Welcome and Introductions
Be respectful.

Everyone participates.

One person speaks at a time.

Take side conversations and phone calls outside.

Keep discussion relevant.

Be punctual and be prepared.

Disagree? Propose solution.
RULEMAKING
What is rulemaking?

Public Process

Develops new—or amends/repeals existing—rule language

Implements:

• State laws
• Federal laws and rules
The Life of a Rulemaking
at the Department of Ecology

Something triggers rulemaking
- Federal or legislative changes to a law rule
- Feedback from stakeholders
- Court decisions
- New technology and/or science
- Petitions
- Rule review every two years

Discuss with senior management
- Why is the rule needed?
- Who is interested in the rule?
- Why now?
- What do we want to do?
- Get approval to proceed

Announce rulemaking
- Describe the scope
- Invite participation
- Start a dialog with interested parties
- Publish in the State Register
The Life of a Rulemaking at the Department of Ecology

Develop proposed language
- Draft preliminary draft rule language
- Engage stakeholders and tribes
- Seek feedback through meeting, workshops, and online tools
- No time limit on duration

Issue a rule proposal
- Include proposed rule language and economic analyses
- Open the formal comment period
- Publish in State Register

Accept Comments
- Accept written comments and oral comments (via online, email, mail, webinars and/or video conference)
- Hold public hearing(s)

9/6/2018
The Life of a Rulemaking at the Department of Ecology

Consider Comments
- Consider and respond to comments
- Are changes needed?
- Should Ecology seek adoption?

Adopt the rule
- Adopt within 6 months of proposal
- Publish in State Register

Implementation
- Usually effective in 31 days after filing
- Issue guidance and tools
- Provide technical assistance
Legal Requirements

Administrative Procedure Act (APA)
- Chapter 34.05 RCW
- Applies to all rulemaking activities at Ecology
- Details requirements for rulemaking

Regulatory Fairness Act (RFA)
- Chapter 19.85 RCW
- Applies to rules that impose compliance costs on small businesses
- If disproportionate impact, Ecology must mitigate however is legal and feasible.
RULEMAKING TIMELINE
<table>
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Are you:

Answered: 367   Skipped: 0
Are you currently working in Washington State …?

Answered: 297   Skipped: 70
What is your certification Level?

Answered: 297    Skipped: 70
Are you interested in participating in the rule-making advisory committee (RAC)…?

Answered: 327   Skipped: 40

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>152</td>
</tr>
<tr>
<td>No</td>
<td>175</td>
</tr>
<tr>
<td>TOTAL</td>
<td>327</td>
</tr>
</tbody>
</table>
Does your organization pay or reimburse renewal fees?

Answered: 293    Skipped: 74
Does your organization pay or reimburse application fees?

Answered: 293    Skipped: 74
OPERATOR CERTIFICATION FEES
Governing Statutes
Chapter 70.95B RCW

In 1987, the Legislature amended Chapter 70.95B RCW, requiring Operators of Wastewater Treatment Plants be certified.
“...the individual on-site at a wastewater treatment plant who is designated by the owner as the operator in responsible charge of the operation and maintenance of the plant on a routine basis shall be certified at a level equal to or higher than the classification rating of the plant being operated.”
RCW 70.95B.095

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

RCW 70.95B.090 capped operator certification fees at:

$50 per application

$30 per renewal
Issues with State Statute
Revenue collected did not come to Ecology to support the OpCert Program
Remembering 1987

1 gallon of gas: $0.89 cents

1 pound of bacon: $1.80

Average price of a new car: $10,305

Average Cost of a New House: $92,000
It’s Not 1987 Anymore…

$50 and $30 in 1987 is **worth**...

...$22.41 and $13.45 in 2018
Fees Don’t Recover Program Costs

Revenue - $72K per year

Costs of Program - $244K per year

Application Fees
Renewal Fees

Staff
Supplies/Travel
Contracts
Ecology Request Legislation
Ecology Request Legislation

- Establish a Dedicated Account for OpCert
- Remove Fee Caps from Statute
- Amend WAC 173-230 with new fee structure
“The department, with the advice of an advisory committee, shall establish an initial fee schedule by rule. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department to administer the wastewater operator certification program...”
2018 Request Legislation

“...to include evaluating applications necessary to verify compliance with certification requirements, maintaining and administering credible examinations, ensuring operators receive necessary training, outreach, and technical assistance, enforcing certification program requirements, providing necessary education and training to program staff, and supporting the overhead expenses related to administering the wastewater operator certification program.”
“Once the initial fee schedule is adopted by rule, the department shall conduct a workload analysis and prepare a biennial budget estimate for the wastewater treatment plant operator certification program. Thereafter, the department shall assess and collect fees from all wastewater treatment plant operators at a level that fully recovers the costs identified in its biennial operating budget.”
What is Fully Funded???

ES4 and ES2 Positions: $228,400
- Salaries and Benefits: $163,300
- FTE-Support Costs: (Equipment, Supplies, Travel etc.): $16,600
- Overhead (Infrastructure, HR, IT, and Payroll Support, etc.): $48,500

Program Costs: $16,100
- Postage and Printing: $6,100
- Program-specific Supplies: $3,200
- Memberships and Conferences: $6,800
Getting to Fully Funded – Option #1

1-time increase

• Application fees would be $173 and renewal fees would be $103 beginning in July 2020.
Getting to Fully Funded – Option #2

2-year Phase In

- App fees would increase on average $63 per year over 2 years.
- Renewal fees would increase on average $37.50 per year over 2 years.
Getting to Fully Funded – 2 Years

Revenue Needed to Sustain Program

<table>
<thead>
<tr>
<th>FY</th>
<th>Fee Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY19</td>
<td>$50</td>
</tr>
<tr>
<td>FY20</td>
<td>$94</td>
</tr>
<tr>
<td>FY21</td>
<td>$176</td>
</tr>
<tr>
<td>FY22</td>
<td>$179</td>
</tr>
<tr>
<td>FY23</td>
<td>$182</td>
</tr>
<tr>
<td>FY24</td>
<td>$185</td>
</tr>
<tr>
<td>FY25</td>
<td>$188</td>
</tr>
<tr>
<td>FY26</td>
<td>$191</td>
</tr>
<tr>
<td>FY27</td>
<td>$194</td>
</tr>
<tr>
<td>FY28</td>
<td>$197</td>
</tr>
<tr>
<td>FY29</td>
<td>$200</td>
</tr>
<tr>
<td>FY30</td>
<td>$203</td>
</tr>
</tbody>
</table>

Total Revenue: $72,310
Revenue Target: $244,500
Getting to Fully Funded – Option #3

4-year Phase In

• App fees would increase on average $33 per year over 4 years.
• Renewal fees would increase on average $19.75 per year over 4 years.
Getting to Fully Funded – 4 Years

Revenue Needed to Sustain Program

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Revenue</th>
<th>Revenue Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY19</td>
<td>$72,310</td>
<td>$244,500</td>
</tr>
<tr>
<td>FY20</td>
<td>$99,073</td>
<td>$248,534</td>
</tr>
<tr>
<td>FY21</td>
<td>$137,389</td>
<td>$252,635</td>
</tr>
<tr>
<td>FY22</td>
<td>$190,167</td>
<td>$256,803</td>
</tr>
<tr>
<td>FY23</td>
<td>$262,851</td>
<td>$261,040</td>
</tr>
<tr>
<td>FY24</td>
<td>$267,547</td>
<td>$265,347</td>
</tr>
<tr>
<td>FY25</td>
<td>$272,243</td>
<td>$269,725</td>
</tr>
<tr>
<td>FY26</td>
<td>$276,939</td>
<td>$274,175</td>
</tr>
<tr>
<td>FY27</td>
<td>$281,635</td>
<td>$278,699</td>
</tr>
<tr>
<td>FY28</td>
<td>$286,331</td>
<td>$283,298</td>
</tr>
<tr>
<td>FY29</td>
<td>$291,027</td>
<td>$287,972</td>
</tr>
<tr>
<td>FY30</td>
<td>$295,723</td>
<td>$292,724</td>
</tr>
</tbody>
</table>

Fee Per Year

<table>
<thead>
<tr>
<th>Category</th>
<th>FY19</th>
<th>FY20</th>
<th>FY21</th>
<th>FY22</th>
<th>FY23</th>
<th>FY24</th>
<th>FY25</th>
<th>FY26</th>
<th>FY27</th>
<th>FY28</th>
<th>FY29</th>
<th>FY30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apps</td>
<td>$50</td>
<td>$69</td>
<td>$95</td>
<td>$131</td>
<td>$182</td>
<td>$185</td>
<td>$188</td>
<td>$191</td>
<td>$194</td>
<td>$197</td>
<td>$200</td>
<td>$203</td>
</tr>
<tr>
<td>Renewals</td>
<td>$30</td>
<td>$41</td>
<td>$57</td>
<td>$79</td>
<td>$109</td>
<td>$111</td>
<td>$113</td>
<td>$115</td>
<td>$117</td>
<td>$119</td>
<td>$121</td>
<td>$123</td>
</tr>
</tbody>
</table>
QUESTIONS & DISCUSSION
OTHER PROPOSED CHANGES
Late Fees

Yes — 63%

- If it takes time/resources to send reminders
- If it produces revenue
- Municipalities pay and are always late
- Added burden to operators who pay their own fees

No — 29%

Why add late fees?
What are they for?
How much?

45
QUESTIONS & DISCUSSION
APPLICATION FEES
Charging more for Reciprocity Applications

Reciprocity

Yes – 66%
If it takes more time/resources to review applications

No – 24%
Should already have factored into fee structure
Should not take more time to review applications
Why charge more?

- Industry standard
- More staff time to review
  - Usually higher level certifications
  - Require employment verification
  - Require certification verification
  - Require plant classification verification
Charge more for Groups III & IV Applications

Yes – 44%
• If it takes more time/resources to review applications

No – 43%
• Why penalize operators for trying to improve?
• Why is it harder? Should already have information needed from previous applications.
• Put responsibility on applicant to provide enough information to reduce review time.
### Why Charge More?

<table>
<thead>
<tr>
<th>Group III Application:</th>
<th>Group IV Application:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Easy:</strong> AA degree, 4 years of operating experience with at least 2 years at a Class II or higher plant</td>
<td><strong>Easy:</strong> BA degree, 4 years of operating experience with at least 2 years at a Class III or higher plant</td>
</tr>
<tr>
<td><strong>Medium:</strong> BA degree, 2 years of operating experience with at least 2 years at a Class II or higher plant</td>
<td><strong>Medium:</strong> AA degree, 4 years of operating experience with at least 2 years at a Class III or higher plant, 2 years of relevant experience</td>
</tr>
<tr>
<td><strong>Complex:</strong> Some credits/CEUs, some operating experience, some relevant experience</td>
<td><strong>Complex:</strong> Some credits/CEUs, some operating experience, some relevant experience</td>
</tr>
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QUESTIONS & DISCUSSION
Suspension vs. Revocation (173-230-100)

What is the difference?

• **Suspension**
  • Non-payment of child support
  • Non-payment of renewal fee

• **Revocation**
  • Fraud or deceit
  • Gross negligence
  • Violations of the requirements of Chapter 173-230

• **Probationary Period?**
QUESTIONS & DISCUSSION
Eliminate meeting PG by exam in drinking water certifications

- Drinking Water Treatment Plant Operator
- Water Distribution Manager
- Cross Connection Control Specialist

Clarify PG requirements:

- Can only receive credit once for a repeated training during a PG cycle
- Cannot carry over excess CEUs to next PG cycle

If operator obtains certification during a PG period

- Receive the rest of the current PG period and all of the next PG period to meet growth requirement
QUESTIONS & DISCUSSION
OIT for ALL Certification Levels

Stepping stone to next certification level

- Allows Operator to sit for higher level certification exam w/ out meeting operating experience
- Increase opportunity for gaining experience
- Upgrade from OIT to full certification
More flexibility for treatment plants

- Hire someone with an OIT
- Internal Workforce development to promote from within
- Create in-training positions
## OIT for ALL Certification Levels

### Operator in Training Certification Requirements and Substitutions

<table>
<thead>
<tr>
<th>Certification level</th>
<th>Required Education</th>
<th>Experience/education allowed</th>
<th>Substitutions allowed for education</th>
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<tbody>
<tr>
<td>Group I Operator in Training</td>
<td>High school diploma or GED</td>
<td>3 months of relevant experience or 3 relevant credits/CEUs</td>
<td>1 year of excess operating experience for one year of high school or two years of grade school</td>
</tr>
<tr>
<td>Group II Operator in Training</td>
<td>High school diploma or GED</td>
<td>• 1 year and 6 months relevant experience, or&lt;br&gt;• 67.5 credits/CEUs, or&lt;br&gt;• Combination of operating experience, relevant experience, and credits/CEUs</td>
<td>1 year of excess operating experience for one year of high school or two years of grade school</td>
</tr>
<tr>
<td>Group III Operator in Training</td>
<td>High school diploma or GED and 2 years of college (90 credits or CEUs)</td>
<td>• 2 years relevant experience and 90 credits/CEUs, or&lt;br&gt;• 6 years operating experience, or&lt;br&gt;• Combination of operating experience, relevant experience, and credits/CEUs</td>
<td>Up to 4 years of excess operating experience:&lt;br&gt;• 1 year of excess operating experience for the first 45 credits/CEUs&lt;br&gt;• 3 years of excess operating experience for the last 45 credits/CEUs.</td>
</tr>
<tr>
<td>Group IV Operator in Training</td>
<td>High school diploma or GED and 4 years of college (180 credits or CEUs)</td>
<td>• 2 years relevant experience and 180 credits/CEUs, or&lt;br&gt;• 10 years operating experience, or&lt;br&gt;• Combination of operating experience, relevant experience, and credits/CEUs</td>
<td>Up to 8 years of excess operating experience:&lt;br&gt;• 1 year of excess operating experience for each 45 credits/CEUs for the first 90 credits/CEUs&lt;br&gt;• 3 years of excess operating experience for each 45 credits for the second 90 credits/CEUs.</td>
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