

WAC 246-292-100 Revocation and suspension. (1) The department may suspend an operator's certificate for up to one 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 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) 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 WAC 246-292-090 and 246-292-095, in order to maintain certification after the suspension period has 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.

[Statutory Authority: RCW 70.119.050 and chapter 70.119 RCW. WSR 14-01-003, § 246-292-100, filed 12/4/13, effective 1/4/14. Statutory Authority: Chapter 70.119 RCW. WSR 05-06-122, § 246-292-100, filed 3/2/05, effective 4/2/05. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. WSR 01-02-070, § 246-292-100, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. WSR 94-04-004, § 246-292-100, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-292-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. WSR 78-10-053 (Order 1343), § 248-55-120, filed 9/22/78.]