

SENATE BILL REPORT

SHB 2298

As Passed Senate, February 27, 2018

Title: An act relating to wastewater operator certifications.

Brief Description: Concerning wastewater operator certifications.

Sponsors: House Committee on Environment (originally sponsored by Representatives Haler, Fitzgibbon, Dolan, Fey, Hudgins, McBride, Stanford and Ormsby; by request of Department of Ecology).

Brief History: Passed House: 2/01/18, 94-0.

Committee Activity: Energy, Environment & Technology: 2/20/18, 2/22/18 [DP, DNP, w/oRec].

Floor Activity:

Passed Senate: 2/27/18, 33-16.

Brief Summary of Bill

- Requires the Department of Ecology (Ecology) to establish and collect fees from wastewater operators to fully recover the costs of administering the program to certify wastewater operators.
- Requires Ecology to conduct a workload analysis and prepare a biennial budget estimate for the program.
- Specifies program elements.
- Requires Ecology to submit a report to the Legislature describing the need for a fee increase if the increases are above the fiscal growth factor due to an expansion of the program.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TECHNOLOGY

Majority Report: Do pass.

Signed by Senators Carlyle, Chair; Hawkins, Hobbs, McCoy, Ranker, Sheldon and Wellman.

Minority Report: Do not pass.

Signed by Senators Ericksen, Ranking Member; Brown.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: That it be referred without recommendation.

Signed by Senator Palumbo, Vice Chair.

Staff: Jan Odano (786-7486)

Background: Ecology implements the Wastewater Operator Certification program (program). To implement the program, Ecology is authorized to categorize wastewater treatment plants by size, type, and complexity to address the experience and skill level needed by a certified operator to protect the public health and the state's waters; determine qualifications and certification of operators for different classification of wastewater treatment plants; and to certify operators.

A wastewater treatment plant must be operated by a certified operator. There are five levels of wastewater certification in Washington. The certification levels range from an operator in training to Group IV. Each level of certification has education and experience requirements. All certification levels require a high school diploma or GED, in addition to specific experience and college credit. An applicant must take and pass an exam to become a certified operator. The application fee is \$50.

A wastewater operator certification is valid for up to three years. Upon certification renewal, the wastewater operator must present satisfactory evidence of professional growth along with a \$30 fee. Wastewater operators who fail to renew their certification must be suspended for 60 days. If the certification is not renewed within the 60 days, Ecology must revoke the certification. Wastewater operators who have had their certification revoked must reapply and meet all requirements as a new applicant.

Ecology is required to collect fees for issuing and renewing certificates sufficient to cover the cost of the certification program.

During the 2017 legislative session, the Legislature created the Wastewater Treatment Plant Operator Certification Account for the receipt of all wastewater operator certification fees.

Summary of Bill: Ecology, with the advice of an advisory committee, must establish an initial fee schedule in rule. The fees must be sufficient to fully recover and not to exceed expenses for issuing and renewing wastewater operator certification.

Ecology must conduct a workload analysis to determine a biennial budget estimate for the wastewater operator certification program, once the initial fee schedule is adopted. Thereafter, Ecology must assess and collect fees from all wastewater operators that fully recover the costs identified in the biennial budget. Ecology must submit a report to the Legislature describing the need for a fee increase when the increase is greater than the fiscal growth factor due to an expansion of the program.

The program costs include evaluating applications to verify compliance with certification requirements; administering examinations; ensuring operators receive necessary training; education and training of program staff; outreach and technical assistance; enforcement; and supporting program overhead administration expenses.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Wastewater treatment plants are the first line of defense for protecting public health and keep our state waters free of sewage. Ecology regulates the training and certification of 2000 operators to ensure the safe operation of wastewater treatment plants. The program ensures operators maintain their certifications and stay current with practices and technologies. The operator certification program is mandated to be self supporting, however the statutory fee has not kept pace with the cost of the program and jeopardizes the program. The program requires a fund transfer from the Water Quality program. This update to the fee structure will to align with today's program costs and ensure the program is fully funded.

Persons Testifying: PRO: Representative Larry Haler, Prime Sponsor; Jason Norberg, Department of Ecology.

Persons Signed In To Testify But Not Testifying: No one.