

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1710

52nd Legislature
1991 Regular Session

Passed by the House March 12, 1991
Yeas 96 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 17, 1991
Yeas 45 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1710** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1710

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Miller, Fraser, Rust, Valle, Roland, Winsley and Dorn; by request of Department of Health).

Read first time February 26, 1991.

1 AN ACT Relating to water systems operator certification and
2 registration; amending RCW 70.119.010, 70.119.020, 70.119.030,
3 70.119.060, 70.119.090, 70.119.100, 70.119.110, and 70.119.130; and
4 prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70.119.010 and 1983 c 292 s 1 are each amended to read
7 as follows:

8 The legislature declares that competent operation of a public water
9 ((supply)) system is necessary for the protection of the consumers'
10 health, and therefore it is of vital interest to the public. In order
11 to protect the public health and conserve and protect the water
12 resources of the state, it is necessary to provide for the classifying
13 of all public water ((supply)) systems; to require the examination and
14 certification of the persons responsible for the technical operation of

1 such systems; and to provide for the promulgation of rules and
2 regulations to carry out this chapter.

3 **Sec. 2.** RCW 70.119.020 and 1991 c 3 s 369 are each amended to read
4 as follows:

5 As used in this chapter unless context requires another meaning:

6 (1) "Board" means the board established pursuant to RCW 70.95B.070
7 which shall be known as the water and waste water operator
8 certification board of examiners.

9 (2) "Certificate" means a certificate of competency issued by the
10 secretary stating that the operator has met the requirements for the
11 specified operator classification of the certification program.

12 (3) "Certified operator" means an individual holding a valid
13 certificate and employed or appointed by any county, water district,
14 municipality, public or private corporation, company, institution,
15 person, or the state of Washington and who is designated by the
16 employing or appointing officials as the person responsible for active
17 daily technical operation.

18 (4) "Department" means the department of health.

19 ~~((4))~~ (5) "Distribution system" means that portion of a public
20 water ~~((supply))~~ system which stores, transmits, pumps and distributes
21 water to consumers.

22 ~~((5))~~ (6) "Ground water under the direct influence of surface
23 water" means any water beneath the surface of the ground with:

24 (a) Significant occurrence of insects or other macroorganisms,
25 algae, or large diameter pathogens such as giardia lamblia; or

26 (b) Significant and relatively rapid shifts in water
27 characteristics such as turbidity, temperature, conductivity, or pH
28 which closely correlate to climatological or surface water conditions.

1 (7) "Group A water system" means a system with fifteen or more
2 service connections, regardless of the number of people; or a system
3 servicing an average of twenty-five or more people per day for sixty or
4 more days within a calendar year, regardless of the number of service
5 connections. Group A water system does not include a system serving
6 fewer than fifteen single-family residences, regardless of the number
7 of people.

8 (8) "Nationally recognized association of certification
9 authorities" shall mean an organization which serves as an information
10 center for certification activities, recommends minimum standards and
11 guidelines for classification of potable water treatment plants, water
12 distribution systems and waste water facilities and certification of
13 operators, facilitates reciprocity between state programs and assists
14 authorities in establishing new certification programs and updating
15 existing ones.

16 ~~((6) "Certified operator" means an individual employed or~~
17 ~~appointed by any county, water district, municipality, public or~~
18 ~~private corporation, company, institution, person, or the state of~~
19 ~~Washington who is designated by the employing or appointing officials~~
20 ~~as the person responsible for active daily technical operation.~~

21 ~~(7))~~ (9) "Public water ((supply)) system" means any ((water supply
22 system intended or used for human consumption or other domestic uses,
23 including source, treatment, storage, transmission and distribution
24 facilities where water is furnished to any community or group of
25 individuals, or is made available to the public for human consumption
26 or domestic use, but excluding all water supply systems serving one
27 single family residence)) system, excluding a system serving only one
28 single-family residence and a system with four or fewer connections all
29 of which serve residences on the same farm, providing piped water for
30 human consumption, including any collection, treatment, storage, or

1 distribution facilities under control of the purveyor and used
2 primarily in connection with the system; and collection or pretreatment
3 storage facilities not under control of the purveyor but primarily used
4 in connection with the system.

5 ((+8)) (10) "Purification plant" means that portion of a public
6 water ((supply)) system which treats or improves the physical, chemical
7 or bacteriological quality of the system's water to bring the water
8 into compliance with state board of health standards.

9 ((+9)) (11) "Secretary" means the secretary of the department of
10 health.

11 (12) "Service" means a connection to a public water system designed
12 to serve a single-family residence, dwelling unit, or equivalent use.
13 If the facility has group home or barracks-type accommodations, three
14 persons will be considered equivalent to one service.

15 (13) "Surface water" means all water open to the atmosphere and
16 subject to surface runoff.

17 **Sec. 3.** RCW 70.119.030 and 1983 c 292 s 3 are each amended to read
18 as follows:

19 (1) ~~((All public water supply systems which serve either))~~ A public
20 water system shall have a certified operator if:

21 (a) The system serves one hundred or more services in use at any
22 one time; or

23 (b) ~~((Twenty five or more persons which are supplied from a stream,~~
24 ~~lake or other surface water supply source and which are required by law~~
25 ~~to use a water filtration system;~~

26 ~~are required to have a certified operator))~~ It is a group A water
27 system using a surface water source or a ground water source under the
28 direct influence of surface water.

1 (2) The certified operators shall be in charge of the technical
2 direction of a water system's operation, or an operating shift of such
3 a system, or a major segment of a system necessary for monitoring or
4 improving the quality of water. The operator shall be certified as
5 provided in RCW 70.119.050.

6 ~~((+2+))~~ (3) The amount of time that a certified operator shall be
7 required to be present shall be based upon the time required to
8 properly operate and maintain the public water ~~((supply))~~ system as
9 designed and constructed in accordance with RCW 43.20.050. The
10 employing or appointing officials shall designate the position or
11 positions requiring mandatory certification within their individual
12 systems and shall assure that such certified operators are responsible
13 for the system's technical operation.

14 ~~((+3+))~~ (4) Operators not required to be certified by this chapter
15 are encouraged to become certified on a voluntary basis.

16 **Sec. 4.** RCW 70.119.060 and 1977 ex.s. c 99 s 6 are each amended to
17 read as follows:

18 The secretary shall further categorize all public water ~~((supply))~~
19 systems with regard to the size, type, source of water, and other
20 relevant physical conditions affecting purification plants and
21 distribution systems to assist in identifying the skills, knowledge and
22 experience required for the certification of operators for each
23 category of such systems, to assure the protection of the public health
24 and conservation and protection of the state's water resources as
25 required under RCW 70.119.010, and to implement the provisions of the
26 state safe drinking water act in chapter 70.119A RCW. In categorizing
27 all public water systems for the purpose of implementing these
28 provisions of state law, the secretary shall take into consideration

1 economic impacts as well as the degree and nature of any public health
2 risk.

3 **Sec. 5.** RCW 70.119.090 and 1983 c 292 s 7 are each amended to read
4 as follows:

5 Certificates shall be issued without examination under the
6 following conditions:

7 (1) Certificates shall be issued without application fee to
8 operators who, on (~~the effective date of this act~~) January 1, 1978,
9 hold certificates of competency attained under the voluntary
10 certification program sponsored jointly by the state department of
11 social and health services, health services division, and the Pacific
12 Northwest section of the American water works association.

13 (2) Certification shall be issued to persons certified by a
14 governing body or owner of a public water (~~supply~~) system to have
15 been the operators of a purification plant or distribution system on
16 (~~the effective date of this chapter~~) January 1, 1978, but only to
17 those who are required to be certified under RCW 70.119.030(1). A
18 certificate so issued shall be valid for operating any plant or system
19 of the same classification and same type of water source.

20 (3) A nonrenewable certificate, temporary in nature, may be issued
21 to an operator for a period not to exceed twelve months to fill a
22 vacated position required to have a certified operator. Only one such
23 certificate may be issued subsequent to each instance of vacation of
24 any such position.

25 **Sec. 6.** RCW 70.119.100 and 1987 c 75 s 11 are each amended to read
26 as follows:

27 The issuance and renewal of a certificate shall be subject to the
28 following conditions:

1 (1) Except as provided in RCW 70.119.090, a certificate shall be
2 issued if the operator has satisfactorily passed a written examination,
3 has paid the department an application fee as established by the
4 department under RCW ~~((43.20B.110))~~ 43.70.110, and has met the
5 requirements specified in the rules and regulations as authorized by
6 this chapter.

7 (2) ~~((The terms for all certificates shall be for one year from the
8 date of issuance.))~~ Every certificate shall be renewed annually upon
9 the payment of a fee as established by the department under RCW
10 ~~((43.20B.110))~~ 43.70.110 and satisfactory evidence is presented to the
11 secretary that the operator has fulfilled the continuing education
12 requirements as prescribed by rule of the department.

13 (3) The secretary shall notify operators who fail to renew their
14 certificates before the end of the ~~((certificate))~~ year that their
15 certificates are temporarily valid for two months following the end of
16 the certificate year. Certificates not renewed during the two month
17 period shall be invalid and the secretary shall so notify the holders
18 of such certificates.

19 (4) An operator who has failed to renew a certificate pursuant to
20 the provisions of this section, may reapply for certification and the
21 secretary may require the operator to meet the requirements established
22 for new applicants.

23 **Sec. 7.** RCW 70.119.110 and 1983 c 292 s 9 are each amended to read
24 as follows:

25 The secretary may, with the recommendation of the board and after
26 hearing before the same, revoke a certificate found to have been
27 obtained by fraud or deceit; or for gross negligence in the operation
28 of a purification plant or distribution system; or for an intentional
29 violation of the requirements of this chapter or any lawful rules,

1 order, or regulation of the department. No person whose certificate is
2 revoked under this section shall be eligible to apply for a certificate
3 for (~~six months~~) one year from the effective date of the final order
4 of revocation.

5 **Sec. 8.** RCW 70.119.130 and 1983 c 292 s 10 are each amended to
6 read as follows:

7 (~~On or after one year following the effective date of this act,~~)
8 Any person, including any operator or any firm, association,
9 corporation, municipal corporation, or other governmental subdivision
10 or agency who, after thirty days' written notice, operates a public
11 water (~~supply~~) system which is not in compliance with RCW
12 70.119.030(1), shall be guilty of a misdemeanor. Each month of such
13 operation out of compliance with RCW 70.119.030(1) shall constitute a
14 separate offense. Upon conviction, violators shall be fined an amount
15 not exceeding one hundred dollars for each offense. It shall be the
16 duty of the prosecuting attorney or the attorney general, as
17 appropriate to secure injunctions of continuing violations of any
18 provisions of this chapter or the rules and regulations adopted
19 hereunder: PROVIDED, That, except in the case of fraud, deceit, or
20 gross negligence under RCW 70.119.110, no revocation, citation or
21 charge shall be made under RCW 70.119.110 and 70.119.130 until a proper
22 written notice of violation is received and a reasonable opportunity
23 for correction has been given.