

Deni Gray

Comments on the proposed WWTP Operator Certification Rule changes are my own and not submitted as a representative of DOH. Please see attached document for comments to specific sections of the proposed rule.

**Wastewater Operator Certification Rulemaking
Informal Draft Comment Period
October 25 – November 26, 2018**

Thank you for your interest in the Wastewater Operator Certification Rulemaking!

As you may know we began rulemaking in June of 2018. Since that time, we've formed and met with a Rule Advisory Committee (RAC) made up of your peers and colleagues from around the state. Their input has helped shape the draft rule you see today. Thank you to all the RAC members for their time and commitment to the Operator Certification Program! Your contributions to this draft are great—and greatly appreciated.

That said, what you'll find for review is a completely reorganized and rewritten rule (WAC 173-230).

Given that many, many edits were made—to both content and organization, the “disposition of the sections formerly codified in this chapter” (legal explanation of where and how content moved) was going to get confusing and overly complicated.

To simplify, Ecology is instead intending to “repeal” (delete) all the old sections and renumber the new rule sections beginning with WAC 173-230-200 and ending with WAC 173-230-390.

This means all sections will be marked as “New Section” – even though much of the language is the same or similar to the existing chapter – only rewritten, reorganized, and with more details for clarifications.

Given this, the draft that follows does not contain redlines to mark our changes. To help identify the changes and note the former sections from which the content of each section originated, we are providing an [addendum](#). We've also included a [Funding model](#) to show a 2-year phase in of fee increases to support the Wastewater Operator Certification Program.

For comparison purposes, you can find the original (existing) rule language at:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-230&full=true>

For more information about the rulemaking, please visit: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-230>

Thank you again for your interest and time.

You may provide your comments to Ecology at: <http://ws.ecology.commentinput.com/?id=RjUCS>

Informal Comment period: October 25 – November 26, 2018

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Chapter 173-230 WAC

CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT PLANTS

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WAC 173-230-200 Definitions.

"Activated sludge process" means a biological wastewater treatment process in which a mixture of wastewater and activated sludge is agitated and aerated. The activated sludge is subsequently separated from the treated wastewater by sedimentation or filtration and wasted or returned to the process as needed.

"Biennium" means a two-year period from July 1 of each odd year through June 30 of the next odd year.

"Biofiltration" means the process of passing a liquid through a biological filter that contains fixed media on surfaces which develop zoogical films that absorb and adsorb fine suspended, colloidal, and dissolved solids and release end products of biochemical action.

"Certificate" means the certificate of competency issued by the director stating that an individual has met the requirements for a specific classification in the wastewater treatment plant operator's certification program.

"Certificate holder" means the individual to whom a certificate is issued.

"CEU" means continuing education unit that is a nationally recognized unit of measurement similar to college credit. One CEU is awarded for every ten contact hours of participation in an organized continuing

education experience under responsible sponsorship, capable direction, and qualified instruction. Forty-five CEUs is equivalent to one year of education.

"College credits" means credits earned toward a college degree or in course work that is relevant to the operation of a wastewater treatment plant. One year of college is equivalent to forty-five quarter credits or thirty semester credits.

"Department" means the Washington state department of ecology.

"Director" means the director of the department of ecology or the director's designee.

"Extended aeration" means a modification of the activated sludge process that uses long aeration periods and long mean cell residence times for aerobic digestion of the biological mass by endogenous respiration and promotes the growth of nitrifying organisms.

"Exam" means a test recognized by the Department to determine the competency of operators for each certification level.

"Exam cycle" means a 5-year period from the time a new exam is released.

"Full certification" means holding a Group I, Group II, Group III, or Group IV Wastewater Treatment Plant Operator Certification issued by the department. Full certification does not include Operator in Training certifications.

"GED" means a General Education Development certificate issued by a recognized education institution. A GED is equivalent to a high school diploma.

"Group" and "class" for the purpose of operator certification and wastewater treatment plant classification are the same.

"Lagoon" means any large lined holding or detention pond, usually with earthen dikes that is used to contain wastewater while sedimentation and biological stabilization occurs.

"Lead Operator of a shift" means the individual on-site at a wastewater treatment plant whose primary responsibility is to operate the wastewater treatment plant on a regularly run shift. The lead operator of a shift is subordinate to the operator in responsible charge. An OIT may not be the lead operator of a shift.

"MBR (membrane bioreactor)" means an activated sludge process that combines a suspended growth biological reactor with solids removal via filtration in a single unit.

"Newly certified operator" means an operator does not hold a valid Washington state wastewater operator certification. Existing certified operators who upgrade, by exam, to a higher certification level or upgrade their OIT certification to a full certification are not newly certified operators.

"Operating experience" means the routine performance of duties, onsite at a wastewater treatment plant, that affect plant performance or effluent quality.

"Operating shift" means a designated period of time in which a certified operator makes decisions or takes actions that may affect plant operations.

"Operator" means an individual who performs routine duties, onsite at a wastewater treatment plant, that affect plant performance or effluent quality.

"Operator in responsible charge" means the individual who is routinely onsite and in direct charge of the overall operation of a wastewater treatment plant. An OIT may not be the operator in responsible charge.

"Operator in Training (OIT)" means an individual who passed an exam but has less than the required amount of operating experience to meet the full certification requirements.

"Operator in Training certificate" means a certificate issued by the department to an operator in training that is working towards full certification.

"Owner" means in the case of:

- A town or city, the city or town acting through its chief executive officer or the lessee if operated under a lease or contract;

- A county, the chairman of the county legislative authority or the chairman's designee;

- A sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee;

- A privately owned wastewater treatment plant, the legal owner.

"Primary wastewater treatment" means unit processes consisting of preliminary treatment steps such as flow equalization, screening, degritting, and comminution; plus, traditional primary treatment such as gravity settling, scum removal, clarification, disinfection, and sludge pumping.

"Professional Growth" means training that is directly related to improving competencies in areas that relate to operating and maintaining a wastewater treatment plant.

"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 173-230-300.

"Reclaimed water" means water derived in any part from a wastewater with a domestic wastewater component that has been adequately and reliably treated to meet the requirements of chapter 173-219 WAC, so that it can be used for beneficial purposes. Reclaimed water is not considered a wastewater.

"Reclaimed water facility" means the treatment plant, equipment, storage, conveyance devices, and dedicated sites for reclaimed water generation.

"Reciprocity" means the mutual exchange of a valid out-of-state wastewater treatment plant operator's certificate achieved by passing a department approved exam for an equivalent level of certification without further examination.

"Revocation" means the department invalidates an operator's certificate.

"Routine" means duties that are performed on a regular basis and not sporadically.

"Sequencing Batch Reactor (SBR)" means a fill-and draw activated sludge system where sewage is added to one of several tanks which are alternately filled, aerated, settled and decanted. A typical system applies a predetermined sequence of operations based on the flow and other inputs using a programmable logic controller and is uniquely suited for wastewater treatment applications characterized by low or intermittent flow conditions.

"Standardized exam" means a national exam with standard questions for all states and not customized for individual states.

"Suspension" means to make an operator's certificate temporarily invalid.

"Tertiary" means advanced physical/chemical or biological treatment of wastewater significantly beyond the conventional secondary stage to remove additional suspended and dissolved substances. These substances may include phosphorus and nitrogen, a high percentage of suspended solids, dissolved inorganic solids, toxic compounds, microorganisms, and complex organic compounds.

"Wastewater certification program coordinator" means an employee of the department who is appointed by the director and who administers the wastewater treatment plant operator certification program.

"Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used to collect and transport wastewater.

"Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and that, by its design, requires the presence of an operator for its operation. It does not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.

"Wetland treatment" means natural treatment system wetlands intentionally constructed and managed for the primary purpose of wastewater treatment.

New Section

WAC 173-230-210 Purpose and Scope.

1. **Purpose.** The purpose of this regulation is to protect public health and the environment, including waters of the state, by ensuring wastewater treatment plants are properly operated and maintained. By requiring certification of wastewater treatment plant operators, the department ensures they demonstrate competence to operate and maintain wastewater treatment plants or reclaimed water facilities.
2. **Scope.** This rule establishes the requirements for:
 - a. Obtaining and maintaining a wastewater treatment plant operator certification.
 - b. Certification level requirements for an operator in responsible charge of a treatment plant.
 - c. Certification level requirements for a lead operator of a shift.
 - d. Wastewater treatment plant classifications.
 - e. Enforcement actions for violations of this chapter.

New Section

WAC 173-230-220 Applicability.

1. This rule applies to wastewater treatment plant owners, all certified wastewater treatment plant operators, and those seeking certification.
2. The operator in responsible charge and the lead operator of a shift are required to hold valid certifications.
3. All individuals operating wastewater treatment plants who are not required to be certified are encouraged to seek certification.

New Section

WAC 173-230-230 Application required.

1. Any person applying for certification must submit an application for the certification level they are seeking and include the following to the department:
 - a. Completed application on a form provided by the department.
 - b. Fees.
 - c. College transcripts, if applicable.
 - d. Professional growth certificates, if applicable.
 - e. Supporting documents, if applicable.
2. If the application is denied, the applicant will be notified of the reason for the denial.

New Section

WAC 173-230-240 Fees.

1. **Fee determination.** All persons certified or seeking certification under RCW 70.95B and WAC 173-230 must pay an application fee and/or renewal fee to the department each year.
2. **Fee eligible activities.** All costs of activities associated with administering this program, as described in RCW 70.95B.095(1), are fee eligible.
3. **Workload analysis development.** Each biennium, the department must conduct a workload analysis and develop a budget estimate based on the process below.
 - a. The department must conduct a workload analysis projecting resource requirements for administering the program for the purposes of preparing a budget estimate.
 - b. The department must prepare the workload analysis for the two-year period corresponding to each biennium.
 - c. The workload analysis must identify the fee eligible administrative activities that it will perform during the biennium and must estimate the resources required to perform these activities.
4. **Budget estimate development.** Ecology must prepare a budget estimate for administering the program for the two-year period corresponding to each biennium. Ecology must base the budget on the resource

requirements identified in the workload analysis for the biennium and must take into account the program account balance at the start of the biennium.

5. **Fee schedule.**

Table 1: Fiscal Year 2020 and 2021 Fee Schedule.

Category	Amount for Fiscal Year 2020 (July 1, 2019 - June 30, 2020)	Amount for Fiscal Year 2021 (July 1, 2020 - June 30, 2021)
Group I and Group I Operator In- Training Applications	\$50.00	\$50.00
Group II-IV Applications	\$59.00	\$67.00
Renewals	\$64.00	\$98.00

a. After fiscal year 2021, the department must base the fee schedule on the budget and workload analysis described in this section.

- i. Every two years, the department must issue a draft fee schedule with the proposed application and renewal fees for the next biennium for public comment.
- ii. The department must publish the draft fee schedule for the following state biennium on or before March 31 of each odd year.
- iii. The comment period on the draft fee schedule is 45 days.
- iv. The department will publish the final fee schedule for the following state fiscal biennium on or before June 30 of each odd year.

6. **Fee payments.** Fees specified in this section must be made payable to the department.

- a. The department will process applications only when accompanied by an application fee, based on the fee schedule published for that fiscal year.
- b. The department will process renewals only when accompanied by a renewal fee, based on the fee schedule published for that fiscal year, and when renewal requirements are met per WAC 173-230-300.
- c. Operators are only required to pay one renewal fee per year.
- d. Fees are not refundable; however, the department may issue refunds at its discretion.

7. **Dedicated account.** All fees paid pursuant to RCW 70.95B.095 and any other receipts realized in the administration of this program must be deposited into the wastewater treatment plant operator certification account.

New Section

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

1. Applicants must meet the following education and experience requirements.
2. Groups I through IV education, operating experience requirements, and allowable substitutions include the following:
 - a. Operating experience must be gained by working under the direction or supervision of a fully certified operator.
 - b. Up to half of the operating experience for Groups II – IV, listed below in Table 1, can be substituted with relevant experience.
 - c. Relevant experience is work that does not meet the definition of operating experience, but can be used to substitute for operating experience, and includes, but is not limited to:
 - i. Wastewater collection system operator;
 - ii. Water distribution system operator and/or manager;
 - iii. Wastewater pump station operator;

- iv. Water treatment plant operator; or
 - v. Other relevant experience will be considered on a case-by-case basis with a written description of the duties performed on the job by the applicant.
- d. Education substituted for operating experience must be in excess of the required education and cannot be used for both the education requirement and substitutions.

Table 2: Operator Certification Requirements and Substitutions

Operator Certification Requirements and Substitutions					
Certification level	Required education	Substitutions allowed for education	Required operating experience	Education substitutions allowed for operating experience	Relevant experience substitutions allowed for operating experience
Group I	High school diploma or GED	One year of relevant experience for each year of education through twelfth grade	1 year	None	None
Group II	High school diploma or GED	One year of relevant experience for each year of education through twelfth grade	3 years	Up to 67.5 relevant credits/CEUs	Up to 1 year and 6 months of relevant experience
Group III	High school diploma or GED and 2 years of college (90 credits or CEUs)	Up to 4 years of excess operating experience: <ul style="list-style-type: none"> • 1 year of excess operating experience for the first 45 credits/CEUs • 3 years of excess operating experience for the last 45 credits/CEUs 	4 years, with at least 2 years at a Class II or higher plant	Up to 90 relevant credits/CEUs	Up to 2 years relevant experience.
Group IV	High school diploma or GED and 4 years of college	Up to 8 years of excess operating experience <ul style="list-style-type: none"> • 1 year of excess operating 	4 years, with at least 2 years at a Class III	Up to 90 relevant credits/CEUs	Up to 2 years of relevant experience

Operator Certification Requirements and Substitutions					
Certification level	Required education	Substitutions allowed for education	Required operating experience	Education substitutions allowed for operating experience	Relevant experience substitutions allowed for operating experience
	(180 credits or CEUs)	experience for each 45 credits/CEUs for the first 90 credits/CEUs • 3 years of excess operating experience for each 45 credits for the second 90 credits/CEUs	or higher plant		

New Section

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

1. Applicants who do not meet the requirements in Table 2 but do meet the requirements in Table 3 may apply to become an OIT I - IV, except as described in subsection (a) and (b) below.

a. Applicants who hold a full certification may only apply for an OIT certification one level above their full certification level.

b. Applicants who do not hold a full certification are only eligible to apply for the Group I OIT.

Table 3: Operator in Training Certification Requirements and Substitutions.

Operator in Training Certification Requirements and Substitutions					
Certification level	Minimum required education	Substitutions allowed for education	Minimum required operating experience	Education substitutions allowed for operating experience	Relevant experience substitutions allowed for operating experience
Group I Operator in Training	High school diploma or GED	One year of relevant experience for each year of education through twelfth grade	3 months	3.0 credits/CEUs	3 months relevant experience
Group II Operator in Training	High school diploma or GED	One year of relevant experience for each year of education through twelfth grade	1 year and 6 months	Up to 67.5 relevant credits/CEUs	Up to 1 year and 6 months of relevant experience
Group III Operator in Training	High school diploma or GED and 2 years of college (90 credits or CEUs)	Up to 4 years of excess operating experience: <ul style="list-style-type: none"> • 1 year of excess operating experience for the first 45 credits/CEUs • 3 years of excess operating experience for the last 45 credits/CEUs 	2 years	Up to 90 relevant credits/CEUs	Up to 2 years relevant experience
Group IV Operator in Training	High school diploma or GED and 4 years of college (180 credits or CEUs)	Up to 8 years of excess operating experience <ul style="list-style-type: none"> • 1 year of excess operating experience for each 45 credits/CEUs for the 	2 years	Up to 90 relevant credits/CEUs	Up to 2 years of relevant experience

Operator in Training Certification Requirements and Substitutions					
Certification level	Minimum required education	Substitutions allowed for education	Minimum required operating experience	Education substitutions allowed for operating experience	Relevant experience substitutions allowed for operating experience
		first 90 credits/CEUs <ul style="list-style-type: none"> • 3 years of excess operating experience for each 45 credits for the second 90 credits/CEUs 			

2. The department will issue OIT certificates to applicants who pass the examination as described in WAC 173-230-270.

3. An existing certified operator continues to hold their full certification as well as the OIT certification until they upgrade from an OIT certification to a full certification, or until their OIT certificate expires.

a. OIT certificates will expire after 2 exam cycles, up to 10 years.

b. To upgrade from an OIT certification to a full certification, the OIT operator must apply as described in WAC 173-230- 230.

i. A Group I-IV OIT must gain the necessary operating experience required for full certification working under

the direction or supervision of a fully certified operator.

c. When an application for an upgrade from OIT to full certification is approved, the operator will no longer hold the lower level certification or be certified as an OIT. They will be certified only at the higher-level certification.

4. OIT Professional Growth Requirements:

a. Operators who hold both a full certification and an OIT certification must only meet the professional growth and renewal requirements for their full certification and are only required to pay one renewal fee as described in WAC 173-230-040.

b. Operators who only hold an OIT certification must meet professional growth and renewal requirements as described in WAC 173-230-300 and 173-230-310.

New Section

[WAC 173-230-270 Exam requirements.](#)

1. The department will use exams to determine the competency of operators for each certification level.

2. Certificates will be issued to applicants that receive a passing score approved by Washington State.

3. If the department uses exams prepared by another organization, the applicant shall pay any associated exam costs.
4. The department or designated testing organization will score all exams and notify examinees of the results.
5. Exams will not be released to the applicant.
6. An applicant who fails to pass the exam within one year of approval must apply as described in WAC 173-230-230. The department may grant extensions.

New Section

WAC 173-230-280 Reciprocity.

1. The department may issue a certificate without an exam to an applicant who holds an equivalent certificate from a certifying authority that has reciprocity with Washington State.
2. Persons requesting reciprocity must submit a completed application as described in WAC 173-230-230, including a copy of their current certificate and, if applicable, their validation card.
3. The department will consider an application for reciprocity if:
 - a. The applicant meets the education and experience requirements as described in WAC 173-230-250 and/or 173-230-260.
 - b. The applicant receives a Washington State approved passing score on an Association of Boards of Certification (ABC) standardized exam.

- c. The certificate is verified by the department as being valid and in good standing from the certifying authority in which the applicant is certified.

New Section

WAC 173-230-290 Certificate.

1. The certificate term is January 1 to December 31 each year.
 - a. Certificates issued to newly certified operators prior to October 1, are valid from the date of issuance through December 31 of the same calendar year.
 - b. Certificates issued to newly certified operators on October 1, or later, are valid from the date of issuance through December 31 of the following calendar year.
2. It is the operator's responsibility to keep the department updated when their address or employer changes.
3. The department may deny certification if an operator's certificate is revoked during the renewal process while the certificate is under probation.

New Section

WAC 173-230-300 Professional growth.

1. A professional growth period is a three-year period beginning on January 1 and ending on December 31.

2. Certificate holders must demonstrate continued professional growth in one of the following ways to maintain their certification and be eligible for certification renewal.
 - a. Accumulate a minimum of three CEUs or college credits in approved wastewater courses or training;
 - b. Advance by exam to a higher certification level in Washington's wastewater treatment plant operator certification program.
3. Professional growth credit can only be received one time for the exact same course during a professional growth period.
4. Advancement from OIT to full certification does not meet the professional growth requirement.
5. The professional growth cycle does not change when an existing certified operator upgrades to a higher certification level.
6. A trainer will earn CEUs for administering training one time per professional growth period.
 - a. Trainers will earn the same number of CEUs as attendees if they administer the entire training session.
 - b. Trainers will earn CEUs for their portion of the training if they do not administer the entire training session and do not attend the entire session.
7. Excess CEUs cannot be carried over from one professional growth period to the next professional growth period.

8. Newly certified operators will have the remainder of the current professional growth period in which they become certified and all of the next professional growth period to meet their professional growth requirement.
9. Each certified operator must submit documentation to the department to demonstrate compliance with this section by the end of the professional growth cycle.
10. The department will notify certified operators who have not fulfilled the professional growth requirement.
11. If this requirement is not met, the operator may not renew their certificate. Failure to renew an operator certification for any reason will be handled as described in WAC 173-230-310.

New Section

[WAC 173-230-310 Renewal requirements.](#)

1. To be eligible for certificate renewal a certified operator must:
 - a. Provide documentation of their continued professional growth as described in WAC 173-230-300.
 - b. Pay a renewal fee as described in WAC 173-230-240.
2. The department will notify certified operators of their eligibility and/or fee for renewal.
3. Renewal fees mailed to the department must be postmarked by December 31.

4. If renewal fee is not paid, the department will send a notice of suspension to the certified operator that their certificate is suspended for up to sixty calendar days.
 - a. Renewal fees not paid by January 21, may incur a late fee.
 - b. Upon processing the renewal fee, the certificate is no longer suspended and becomes valid.
5. If the renewal fee is not paid during the suspension period, the department will send a notice of revocation to the certified operator's last known employer and the certified operator at their last known address.
 - a. The notice of revocation will be sent by certified mail to the certified operator.
 - b. If the certificate is not renewed, the certificate will be revoked ten business days after the revocation notice is sent.

New Section

WAC 173-230-320 Temporary certificate.

1. The department may issue a temporary certificate for up to one year to fill an operator in responsible charge position or lead operator of a shift position when the designated certified operator unexpectedly vacates the position.
2. An owner may request a temporary certificate for an individual who meets, or is within six months of meeting, the certification

requirements in Table 2 for the level of temporary certification being requested. A temporary certificate request must include:

- a. A cover letter explaining why the temporary certificate is needed, the facility name, and the name of the operator to be given the temporary certification.
- b. An application for the operator named in the cover letter.
- c. An application fee.

3. A temporary certificate:

- a. May not exceed a one-year period.
- b. Is not renewable.
- c. Cannot be transferred to another individual.
- d. Expires either on the date specified or when the designated temporary operator passes the appropriate exam, whichever comes first.

New Section

[WAC 173-230-330 Classification of wastewater treatment plants.](#)

1. The director shall classify all wastewater treatment plants according to the criteria in Table 4.
2. If Table 4 indicates multiple classifications, the department will classify the wastewater treatment plant at the higher classification.

3. The operator in responsible charge of the wastewater treatment plant must be certified at a level equal to or higher than the plant classification.
4. When the plant is operated on more than one daily shift, the lead operator of each shift must be certified no lower than one level below the plant classification.

Table 4: Treatment Plant Classification Criteria.

Treatment Plant Classification Criteria		
Treatment type	Design flow MGD	Classification
Primary	≤ 1	I
	$> 1 \leq 10$	II
	$> 10 \leq 20$	III
	> 20	IV
Lagoon (Nonaerated)	All	I
Lagoon (Aerated)	≤ 1	I
	> 1	II
Biofiltration	≤ 1	II
	$> 1 \leq 10$	III
	> 10	IV
Extended aeration	≤ 5	II
	> 5	III
Activated sludge	≤ 1	II
	$> 1 \leq 10$	III
	> 10	IV
SBR	≤ 1	II
	$> 1 \leq 10$	III
	> 10	IV
Wetlands treatment	≤ 1	I
	$> 1 \leq 5$	II
	> 5	III
Tertiary	≤ 5	III
	> 5	IV

Treatment Plant Classification Criteria		
Treatment type	Design flow MGD	Classification
MBR	≤ 1	II
	$> 1 \leq 10$	III
	> 10	IV

5. Plants may be classified in a group different than indicated in Table 4 if:

- a. They have characteristics that make operation more or less complex or difficult than other similar plants of the same flow range.
- b. The conditions of flow or the use of the receiving waters require an unusually high degree of plant operational control.
- c. They use an approved method of wastewater treatment that is not included in this section.

New Section

[WAC 173-230-340 Provisional certificate.](#)

1. If a wastewater treatment plant's classification increases solely due to a reclassification based on the criteria in Table 4, the department may issue a one-time provisional certificate to the certified operator in responsible charge and lead operator of each shift.
2. The provisional certificate will not be issued if the classification of a plant increases due to:
 - a. A plant upgrade.

b. A change to the treatment processes.

c. A change to flow.

3. The provisional certificate will be issued only for the operation of a specific plant and may not be transferred.
4. When a certified operator holding a provisional certificate leaves employment with that plant their certification level will return to their former certification level.
5. The holder of a provisional certificate must continue to meet all certification requirements.
6. When a certified operator holding a provisional certificate upgrades their certification level, they will no longer hold a provisional certificate.

New Section

WAC 173-230-350 Violations.

1. Violation of this chapter is a misdemeanor.
2. Each day of operation in violation constitutes a separate offense.
3. Upon conviction, violators are subject to fines not exceeding one hundred dollars for each offense.
4. Injunctions may be obtained for continuing violations.

New Section

WAC 173-230-360 Probation.

1. The department may place an operator on probation for possible findings as described in chapter 173-230-380 (1) (a)-(c) WAC.
2. The department will notify a certified operator when their certification is under probation or is no longer under probation.
3. An operator on probation continues to hold a certificate and must meet certification requirements in WAC 173-230-310 during the probationary period.

New Section

WAC 173-230-370 Suspension of a certificate.

1. Certificates may be suspended up to one year when the department finds:
 - a. Negligence in the operation of a wastewater treatment plant.
 - b. Violation of the requirements of this chapter or the statute it implements or of any lawful rule, regulation or order of the department. This includes but is not limited to violations of a permit.
 - c. Upon proposed revocation.
2. A certificate will be suspended immediately when the director is notified by the department of social and health services that a person is not in compliance with a support order or a residential or visitation order.

- a. The department will notify a certified operator when their certification is suspended.
 - b. The certificate will be reissued when the director is notified by the department of social and health services that the person is in compliance with the order.
3. For reinstatement the operator must meet certification requirements in WAC 173-230-310 during the suspension period.

New Section

WAC 173-230-380 Revocation of a certificate.

1. Certificates may be revoked for a period of one year per violation, when the department finds:
 - a. Fraud or deceit in obtaining the certificate.
 - b. Gross negligence in the operation of a wastewater treatment plant.
 - c. Violation of the requirements of this chapter or the statute it implements or of any lawful rule, regulation, or order of the department, this includes, but is not limited to violations of a permit and false statements.
2. No revocation will be made under this section unless the operator has been notified that revocation is proposed, been advised of the reason, and been given an opportunity to appear before the director and be heard on the matter.

3. Upon notification of the proposed revocation the certificate will be suspended until a final revocation determination is made.
4. If an operator's certificate is revoked, the operator will not be eligible to apply for certification as described in WAC 173-230-230 until the revocation period has ended.

New Section

[WAC 173-230-390 Appeals.](#)

1. Decisions of the director under this chapter may be appealed to the pollution control hearings board as required by chapter 43.21B RCW and chapter 371-08 WAC, within thirty days from the date of receipt of notice.