

WSR 22-17-155

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed August 24, 2022, 7:29 a.m., effective September 24, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 246-292 WAC, Waterworks operator certification. The department of health (department) adopted amendments to eliminate the term "grandparented certification" and replaced it with the term "legacy certification" in WAC 246-292-010 Definitions, abbreviations, and acronyms, and 246-292-085 Grandparented certification. The amendments replace the historically racist term "grandparent" with the term "legacy" without making a substantive change. The change is intended to help achieve procedural and outcome fairness, promoting dignity, honor, and respect for all people.

Citation of Rules Affected by this Order: Amending WAC 246-292-010 and 246-292-085.

Statutory Authority for Adoption: RCW 70A.120.050.

Adopted under notice filed as WSR 22-12-068 on May 27, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: August 22, 2022.

Lauren Jenks
Assistant Secretary

OTS-3759.1

AMENDATORY SECTION (Amending WSR 22-07-025, filed 3/9/22, effective 4/9/22)

WAC 246-292-010 Definitions, abbreviations, and acronyms. 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 70A.120 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 70A.120 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 70A.120 RCW to develop and implement a cross-connection control program.
- (15) **"Certificate"** means a document issued annually by the department stating that the operator has met the requirements for a specific certified operator classification in WAC 246-292-060.
- (16) **"Certified operator"** means an individual meeting the requirements of this chapter, certified under chapter 70A.120 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.

(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 10 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 15 or more service connections used by year-round residents for 180 or more days within a calendar year, regardless of the number of people, or regularly serving at least 25 year-round (i.e., more than 180 days per year) residents.

(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 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 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.

(26) "**Distribution system**" means all piping components of a public water system that serve to convey water from transmission mains linked to source, storage and treatment facilities to the consumer excluding individual services.

(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.

~~((30))~~ (29) "**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))~~ (30) "**IACET**" means the International Association for Continuing Education and Training.

(31) "**Legacy 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.

(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, distribution systems, and certification of operators;

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

(d) Assists authorities in establishing new certification programs and updating existing 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 and transient noncommunity.

(35) "**Nontransient noncommunity water system**" means a Group A public water system that provides service opportunities to 25 or more of the same nonresidential people for 180 or more days within a calendar year.

(36) "**OIT (operator in training)**" means an individual with less than the required amount of operating experience meeting the requirements of this chapter and certified under chapter 70A.120 RCW to perform routine on-site duties in a water treatment plant or distribution system.

(37) "**Operating experience**" means the routine performance or management of duties:

(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 a designated period of time in which a certified operator makes decisions and takes actions that directly impact drinking water quality, water quantity, 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 period of time not less than three years, in which a certified operator completes the professional growth requirement in WAC 246-292-095.

(42) "**Public water system (Group A public water system)**" means:

(a) A system with 15 or more service connections, regardless of the number of people; or

(b) A system serving an average of 25 or more people per day for 60 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:

(a) The operation or maintenance activities of a public water system; or

(b) Managing the operation or maintenance activities of a public water system.

(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 water system**" means a Group A public water system that serves:

(a) Twenty-five or more different people each day for 60 or more days within a calendar year; or

(b) Twenty-five or more of the same people each day for 60 or more days, but less than 180 days within the calendar year.

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

(51) "**Validated examination**" means an examination that is independently reviewed by subject matter experts, to verify that the examination is based on a job analysis 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 70A.120 RCW to perform or manage routine on-site duties in the distribution system of a public water system that serves more than 250 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 70A.120 RCW to perform or manage on-site duties in a distribution system of a public water system that serves 250 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 70A.120 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.

[Statutory Authority: RCW 43.70.040 and 2020 c 20. WSR 22-07-025, § 246-292-010, filed 3/9/22, effective 4/9/22. Statutory Authority: RCW 70.119.050 and chapter 70.119 RCW. WSR 14-01-003, § 246-292-010, filed 12/4/13, effective 1/4/14. Statutory Authority: Chapter 70.119 RCW. WSR 05-06-122, § 246-292-010, 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, § 246-292-010, filed 12/29/00, effective 1/29/01. Statutory Authority: Chapter 70.119 RCW. WSR 94-04-004, § 246-292-010, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-292-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.119.050. WSR 78-10-053 (Order 1343), § 248-55-020, filed 9/22/78.]

AMENDATORY SECTION (Amending WSR 14-01-003, filed 12/4/13, effective 1/4/14)

WAC 246-292-085 ((Grandparented)) Legacy certification. (1) A certified operator who received a ((grandparented)) legacy certification prior to January 1, 2001, remains subject to the following:

(a) A ((grandparented)) legacy operator certification is valid only for the designated public water system and is not transferable to another operator or public water system;

(b) An operator with a ((grandparented)) legacy certification shall meet all renewal requirements in WAC 246-292-090; and

(c) If an operator with a ((grandparented)) legacy certification fails to renew the certificate as required in WAC 246-292-090, the operator shall no longer be certified. If the certificate expires, the operator must apply for a new certification and meet all the requirements of a new applicant as required in WAC 246-292-060 and 246-292-070.

(2) If the classification of a water treatment plant or distribution system changes to a higher level, the ((grandparented)) legacy certification is no longer valid. The purveyor shall comply with the requirements for obtaining a certified operator, as required in WAC 246-292-040 and 246-292-050.

[Statutory Authority: RCW 70.119.050 and chapter 70.119 RCW. WSR 14-01-003, § 246-292-085, filed 12/4/13, effective 1/4/14. Statutory Authority: Chapter 70.119 RCW. WSR 05-06-122, § 246-292-085, 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, § 246-292-085, filed 12/29/00, effective 1/29/01.]