

## Summary of Proposed Changes Addendum: WAC 173-230 Public Comment Period

### WAC 173-230-200 Definitions.

- Formerly 173-230-020
- Added the following NEW definitions:
  - Biennium
  - Effective Date of Revocation Order
  - Exam
  - Exam Cycle
  - Full Certification
  - MBR (Membrane Bioreactor)
  - Operating Shift
  - Operator in Training (OIT) certificate
  - Professional Growth
  - Professional Growth reporting period
  - Provisional Certificate
  - Reclaimed water
  - Reclaimed water facility
  - Revocation
  - Routine
  - SBR (Sequencing batch reactor)
  - Standardized Exam
  - Suspension
- Changes to the following existing definitions:
  - Activated sludge process
  - CEU (Continuing education unit)
  - College credits
  - Lagoon
  - Operator in charge of each shift  
Renamed to: Lead operator of a shift
  - Operator in responsible charge
  - Operator in Training (OIT)
  - Primary wastewater treatment
  - Reciprocity
  - Tertiary
  - Wetland treatment

### WAC 173-230-210 Purpose and Scope.

- Formerly 173-230-010.
- Clarified Purpose.
- Added a Scope.
- Moved language regarding Operator in Responsible Charge group level requirements to new Applicability section in WAC 173-230-220 and new Classification of wastewater treatment plants section in WAC 173-230-330.

### WAC 173-230-220 Applicability.

- Formerly 173-230-040.
- Moved language regarding plant classification and required certification level to new Classification of wastewater treatment plants section in WAC 173-230-330.
- Added this language, “all certified wastewater treatment plant operators, and those seeking certification” to clarify who rule applies to.
- Added that Operator in Responsible Charge and lead operator need to hold valid certifications.

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### WAC 173-230-230 Application required.

- Formerly 173-230-065.
- Clarified application requirements.
- Removed language no longer needed regarding exam schedule and notification requirements because exams are typically computer based now.
- Moved language regarding level requirements for operator in responsible charge and the lead operator of a shift to 173-230-250 above table 3.

### WAC 173-230-240 Fees.

- Formerly 173-230-090.
- Removed Application and Renewal fee caps of \$50 and \$30.
- Removed language about funds going to General Fund.
- Removed “reexamination” language.
- Added all new language per legislative directive to establish new fee schedule, including the following.
  - Added new language regarding comment period for biennium updates to fees.
  - Added language regarding the new dedicated account for OpCert fees.
  - Workload analysis development.
  - Budget estimate development.
  - Fee Schedule.

### Table 1: Fiscal Year 2020 and 2021 Fee Schedule

- Called this Table 1 for ease of referencing.
- Added new fee table for fiscal year 2020 and 2021 fees.

### WAC 173-230-250 Education and experience requirements for Groups I – IV certifications.

- Formerly 173-230-061.
- Clarified that operating experience must be gained working under the direction or supervision of a fully certified operator.
- Removed the detailed list of other related work experience and left the language regarding other related fields will be considered on a case-by-case basis.
- Table 2: Operator Certification Requirements and Substitutions.
- Called this Table 2 for ease of referencing.
- Changed substitutions allowed for High School or GED from one year of operating experience to one year of relevant experience to make entry level certification more accessible.
- Removed OIT reference and moved it to new OIT table (Table 3).
- Reorganized the column headings to clarify requirements, including by making the “Substitutions Allowed for Experience” column into two columns – one for “education/experience substitutions” and one for “relevant experience substitution”.

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### WAC 173-230-260 Education and experience requirements for OIT I – IV certifications.

- Establish additional OIT groups II, III, and IV. These allow operators that lack sufficient operating experience to take an exam before meeting the operating experience requirements in Table 2.
- Establishes the education and experience requirements for becoming an Operator in Training in Table 3, as well as any restrictions.
- Allow 3 months of relevant experience to substitute for Group I OIT operating experience.
- Require that OITs gain operating experience by working under the direction or supervision of a fully certified operator.

### Table 3: Operator in Training Certification Requirements and Substitutions.

- Added this table and called it Table 3 for ease of referencing.
- Establish education and experience requirements for OIT certification.

### WAC 173-230-270 Exam requirements.

- Formerly 173-230-070.
- Removed written exam.
- Changed “examination” to “exam” throughout for consistency.
- Removed exams held 3 times per year because exams are now computer based and offered twice a day and 5 days a week.
- Removed prohibition against taking exam twice consecutively because exam questions change with each new exam.
- Added language regarding not releasing an exam to an applicant based on ABC rules or policies.
- New requirement allows operators to retake exam for up to one year without needing to reapply.

### WAC 173-230-280 Reciprocity.

- Formerly 173-230-110.
- Removed state and province and kept certifying authority.
- Changed from “issued by other states with equivalent standards” to ABC exams with approved passing score.
- New requirement requires operators seeking reciprocal certification to retest if their exam results are not from an ABC standardized exam within the current or previous exam cycle – up to 10 years.

### WAC 173-230-290 Certificate.

- Formerly part of 173-230-080. Now a new standalone section.
- Pulled out renewal, temporary certification, and Professional Growth requirements to standalone sections for clarity.

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- Allow initial certification achieved after September 30 to expire at the end of the following calendar year.
- Added that it is the operator's responsibility to inform Ecology of changes to employer and address.

### WAC 173-230-300 Professional growth

- Formerly part of 173-230-080. Now a new standalone section.
- Removed the option to meet professional growth by passing a drinking water or collections exam.
- Limited receiving professional growth credits to one time for the same course during a professional growth period.
- Allow trainers to earn CEUs for administering training one time per professional growth period.
- Specified that operators cannot carry over CEUs from one professional growth period to the next.

### WAC 173-230-310 Renewal requirements.

- Formerly part of 173-230-080. Now a new standalone section.
- Clarified process for nonpayment of renewal fees.
- Added possibility of late fees if renewal payment is not received by January 21.
- Removed renewal period not to exceed three calendar years because it doesn't match with new fee schedule.
- Clarified calendar versus business days. Suspension is calendar days and revocation is business days.

### WAC 173-230-320 Temporary certificate.

- Formerly part of 173-230-080. Now a new standalone section.
- Clarified that a WWTP owner can request a temporary certification for an operator in responsible charge and a lead operator of a shift.
- Clarified that Ecology will only issue a temporary certificate to an operator that is within 6-months of meeting the necessary temporary certification requirements.
- Added details of what must be submitted for a Temporary Certification request.

### WAC -173-230-330 Classification of wastewater treatment plants.

- Formerly 173-230-140.
- Added language from 173-230-040 above Table 4 regarding level of operator in responsible charge and the lead operator of a shift.
- Added that multiple classification result in higher classification applying to a plant.
- Removed provisional certificate from this section and made standalone section 173-230-340.

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### Table 4: Treatment Plant Classification Criteria.

- Called this Table 4 for ease of referencing.
- Added MBR and SBR to Plant Classification table.

### WAC 173-230-340 Provisional certificate.

- Formerly part of 173-230-140. Now new standalone section.
- Clarified language.
- Removed old date (2000) so that clause will apply to changes that could happen based on table updates.

### WAC 173-230-350 Violations.

- Formerly 173-230-130.
- No changes to language just renumbered.

### WAC 173-230-360 Suspension of a certificate.

- Formerly part of 173-230-100. Now a new standalone section.

### WAC 173-230-370 Revocation of a certificate.

- Formerly part of 173-230-100. Now a new standalone section.
- Changes include, added per violation, to clarify that each count or violation could result in a multiple year revocation.
- Clarified that permit violations and false statements constitute a violation and are cause for revocation.
- Clarified that a person with a revoked certificate is not eligible to apply for a new certificate by reciprocity, with a certificate received before or during a revocation period.
- Clarified that an operator who gets their certification revoked must take an exam to get their new certification.

### WAC 173-230-380 Appeals.

- Formerly 173-230-120.
- Clarified that the Pollution Control Hearings Board has jurisdiction to review the issuance, modification, or termination of a certificate.
- Reordered words for clarity.