 246-290 WAC.

#### NEW SECTION

**WAC 246-292-033 Duties of a CCS.** (1) A CCS designated by a purveyor as required in WAC 246-292-050(4) shall develop, implement, and maintain a cross-connection control program as required in WAC 246-290-490.

(2) A CCS shall perform the following duties:

(a) Assess the degree of hazard posed by the consumer's water system to the public water system, as required in WAC 246-290-490 (4)(a)(i);

(b) Determine the appropriate method of backflow protection to prevent contamination of the public water system by the consumer's water system, as required in WAC 246-290-490 (4)(a)(ii);

(c) Inspect backflow preventer installations to verify that the protection provided is appropriate for the assessed degree of hazard, as required in WAC 246-290-490 (7)(a)(i);

(d) Investigate and respond to backflow incidents known to have contaminated or suspected of contaminating the public water system, as required in WAC 246-290-490 (3)(h);

(e) Develop and maintain the purveyor's cross-connection control records, as required in WAC 246-290-490 (3), (4), and (8);

(f) Complete and sign the purveyor's cross-connection control related reports and make the reports available to the department upon request, as required in WAC 246-290-490(8) including:

(i) The cross-connection control annual summary reports; and

(ii) Backflow incident reports after an incident has occurred that contaminated the public water system;

(g) Take corrective action as required in WAC 246-290-490 (2)(h) when a consumer fails to comply with the purveyor's cross-connection control requirements regarding the installation, inspection, field testing, maintenance, or repair of a backflow preventer that protects the public water system; and

(h) Review inspection and field test reports for backflow preventers that protect the public water system and take follow-up action to resolve incomplete, erroneous, or fraudulent reports.

(3) If the purveyor grants exceptions to mandatory premises isolation as allowed under WAC 246-290-490 (4)(b), the CCS shall:

(a) Determine, on a case-by-case basis, if granting the consumer an exception to mandatory premises isolation is appropriate;

(b) Complete and sign an exception form provided by the department for each exception granted;

(c) Include the completed exception forms in the purveyor's cross-connection control annual summary report; and

(d) Submit the completed and signed exception forms to the department upon request.

(4) As allowed in WAC 246-290-490 (7)(a)(ii), a CCS's duties may include inspecting:

(a) Air gaps to determine if they are approved air gaps, and reporting the results of the inspections as required in WAC 246-292-036(8); and

(b) Backflow prevention assemblies to determine if they are installed correctly and approved by the department.

(5) The CCS duties in this chapter do not relieve a purveyor of the responsibility to comply with the requirements of chapter 246-290 WAC.

#### NEW SECTION

**WAC 246-292-034 Duties of a BAT.** (1) A BAT shall inspect, field test, maintain, and repair backflow prevention assemblies, backflow prevention devices, and air gaps that protect the public water system and report the results as required in WAC 246-290-490(7).

(2) A BAT must be equipped with and capable of using a field test kit, all tools, and other equipment needed to inspect and field test backflow prevention assemblies, and to inspect air gaps and AVBs.

(3) When conducting inspections and field tests of backflow preventers, a BAT shall:

(a) Use procedures that:

(i) Meet the requirements in WAC 246-290-490 (7)(d); and

(ii) Are consistent with the field test procedures used on the BAT's most recently passed practical exam;

(b) Accurately perform inspections and field tests;

(c) Record inspection and field test results completely, accurately, and legibly on a backflow preventer inspection and field test report that meets the requirements in WAC 246-292-036;

(d) Accurately interpret the field test results and determine if a backflow prevention assembly passed or failed the field test;

(e) Accurately interpret air gap inspection results and determine if the air gap is an approved air gap at the time of inspection; and

(f) Accurately interpret inspection results and determine if an AVB is operating properly.

(4) A BAT shall submit a completed backflow preventer inspection and field test report in an original, copy, facsimile, or electronic format to the owner of the backflow preventer and to the purveyor.

(5) A BAT shall use a field test kit that meets the general design criteria in Chapter 10, Section 10.2.3 and the criteria in Appen-

dix A, Section A.7 of the *Manual of Cross-Connection Control*, 10th Edition, published by the University of Southern California, October 2009 (*USC Manual*).

(6) A BAT shall have the field test kit and components:

(a) Evaluated for performance, pressure-tested, and checked for accuracy:

(i) At least once within the twelve month period before the inspection and field test date; and

(ii) By an independent laboratory that meets criteria and uses procedures specified in Appendix A, Section A.7 of the *USC Manual*.

(b) Recalibrated, repaired, or replaced, if the pressure test or accuracy check results fail to meet the criteria in Appendix A, Section A.7 of the *USC Manual*.

(7) A BAT shall submit to the purveyor as required in WAC 246-290-490(3):

(a) Laboratory-issued documentation that verifies the accuracy of the field test kit and provides the results of the pressure testing; and

(b) A copy of the department-issued BAT validation card that verifies the BAT's current certification status.

(8) When inspecting, testing, maintaining, or repairing a backflow prevention assembly or AVB, a BAT shall:

(a) Use only replacement parts from the original manufacturer so that the backflow prevention assembly or AVB meets the approval requirements of WAC 246-290-490(5);

(b) Retain, or restore if needed, the manufacturer's design, material, and operational characteristics of the backflow prevention assembly or AVB so that the backflow preventer meets the approval requirements of WAC 246-290-490(5); and

(c) Be a certified plumber as required in chapter 18.106 RCW, if applicable.

#### NEW SECTION

**WAC 246-292-036 Backflow preventer inspection and field test report content.** (1) A BAT shall complete a backflow preventer inspection and field test report as required in WAC 246-292-034 (3)(c).

(2) The completed backflow preventer inspection and field test report must contain facility and hazard information including:

(a) Facility name;

(b) Service address;

(c) Name and contact information of the facility owner or owner's representative; and

(d) Description of downstream hazards or premises, such as the categories identified in WAC 246-290-490, Table 9, if known to the BAT.

(3) The completed backflow preventer inspection and field test report must contain backflow prevention assembly or AVB information including:

(a) Description of physical location;

(b) Assembly type;

(c) Manufacturer;

(d) Model;

(e) Serial number;

- (f) Size;
  - (g) Whether or not the assembly or AVB met the approval requirements in WAC 246-290-490(5) at the time of inspection;
  - (h) Whether or not the installation is new, existing, or a replacement; and
  - (i) For a replacement installation, the serial number of the previously installed assembly or AVB, if known to the BAT.
- (4) The completed backflow preventer inspection and field test report must contain installation information including whether or not the backflow prevention assembly or AVB is properly installed:
- (a) In an orientation that meets the approval requirements of WAC 246-290-490 (6)(a);
  - (b) According to industry standards, as required in WAC 246-290-490(6); and
  - (c) So that the air gap under the relief valve of a reduced pressure backflow assembly meets the approved air gap requirements in chapter 246-290 WAC.
- (5) The completed backflow preventer inspection and field test report must contain results of backflow prevention assembly inspections and field tests conducted according to the field test procedures that meet the requirements of WAC 246-290-490 (7)(d), including:
- (a) Accurate field test kit readings for the initial field test;
  - (b) Accurate field test kit readings for the field test conducted after maintenance or repair, if applicable; and
  - (c) If the backflow prevention assembly passed or failed each field test.
- (6) The completed backflow preventer inspection and field test report must contain backflow prevention assembly or AVB maintenance and repair information, if applicable and known to the BAT, including a:
- (a) Description of maintenance performed;
  - (b) Description of repairs made; and
  - (c) List of materials or replacement parts used.
- (7) The completed backflow preventer inspection and field test report must contain field test kit information for each field test conducted, including:
- (a) Manufacturer;
  - (b) Model;
  - (c) Serial number; and
  - (d) Date of the most recent laboratory accuracy verification or laboratory calibration that meets the requirements of WAC 246-292-034(6).
- (8) The completed backflow preventer inspection and field test report must contain results of air gap inspections including:
- (a) Measurements of the supply pipe diameter;
  - (b) Measurements of the air gap separation; and
  - (c) Whether or not the air gap is an approved air gap at the time of inspection.
- (9) The completed backflow preventer inspection and field test report must contain remarks, if applicable, including, but not limited to:
- (a) A statement that the backflow prevention assembly or AVB does not meet the approval requirements in WAC 246-290-490(5);
  - (b) A list of all missing or defective backflow prevention assembly or AVB components, including shutoff valves and test cocks; and
  - (c) A description of any conditions that could adversely affect the performance of the backflow preventer.

(10) The completed backflow preventer inspection and field test report must contain information about the BAT who inspected, field tested, maintained, or repaired the backflow preventer, including the BAT's:

- (a) Printed name;
- (b) Company name;
- (c) Phone number; and
- (d) BAT certification number issued by the department.

(11) The completed backflow preventer inspection and field test report must contain the date of each inspection, field test, maintenance or repair, if applicable, performed by the BAT.

(12) The completed backflow preventer inspection and field test report must contain a statement certifying that the BAT:

- (a) Personally inspected and field tested the backflow prevention assembly; or
- (b) Personally inspected the air gap or AVB; and
- (c) Used field test procedures that met the requirements of WAC 246-290-490 (7)(d); and
- (d) Provided true, complete, and accurate information in the report.

(13) The completed backflow preventer inspection and field test report must contain the signature of the BAT who inspected, field tested, maintained, or repaired the backflow preventer. The signature must be in original, copy, facsimile, or electronic format.

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

**WAC 246-292-040 Classification of public water systems. ((+1))**

The department shall classify ((purification)) water treatment plants ((according to the Association of Boards of Certification's "*Purification Plant Criteria*" and set forth in the *Water Works Certification Program Guideline* (guideline). Copies of the guideline are available on request by contacting the Department of Health, Drinking Water Division, Water Works Certification Program P.O. Box 47822, Olympia, Washington 98504 7822.

(2) The department shall classify distribution systems into groups as follows:

<b>Classification</b>	<b>Population Served*</b>
Group S	less than 251
Group 1	251 to 1,500
Group 2	1,501 to 15,000
Group 3	15,001 to 50,000
Group 4	greater than 50,000

\* If the population served is not known, apply this formula: Number of Service Connections x 2.5 = Population Served))

and distribution systems.

(1) Water treatment plants.

(a) Water treatment plants are classified according to the point system in the ABC "*Purification Plant Criteria*" publication (October 2007) and are in Table 1.

**Table 1**  
**Water Treatment Plant Classification**

<u>Total Points Assigned</u>	<u>Water Treatment Plant Classification</u>
<u>Less than 31</u>	<u>Class 1</u>
<u>31 to 55</u>	<u>Class 2</u>
<u>56 to 75</u>	<u>Class 3</u>
<u>More than 75</u>	<u>Class 4</u>

(b) The scope of water treatment plant processes include, but are not limited to:

- (i) Water filtration;
- (ii) Ion exchange;
- (iii) Electrodialysis;
- (iv) Reverse osmosis; or
- (v) Inorganic contaminant removal.

(c) The scope of a water treatment plant does not include unit processes installed for:

- (i) In-line fluoridation;
- (ii) In-line chlorination; or
- (iii) Chemical addition to inhibit corrosion.

(2) Distribution systems are classified according to the population served from a public water system's WFI form and are in Table 2.

**Table 2**  
**Distribution Systems Classification**

<u>Population Served</u>	<u>Distribution System Classification</u>
<u>Less than 251</u>	<u>Class S</u>
<u>251 to 1,500</u>	<u>Class 1</u>
<u>1,501 to 15,000</u>	<u>Class 2</u>
<u>15,001 to 50,000</u>	<u>Class 3</u>
<u>More than 50,000</u>	<u>Class 4</u>

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

**WAC 246-292-050 Public water system minimum operator certification requirements ((for public water systems)).** ~~((1) Owners shall have at least one certified operator in responsible charge of the daily operational activities of their system as follows:~~

~~(a) A water treatment plant operator (WTPO) shall be responsible for the operation of:~~

- ~~(i) A purification plant with a Class 2 rating or higher;~~
- ~~(ii) Any purification plant using complex filtration technology;~~

~~or~~

~~(iii) Any unfiltered Group A surface water or GWI system with one hundred or more services in use at any one time.~~

~~(b) A basic treatment operator (BTO) shall be responsible for the operation of:~~

~~(i) A public water system with a Class 1 purification plant rating; or~~  
~~(ii) An unfiltered Group A surface water or GWI system with less than one hundred services in use at any one time.~~  
~~(c) A water distribution manager (WDM) shall be responsible for the operation of a Group A water system:~~  
~~(i) Serving a population greater than two hundred fifty people.~~  
~~(ii) A Class 2 purification plant rating or higher; or~~  
~~(iii) Any purification plant using complex filtration technology.~~  
~~(d) A water distribution specialist (WDS) shall be responsible for the operation of:~~  
~~(i) Group A community or NTNC water systems serving a population of two hundred fifty people or less.~~  
~~(ii) Group A TNC systems classified as significant noncompliers (SNCs) and not required to provide treatment other than simple disinfection if serving a population of two hundred fifty people or less.~~  
~~(2) Owners required to develop a cross connection control program in accordance with WAC 246 290 490 shall ensure that a cross connection control specialist (CCS) is responsible for:~~  
~~(a) The system's cross connection control program;~~  
~~(b) Initial inspection of premises served by the system, for cross connections; and~~  
~~(c) Periodic reinspection of premises served by the system, for cross connections.~~  
~~(3) Owners shall ensure that a backflow assembly tester (BAT) is responsible for inspecting, testing, and monitoring backflow prevention assemblies in accordance with WAC 246 290 490.~~  
~~(4) A WTPO and WDM shall be certified at a level equal to or higher than the water system's classification rating assigned by the department in accordance with WAC 246 292 040.~~  
~~(5) The certified operator in responsible charge of each operating shift shall be certified at a minimum of one level lower than the classification of the purification plant or distribution system.))~~ (1) A purveyor of a public water system shall designate at least one certified operator in responsible charge of a water treatment plant according to the minimum operator certification levels in Table 3.

**Table 3**  
**Water Treatment Plant Classification for the Minimum Level of Certified Operators in Responsible Charge**

<u>Water Treatment Plant Classification</u>	<u>Minimum Operator Certification Level</u>
<u>Class 1</u>	<u>WTPO 1</u>
<u>Class 2</u>	<u>WTPO 2</u>
<u>Class 3</u>	<u>WTPO 3</u>
<u>Class 4</u>	<u>WTPO 4</u>

(2) A purveyor of a public water system shall designate at least one certified operator in responsible charge of a distribution system according to the minimum operator certification levels in Table 4 for:  
(a) A community or nontransient noncommunity water system;  
(b) A transient noncommunity water system, if the system has a groundwater source that requires 4-log treatment as required in WAC 246-290-451 or 246-290-453; or  
(c) A transient noncommunity water system that is violating or has violated requirements in chapter 246-290 WAC, and the violations

may create, or have created an imminent or significant risk to human health. Violations include, but are not limited to:

- (i) Repeated violations of monitoring or reporting requirements;
- (ii) Failure to address an exceedance of permissible levels of regulated contaminants;
- (iii) Failure to comply with treatment technique standards or requirements;
- (iv) Failure to comply with waterworks operator certification requirements;
- (v) Failure to submit to a sanitary survey; or
- (vi) Failure to comply with Tier 1 public notification requirements.

**Table 4**

**Distribution System Classification for the Minimum Level of Certified Operators in Responsible Charge**

<u>Distribution System Classification</u>	<u>Minimum Operator Certification Level</u>
<u>Class S</u>	<u>WDS</u>
<u>Class 1</u>	<u>WDM 1</u>
<u>Class 2</u>	<u>WDM 2</u>
<u>Class 3</u>	<u>WDM 3</u>
<u>Class 4</u>	<u>WDM 4</u>

(3) A purveyor of a public water system with designated operating shifts and major segments may:

(a) Designate a certified operator in responsible charge at one level lower than the minimum certification requirements in subsections (1) and (2) of this section for each operating shift outside of regular operating hours, or each major segment of a water treatment plant or distribution system; and

(b) Assign a major segment to an operator that is certified at less than the minimum certification level requirement in (a) of this subsection if the purveyor has written procedures that include:

(i) Which operational decisions the assigned operator may make that are consistent with their experience, skills, and abilities;

(ii) Identification of the conditions that require the assigned operator to consult with the certified operator in responsible charge in (a) of this subsection, and contact information; and

(iii) The date and signatures of the certified operator in responsible charge in (a) of this subsection, and the assigned operator.

(4) A purveyor shall designate a CCS to be in responsible charge of a public water system's cross-connection control program.

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

**WAC 246-292-055 Minimum requirements for contract operators. (1)**

~~((Contract operators in responsible charge of the daily operational activities of three or more public water systems for operation of a system shall be certified as follows:~~

~~(a) At a minimum, a WDM and CCS, with the WDM level determined by the largest public water system operated;~~

~~(b) A BTO for public water systems with a Class 1 purification plant rating; and~~

~~(c) A WTPO for public water systems with a Class 2 purification plant rating or higher or any purification plant using complex filtration technology.~~

~~(2) Contract operators shall be available on a twenty four hour per day basis.~~

~~(3)) A contract operator((s shall submit two copies of all signed operations contracts to the department within thirty days of the effective date)) must:~~

~~(a) Be certified, at a minimum, as a CCS and a WDM 1;~~

~~(b) Be certified at a level determined by the highest classification of the water treatment plant or distribution system operated as required in WAC 246-292-050 in Tables 3 and 4;~~

~~(c) For each public water system under contract with the operator:~~

~~(i) Be available on-site or able to be contacted immediately by telephone or other electronic communication twenty-four hours per day, every day; and~~

~~(ii) Be able to initiate appropriate action within two hours of contact, as required for certified operators in responsible charge under WAC 246-292-032(2), for every public water system that the contract operator is under contract;~~

~~(d) Submit one copy of each public water system operations contract to the department within thirty days of the effective date of the contract. An operations contract must include the following:~~

~~(i) Contract operator name and certification number;~~

~~(ii) List of the duties that must be performed;~~

~~(iii) Duration of the contract term;~~

~~(iv) Signature of the public water system representative;~~

~~(v) Signature of the contract operator; and~~

~~(vi) Effective date of the contract.~~

~~(e) Notify the department within thirty days when starting operation of a public water system, or ending operation of a public water system.~~

~~((4)) (2) A contract operator((s)) who ((are satellite management agencies-)) is an approved SMA((s)) shall ((also)) comply with ((the provisions of RCW 70.116.134)) chapter 246-295 WAC.~~

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

**WAC 246-292-060 Minimum education and experience requirements ((for water works)) to become a certified operator((s)).** (1) Minimum education and operating experience requirements for ((the following water works operator classifications and levels shall be as indicated in Tables 1A and 1B:

Table 1A

MINIMUM EDUCATION AND OPERATING EXPERIENCE REQUIREMENTS

WATER WORKS OPERATOR CLASSIFICATIONS	LEVEL									
	OPERATOR-IN-TRAINING OIT*		1		2		3		4	
	Education	Operating Experience	Education	Operating Experience	Education	Operating Experience	Education	Operating Experience	Education	Operating Experience
Water-Distribution-Manager (WDM)	12 years	3 months	12 years	1 year	12 years	3 years	14 years	4 years	16 years	4 years
Water-Treatment Plant Operator (WTPO)	12 years	3 months	12 years	1 year	12 years	3 years	14 years	4 years	16 years	4 years

\* OIT experience may be fulfilled by three months operating experience or thirty hours of relevant water system training (three CEUs or college credits).

**Table 1B**  
MINIMUM EDUCATION AND OPERATING EXPERIENCE REQUIREMENTS

WATER WORKS OPERATOR CLASSIFICATIONS	Education	Operating Experience
Basic Treatment Operator (BTO)	12 years	6 months
Water Distribution Specialist (WDS)	12 years	6 months
Cross-connection Control Specialist (CCS)	12 years	6 months
Backflow Assembly Tester (BAT)	NA	NA

(1) Minimum education requirement shall be the acceptable level of education, or experience which may be substituted for education as outlined in the guideline.

(2) Minimum operating experience requirement shall be the routine on-site performance of duties in a water purification plant or distribution system. Those duties shall affect plant or system performance and/or water quality.

(3) The department may allow substitutions of a person's relevant experience when the person cannot meet the formal education requirement, or vice versa in the WDM, WTPO, BTO, WDS and CCS classifications as outlined in the guideline.) a water treatment plant operator are in Table 5.

**Table 5**  
WTPO Minimum Education and Experience Requirements

Certification Level	Minimum Education Requirement (see Table 7 for equivalents)	Minimum Experience Requirement
WTPO - OIT	12 years	One of the following: <ul style="list-style-type: none"> <li>3 months operating experience in a water treatment plant or distribution system;</li> <li>3 months water-related experience; or</li> <li>30 hours of relevant water system training (3 CEUs or 3 college credits).</li> </ul>
WTPO 1	12 years	12 months experience in a water treatment plant.
WTPO 2	12 years	<ul style="list-style-type: none"> <li>18 months operating experience in a water treatment plant; and</li> <li>18 months additional water-related experience.</li> </ul>

<u>Certification Level</u>	<u>Minimum Education Requirement (see Table 7 for equivalents)</u>	<u>Minimum Experience Requirement</u>
		<ul style="list-style-type: none"> <li>• <u>Relevant excess education may substitute for additional experience requirement.</u></li> </ul>
<u>WTPO 3</u>	<u>14 years</u>	<ul style="list-style-type: none"> <li>• <u>24 months operating experience in a Class 2 or higher rated water treatment plant; and</u></li> <li>• <u>24 months additional water-related experience.</u></li> <li>• <u>Relevant excess education may substitute for additional water-related experience requirement.</u></li> </ul>
<u>WTPO 4</u>	<u>16 years</u>	<ul style="list-style-type: none"> <li>• <u>24 months operating experience in a Class 3 or higher rated water treatment plant; and</u></li> <li>• <u>24 months additional water-related experience.</u></li> <li>• <u>Relevant excess education may substitute for additional water-related experience requirement.</u></li> </ul>

(2) Minimum education and operating experience requirements for WDS and WDM certification levels are in Table 6.

**Table 6**  
**WDS and WDM Minimum Education and Experience Requirements**

<u>Certification Level</u>	<u>Minimum Education Requirement (see Table 7 for equivalents)</u>	<u>Minimum Experience Requirement</u>
<u>WDS</u>	<u>12 years</u>	<u>6 months operating experience in a water treatment plant or distribution system.</u>
<u>WDM - OIT</u>	<u>12 years</u>	<u>One of the following:</u> <ul style="list-style-type: none"> <li>• <u>3 months operating experience in a water treatment plant or distribution system;</u></li> <li>• <u>3 months water-related experience; or</u></li> <li>• <u>30 hours of relevant water system training (3 CEUs or 3 college credits).</u></li> </ul>
<u>WDM 1</u>	<u>12 years</u>	<u>12 months operating experience in a water treatment plant or distribution system.</u>
<u>WDM 2</u>	<u>12 years</u>	<ul style="list-style-type: none"> <li>• <u>12 months operating experience in a water treatment plant or distribution system; and</u></li> <li>• <u>24 months additional water-related experience.</u></li> <li>• <u>Relevant excess education may substitute for additional water-related experience requirement.</u></li> </ul>
<u>WDM 3</u>	<u>14 years</u>	<ul style="list-style-type: none"> <li>• <u>12 months operating experience in a water treatment plant or distribution system; and</u></li> <li>• <u>36 months additional water-related experience.</u></li> <li>• <u>Relevant excess education may substitute for additional water-related experience requirement.</u></li> </ul>
<u>WDM 4</u>	<u>16 years</u>	<ul style="list-style-type: none"> <li>• <u>12 months operating experience in a water treatment plant or distribution system; and</u></li> <li>• <u>36 months additional water-related experience.</u></li> <li>• <u>Relevant excess education may substitute for additional water-related experience requirement.</u></li> </ul>

(3) The minimum education and operating experience requirements for a CCS are:

(a) Twelve years of education (refer to Table 7 for equivalent education requirements); and

(b) At least six months operating experience in a public water system's water treatment plant, distribution system, or water-related

experience implementing a cross-connection control program for a consumer's water system not subject to WAC 246-290-490.

(4) A BAT shall have at least twelve years of education (refer to Table 7 for equivalent education requirements).

**Table 7**  
**Minimum Education Requirements and Equivalent Education and Substitutions**

<u>Minimum Education Requirement</u>	<u>Equivalent Education and Substitutions</u>
<u>12 years of education</u>	<ul style="list-style-type: none"> <li>• <u>High school diploma or GED;</u></li> <li>• <u>One year of water-related experience may substitute for each year of education through twelfth grade.</u></li> </ul>
<u>14 years of education</u>	<ul style="list-style-type: none"> <li>• <u>High school diploma or GED, and one of the following:</u> <ul style="list-style-type: none"> <li>• <u>A two-year college degree;</u></li> <li>• <u>60 college semester credits;</u></li> <li>• <u>90 college quarter credits; or</u></li> <li>• <u>90 CEUs from relevant water system training.</u></li> </ul> </li> <li>• <u>One year of operating experience or water-related experience may substitute for each year of education through twelfth grade.</u></li> <li>• <u>Two years of operating experience or water-related experience may substitute for each year of college education.</u></li> </ul>
<u>16 years of education</u>	<ul style="list-style-type: none"> <li>• <u>High school diploma or GED, and one of the following:</u> <ul style="list-style-type: none"> <li>• <u>A four-year college degree;</u></li> <li>• <u>120 college semester credits;</u></li> <li>• <u>180 college quarter credits; or</u></li> <li>• <u>180 CEUs from relevant water system training.</u></li> </ul> </li> <li>• <u>One year of operating experience or water-related experience may substitute for each year of education through twelfth grade.</u></li> <li>• <u>Two years of water-related experience may substitute for each year of college education.</u></li> </ul>

(5) Water-related experience used to substitute for the minimum education requirements must exceed the minimum experience requirements for certification in Tables 5 and 6 before the experience is used as an equivalent education substitution in Table 7.

(6) The department may approve an applicant's relevant excess education or water-related experience that meets the requirements in Tables 5, 6, and 7.

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

**WAC 246-292-070 Application and examination.** (~~((1) Applicants for any classification of water works operator shall:~~

~~(a) Submit a completed application, application fee and examination charge to cover the cost of a validated exam;~~

~~(b) Meet the minimum education and operating experience criteria for the level of certification for which they are applying in accordance with WAC 246-292-060; and~~

~~(c) Pass a validated examination.~~

~~(2) The department shall:~~

~~(a) Ensure a validated examination is conducted at least three times annually at convenient places and times as set by the department;~~

~~(b) Provide notice of places and times of regularly scheduled examinations; and~~

~~(c) Issue applicable certificates to applicants meeting all the conditions for certification.~~

~~(3) Applicants who fail or do not appear for their scheduled examination may reapply for a regularly scheduled examination by submitting a new application, application fee and examination charge.)) (1) To become certified as a CCS, WDS, WDM, or WTPO, an applicant shall:~~

~~(a) Submit to the department a completed application on a form provided by the department, and include:~~

~~(i) An application fee, as specified in WAC 246-292-990;~~

~~(ii) A completed "Waterworks Operator Information" form;~~

~~(iii) Affidavits of employment that documents experience;~~

~~(iv) Transcripts of education and training, if applicable; and~~

~~(v) Other supporting documentation, as required in this chapter.~~

~~(b) Meet the minimum education and operating experience requirements in WAC 246-292-060; and~~

~~(c) Take and pass a validated examination, including payment of an examination fee made payable to the department's examination contractor as specified in the application packet.~~

~~(2) The effective date of the certificate for CCS, WDS, WDM, or WTPO classifications is the last day of the month in which the applicant took and passed the examination.~~

~~(3) To become certified as a BAT, an applicant shall:~~

~~(a) Submit to the department a completed application on a form provided by the department, and include:~~

~~(i) An application fee, as specified in WAC 246-292-990; and~~

~~(ii) An examination fee to the department's examination contractor as specified in the application packet; and~~

~~(b) Take and pass:~~

~~(i) A validated computer-based examination; and~~

~~(ii) A department practical examination.~~

~~(4) The effective date of the certificate for a BAT is the date the applicant passed the examination.~~

~~(5) The department shall consider for approval all complete applications.~~

~~(6) The department may deny an application for certification as specified in WAC 246-292-105.~~

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

**WAC 246-292-075 Reciprocity.** (1) The department may issue a certification for a WDS, WDM, or WTPO without examination to ((individuals)) an applicant who ((possess)) has a valid, unrestricted certificate from another state or province if:

~~((1) The applicant possesses a certificate from a state or province having substantially equivalent standards as determined by the department; and~~

~~(2) A completed application, application fee and a copy of the valid state or province certificate are submitted to the department.)~~

~~(a) The education, operating experience, and professional growth requirements from the other state or provincial certification program are substantially equivalent standards as the certification requirements in this chapter; and~~

~~(b) An applicant passed the ABC validated examination or an equivalent examination as determined by the department, with an equivalent Washington passing score of at least seventy percent.~~

~~(2) An applicant for a WDS, WDM, or WTPO certification by reciprocity shall comply with the requirements in WAC 246-292-070, except the examination and application fees and submit:~~

~~(a) Proof of a valid, unrestricted waterworks operator certification from the reciprocal state or province; and~~

~~(b) The reciprocity fee as specified in WAC 246-292-990, Table 8.~~

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

**WAC 246-292-080 Public water system temporary operator certification.** (1) The department may issue a nonrenewable temporary certification to an ~~((operator))~~ individual to fill a vacated position for a certified operator in responsible charge, or for a position reclassified in WAC 246-292-086, for a public water system that is required to have a certified operator. The purveyor of the public water system and the operator may jointly submit to the department an application for a temporary certification without the operator taking an examination if:

(a) The operator meets, or will meet before the end of the temporary certification period, the minimum education and operating experience requirements of the water treatment plant or distribution system classification as required in WAC 246-292-050 for the temporary position; and

(b) The ~~((public water system))~~ operator submits all of the following:

(i) A letter requesting temporary certification for the ~~((operator))~~ vacated certified operator in responsible charge position; ~~((and))~~

(ii) ~~((The applicable fee.~~

~~(b) The operator completes and submits a certification application; and~~

~~(c) The operator meets or will meet the minimum education and operating experience requirements of the mandatory classification for the vacated position, prior to the expiration date of the temporary certification.)~~ A temporary certification application on a form provided by the department signed by the operator and the purveyor for department review and approval;

(iii) Affidavits of employment and other supporting information to document experience and demonstrate that the applicant will meet the requirements to become certified for the position by the end of the temporary certification period; and

(iv) A temporary certification application fee as specified in WAC 246-292-990(4).

~~(2) ((Only one temporary certification may be issued in each instance of any position vacancy.~~

~~(3))~~ The department may issue a temporary certification ((shall be valid)) for up to twelve months except as specified in subsection (3) or (4) of this section.

(3) The department may issue a temporary certification for up to sixty days to an operator of a public water system that uses a surface water or a GWI source, if:

(a) The public water system has no more than two WTPO positions;

(b) All WTPO positions for the public water system are vacant at the same time;

(c) The operator meets the minimum education and operating experience requirements for the position in WAC 246-292-060 at the time the department receives the application; and

(d) The operator submits all information as required in subsection (1)(b) of this section.

(4) The department may issue a temporary certification for up to one hundred twenty days to an operator of a public water system if:

(a) The public water system meets the criteria in WAC 246-292-050 (2)(c);

(b) The operator meets the minimum education and operating experience requirements for the position in WAC 246-292-060 at the time the department receives the application; and

(c) The operator submits all information as required in subsection (1)(b) of this section.

~~((4) The))~~ (5) Only one temporary certification ((shall)) may be ((specific to the designated system and is not transferrable to any other system or operator)) issued for each vacated position for a certified operator in responsible charge.

(6) A temporary certification issued by the department to an operator for a vacated certified operator in responsible charge position of a public water system is not transferable to:

(a) Another operator;

(b) Another position within the public water system; or

(c) Another public water system.

AMENDATORY SECTION (Amending WSR 05-06-122, filed 3/2/05, effective 4/2/05)

**WAC 246-292-085 ((Grandparenting.)) Grandparented certification.**

(1) A certified operator((s)) who received a grandparented certification prior to January 1, 2001, ((for the minimum classification of a water system)) remains subject to the following:

~~((1))~~ (a) A ((grandparent)) grandparented operator certification is ((site specific)) valid only for the designated public water system and ((nontransferrable)) is not transferable to another operator or public water system;

~~((2) A grandparented))~~ (b) An operator with a grandparented certification shall meet all ((certification)) renewal requirements ((under the provisions of)) in WAC 246-292-090; and

~~((3))~~ (c) If an operator with a grandparented ((operator)) certification fails to renew ((his or her certification under)) the cer-

~~tificate as required in WAC 246-292-090, the ((grandparent certifica-  
tion is)) operator shall no longer ((valid)) be certified. ((To become  
recertified)) If the certificate expires, the operator must apply for  
a new certification and meet all the requirements of a new appli-  
~~cant((; and~~~~

~~(4)) as required in WAC 246-292-060 and 246-292-070.~~

~~(2) If the classification of a water treatment plant or distribu-  
tion system ((classification)) changes to a higher level, the ((grand-  
parent)) grandparented certification is no longer valid((; and the  
owner and operator)). The purveyor shall comply with ((chapter  
246-292)) the requirements for obtaining a certified operator, as re-  
quired in WAC 246-292-040 and 246-292-050.~~

#### NEW SECTION

**WAC 246-292-086 Certified BTO.** (1) The department shall:

(a) Reclassify a certified BTO that has twelve months or more of operating experience in a water treatment plant to a WTPO 1. To document operating experience in a water treatment plant, a BTO shall submit the following to the department for review and approval:

(i) Completed "Waterworks Operator Information" form provided by the department; and

(ii) Affidavits of employment that document water treatment plant experience.

(b) Issue a temporary operator certification to a BTO designated as a certified operator in responsible charge in WAC 246-292-020 for up to twelve months as a WTPO 1 under the following criteria:

(i) The BTO is currently operating a water treatment plant;

(ii) The BTO does not have twelve months of operating experience in a water treatment plant; and

(iii) The water treatment plant is classified as Class 1 in WAC 246-292-040 Table 1.

(2) A BTO that does not have twelve months of operating experience in a water treatment plant, and that does not meet the criteria in subsection (1)(b) of this section, shall remain a certified BTO.

(3) Within twelve months of the effective date of this chapter, a BTO may request that the department reclassify the certificate from a BTO to a WTPO-OIT by submitting the following information for department review and approval:

(a) Completed "Waterworks Operator Information" form; and

(b) Affidavits of employment that document water treatment plant experience.

AMENDATORY SECTION (Amending WSR 05-06-122, filed 3/2/05, effective 4/2/05)

**WAC 246-292-090 Renewal of certificates.** (1) ~~((The operator must renew his or her certificate by January 1st of each year))~~ Certificates are valid until December 31st each year, except that an initial certificate issued after October 1st will be valid through the following calendar year.

~~(2) ((The department shall renew an operator's certificates when the operator:)) To renew a certificate, a certified operator shall submit to the department:~~

~~(a) ((Pays the applicable)) The annual renewal fee as specified in WAC 246-292-990; ((and))~~

~~(b) ((Demonstrates completion of required professional growth in accordance with subsections (3) and (4) of this section. The operator must provide evidence of professional growth acceptable to the department within the designated professional growth reporting period as described in the department guideline titled, *Water Works Certification Program Guideline*.~~

~~(3) To demonstrate professional growth, a holder of WDM, WTPO, WDS, BTO or CCS certification shall accomplish one of the following activities during each professional growth reporting period:~~

~~(a) Accumulate a minimum of three continuing education units (CEU), or college credits for training that:~~

~~(i) Has an influence on water quality, water supply, or public health protection; and~~

~~(ii) Is directly relevant to the operation, or maintenance of a water system; or~~

~~(iii) Is directly relevant to managing the operation, or maintenance activities of a water system;~~

~~(b) Advance by examination in the Washington water works operator certification program within the classifications WDM and WTPO to a level 2, 3, or 4; or~~

~~(c) Achieve certification by examination in a different classification as shown below:~~

~~(i) WDM to WTPO, BTO or CCS;~~

~~(ii) WTPO to WDM, or CCS;~~

~~(iii) WDS to WDM, WTPO, BTO or CCS;~~

~~(iv) BTO to WDM, WTPO, WDS or CCS; or~~

~~(v) CCS to WDM, WTPO, BTO, or WDS.~~

~~(4) To demonstrate professional growth, a certified BAT must satisfactorily complete the department's backflow assembly tester professional growth examination during each professional growth reporting period.~~

~~(5) If an operator fails to renew his or her certificate, the department shall notify the operator by December 31st, that the certificate is temporarily valid for two months beginning January 1st.~~

~~(6) If an operator fails to renew the certificate within the two-month period, the certificate is invalid. The department shall notify the operator in writing of an invalid certificate.~~

~~(7) An operator who fails to renew his or her certification may reapply for certification, but must meet the requirements for a new applicant.) The original annual renewal notice, and if applicable;~~

~~(c) Updated information on the renewal notice, including water system name and identification number for any change in the specific public water systems operated by the certified operator; and~~

~~(d) Completed professional growth documentation as required in WAC 246-292-095(3).~~

~~(3) A certified operator that fails to renew a certificate by January 1st shall pay a late fee as specified in WAC 246-292-990, Table 8. The department shall notify the operator that the certificate is temporarily valid for two months, beginning January 1st. A temporarily valid certificate not renewed by the last day of February becomes invalid on March 1st. The department shall notify the operator in writing when a temporarily valid certificate is invalidated.~~

(4) A certified operator whose failure to renew results in an invalid certificate may reapply for certification and shall meet the requirements for a new certificate in WAC 246-292-060 and 246-292-070.

NEW SECTION

**WAC 246-292-095 Professional growth.** (1) A BTO, CCS, WDS, WDM, or WTPO shall demonstrate professional growth during each professional growth reporting period of at least three years, and complete the requirements by December 31st, as follows:

(a) Accumulate a minimum of three CEU or college credits meeting the definition of relevant water system training in WAC 246-292-010;

(b) Advance as a WDM or WTPO by examination to a higher level classification; or

(c) Achieve certification by examination in a different classification as follows:

(i) A BTO obtains a CCS, WDM, or WTPO certification;

(ii) A CCS obtains a WDS, WDM, or WTPO certification;

(iii) A WDM obtains a CCS or WTPO certification;

(iv) A WDS obtains a CCS, WDM, or WTPO certification; or

(v) A WTPO obtains a CCS or WDM certification.

(2) A certified BAT shall demonstrate professional growth by passing the department's BAT professional growth examination during each professional growth reporting period.

(3) All certified operators shall submit professional growth documentation to the department or its designee by February 15th following the end of the professional growth period.

(4) The department shall determine if training meets the relevant water system training requirements of WAC 246-292-060. If the department determines that training does not meet the definition, the certified operator may request a relevancy review.

AMENDATORY SECTION (Amending WSR 05-06-122, filed 3/2/05, effective 4/2/05)

**WAC 246-292-100 Revocation and suspension.** (1) The department may suspend an operator's certificate for up to a year or revoke an operator's certificate for up to five years if the operator:

(a) Obtains a certificate by fraud or deceit;

(b) Performs an act of fraud, deceit, or gross negligence (~~in the operation of a purification plant or a distribution system; or~~) when:

(i) Operating or maintaining a public water system;

(ii) Inspecting, testing, maintaining, or repairing backflow assemblies, devices, or air gaps intended to protect a public water system from contamination; or

(iii) Developing or implementing a cross-connection control program.

(c) Intentionally violates the requirements of this chapter or department statutes, rules, or orders as authorized in chapter 246-290 WAC, RCW 70.119.110, or 70.119A.040.

~~(2) ((Except in a case of fraud, deceit, or gross negligence, the department may not revoke or suspend a certificate under subsection (1)(c) of this section until the department notifies the operator in writing of the violation and provides an opportunity for the operator to correct the violation.~~

~~(3) A revocation or suspension action brought under this section shall be conducted in accordance with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.~~

~~(4) A person whose certificate is revoked may not apply for certification until the period of revocation has ended.~~

~~(5) After the revocation period has ended, a person whose certificate was revoked may reapply for certification as a new operator under WAC 246-292-070.~~

~~(6)) When considering if an act or omission constitutes gross negligence, the department shall consider all pertinent factors including, but not limited to:~~

~~(a) The standard of care commonly exercised by a certified operator;~~

~~(b) If the legal duty was known or should have been known to the alleged violator; and~~

~~(c) The degree to which the alleged gross negligence endangered public health.~~

~~(3) An operator whose certificate is suspended shall continue to meet all renewal and professional growth requirements in ((accordance with)) WAC 246-292-090 and 246-292-095, in order to maintain certification after the suspension period has ((lapsed)) ended.~~

~~(4) An operator whose certificate is revoked may apply for certification after the period of revocation has ended, and shall meet all requirements in WAC 246-292-060 and 246-292-070.~~

#### NEW SECTION

**WAC 246-292-105 Certification denial.** (1) The department may deny an application for certification if the applicant:

(a) Fails to meet any of the requirements of this chapter or falsifies information;

(b) At the time of application, and for any period of time during the prospective period of certification, the applicant:

(i) Has a waterworks operator certificate revoked, suspended, or restricted by another state or province with substantially equivalent standards as the requirements in this chapter;

(ii) Has a waterworks operator certificate revoked, suspended, or restricted by the department; or

(iii) Has a wastewater operator certificate in chapter 173-230 WAC revoked, suspended, or restricted by the department of ecology.

(2) The department shall give written notice to the applicant of the decision to deny a certificate and state the grounds and factual basis for the action.

AMENDATORY SECTION (Amending WSR 01-02-070, filed 12/29/00, effective 1/29/01)

**WAC 246-292-110 Enforcement.** ~~(1) When ((any Group)) a public water system or operator ((is out of compliance)) fails to comply with ((these regulations)) the requirements of this chapter, the department may initiate appropriate enforcement actions as authorized ((under)) in chapters 70.119 and 70.119A RCW. ((These))~~

~~(2) The department's enforcement actions against a public water system or operator may include ((any)) one or ((combination)) more of the following:~~

~~((1) Issuance of)) (a) Issuing an informal letter ~~((s instructing or requiring)) directing~~ appropriate corrective measures;~~

~~((2) Issuance of)) (b) Issuing a notice of violation requiring appropriate corrective measures;~~

~~(c) Issuing a compliance schedule of specific actions needed to achieve compliance;~~

~~((3) Issuance of a departmental)) (d) Issuing an order requiring specific actions or ceasing unacceptable activities within a designated time period;~~

~~((4) Issuance of)) (e) Imposing civil penalties for up to:~~

~~(i) Five thousand dollars per day per violation; or~~

~~(ii) Ten thousand dollars per day per violation in the case of a violation that the department has determined to be a public health emergency;~~

~~((5) Prosecution as a criminal misdemeanor with fines up to one hundred dollars per offense;~~

~~(6) Revocation or suspension of a license)) (f) Revoking or suspending a certification in accordance with WAC 246-292-100; and~~

~~((7)) (g) Other legal action by the attorney general or local prosecutor.~~

NEW SECTION

**WAC 246-292-990 Certified operator and public water system certification fees.** (1) Table 8 specifies certified operator fees:

**Table 8  
Certified Operator Fees**

Operator Classification	Application Fee By Examination	Application Fee By Reciprocity	Annual Renewal Fee	Late Fee (Assessed for failure to submit the fee within the time period specified on the renewal form)
WTPO	\$87.00	\$177.00	\$42	\$35
WDM	\$87.00	\$177.00	(Regardless of the number of classifications held by the operator)	(Regardless of the number of classifications held by the operator)
WDS	\$87.00	\$177.00		
CCS	\$51.00	Not applicable		
BAT	\$51.00	Not applicable		
BTO	Not applicable	Not applicable		

(2) A public water system shall pay the fee in Table 9 in combination with the system's annual operating permit fee as required in chapter 246-294 WAC.

(3) A public water system that fails to submit the required annual fees by the deadline specified on the renewal form shall pay the late fee as specified in Table 9.

**Table 9**  
**Public Water System Annual Certification Fees**

Public Water System Size* (Number of Service Connections on WFI form)	Public Water System Certification Fee	Late Fee
Less than 601	\$132.00	\$35.00
601 through 6,000	\$403.00	\$40.30
6,001 through 20,000	\$536.00	\$53.60
More than 20,000	\$809.00	\$80.90

\* Approved SMAs shall pay a fee based on total services in all public water systems owned by the SMA.

(4) An individual applying for a temporary certification shall pay a fee of eighty-seven dollars to the department as required in WAC 246-292-080.

(5) Fees are not refundable or transferable.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 246-292-160      Water works certification fees.