

Addendum to WAC 173-230 Informal Comment Period Draft Rule Language

Summary of Proposed Changes

WAC 173-230-200 Definitions.

- Formerly 173-230-020
- Added the following NEW definitions:
 - Biennium
 - Exam
 - Exam Cycle
 - Full Certification
 - MBR (Membrane Bioreactor)
 - Newly Certified Operator
 - Operating Shift
 - Operator in Training certificate
 - Professional Growth
 - Professional Growth reporting period
 - Reclaimed water
 - Reclaimed Water facility
 - Revocation
 - Routine
 - SBR
- Standardized Exam
- Suspension
- Changes to the following existing definitions:
 - Activated sludge process
 - CEU
 - College credits
 - Lagoon
 - Operator in charge of each shift
Renamed to: Lead operator of a shift
 - Operator in responsible charge
 - Operator in Training
 - Primary wastewater treatment
 - Reciprocity
 - 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.

WAC 173-230-230 Application required.

- Formerly 173-230-065
- Clarified application requirements.
- Removed language no longer needed regarding exam schedule and notification requirements.
- 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.

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- 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 2019 and 2020 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.
- Clarified what qualifies as relevant work experience.

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”.

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

New section that allows an operator who lacks 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.

Table 3: Operator in Training Certification Requirements and Substitutions.

- Called this 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.
- 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.

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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.

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.
- Clarified certification terms for newly certified operators.
- Added that it is the operator’s responsibility to update department of changes to employer and address.
- Added probation language for compliance purposes.

WAC 173-230-300 Professional growth

- Formerly part of 173-230-080. Now a new standalone section.
- Removed “achieved certification or upgrade by exam” for drinking water and collections.
- Clarified how the program works with new language.

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 not received by January 21, 2018.
- 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.
- Added lead operator of a shift to this allowance.
- Added 6 month allowance to get experience.
- Added details of what’s needed 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 numbered.

WAC 173-230-360 Probation.

New section added for compliance purposes.

WAC 173-230-370 Suspension of a certificate.

- Formerly part of 173-230-100. Now a new standalone section.
- Expanded the situations under which the department may suspend a certificate, including upon notification of revocation.
- Created and specified a year suspension period.

WAC 173-230-380 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.
- Added suspension for time between proposed revocation and final determination.
- Clarified that a person with revoked certification is not eligible to apply for a new certification until revocation period has ended.

WAC 173-230-390 Appeals.

- Formerly 173-230-120
- Reordered words for clarity.