



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

*Chapter 173-230 WAC, Certification of
Operators of Wastewater Treatment Plants*

July 2019

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Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/1910028.html>

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Rule Implementation Plan

Chapter 173-230 WAC

Certification of Operators of Wastewater Treatment Plants

Water Quality Program
Washington State Department of Ecology
Olympia, Washington

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Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On July 10, 2019, Ecology adopted amendments to Chapter 173-230 WAC Certification of Operators of Wastewater Treatment Plants (AO # 18-02). The purpose of this rule implementation plan is to inform those who must comply with chapter 173-230 WAC about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

The Rule becomes effective 31 days after the rule is adopted. This is anticipated to be mid-August 2019. At this time, Ecology intends to implement and enforce the amended rule in the same manner it has been implementing and enforcing this chapter for more than 20 years with a few exceptions, noted below.

Upon the effective date of Chapter 173-230 WAC, Ecology will begin accepting applications for Operator in Training (OIT) certifications. The Wastewater Operator Certification Program Coordinator (Coordinator) will review and issue these under the requirements in the newly adopted chapter. The Coordinator will also track OIT certifications and review applications for upgrades as applicable.

Beginning September 1, 2019, Ecology will begin charging the new fees as described below. If fees are not paid in full with applications the Coordinator will notify applicants to inform them of the remaining balance due and provide them with a deadline by which they must pay the remaining balance.

| Category | Fiscal Year 2020 | Fiscal Year 2021 |
|---|------------------|------------------|
| Group I and Group I OIT (Operator in Training) Applications | \$50.00 | \$50.00 |
| Groups II through IV Applications and Groups II through IV OIT Applications | \$59.00 | \$67.00 |
| Renewals | \$64.00 | \$98.00 |

Enforcement procedures remain unchanged in the newly adopted chapter. The Coordinator will continue to use the rule language to ensure operators are meeting education and experience, and professional growth and renewal requirements. Ecology's regional permit managers and compliance staff will continue to ensure all permitted treatment plants have the required certified operators on staff operating and maintaining treatment plants.

Informing and Educating Persons Affected By the Rule

Ecology will inform and educate persons affected by the rule in the following ways:

- Sending a Notice of Rule Adoption to all certified operators and wastewater treatment plants.
- Update application and provide a copy to each wastewater treatment plant.
- Provide presentations at conferences, trainings, and workshops around the state, including, but not limited to the following:
 - Water/Wastewater Operator Workshop (WOW Conference)
 - Evergreen Rural Water of Washington Conferences
 - PNCWA (Pacific Northwest Clean Water Association) Meetings and Short Schools
- Develop web pages and/or written materials for new OIT program.
- Update the education and experience table on the web page to reflect the rule changes.
- Use “signature” feature in Outlook email to communicate new fees to everyone receiving an email from the Wastewater Operator Certification Program (Program).
- Update web pages with new fee information.

Promoting and Assisting Voluntary Compliance

RCW 34.05.328(3)(c)

Ecology will promote and assist voluntary compliance in the following ways:

- Send electronic notice of fee increase on September 1, 2019.
- Provide new fee information on our webpages.
- Provide written materials to our regional technical assistance staff to share with operators.
- Inform denied applicants, if applicable, of Operator in Training program.
- Continue to support and encourage operators to become certified even if not legally required.
- Presenting at conferences, meetings, and workshops where operators are in attendance.
- Continue to provide excellent customer service to inquiries regarding the Program, via email, phone, or in person.

Evaluating the Rule

Ecology intends to evaluate whether the rule achieves the purpose for which it was adopted on an ongoing basis in discussions with operators, treatment plants, as well as with compliance and technical staff as questions arise or in response to issues as they arise.

Ecology maintains an internal SharePoint resource to track ongoing or identified issues for Title 173 rules and the Coordinator will use this resource to track any issues or problems with the rule so that they may be addressed in any future rulemakings.

Specifically we intend to monitor and track in our database how many Operator in Training applications we receive and the OIT Certification expiration dates. The Coordinator will work with Applied Measurement Professionals (AMP) to update the exam data spreadsheet to allow the Program to track the exam data related to the newly created OIT program.

In addition, Ecology is required to conduct a workload analysis projecting resource requirements for administering the program and a budget estimate. This work will help us evaluate how effective the new fee schedule is at fully funding the Program and whether or not we will need to increase fees above the fiscal growth factor in future biennia.

Training and Informing Ecology Staff

The Program consists of the Coordinator, who wrote the rule and who oversees the work of the assistant, and the assistant who was kept current during the rulemaking process. Therefore little training will be needed for either of these staff persons.

We have also worked closely with other affected Ecology staff throughout the rulemaking process so they are all very informed of the changes and we will meet with the Permit Writer's Workgroup (PWG) ahead of rule adoption (June 2019) to discuss the impact of the rule changes on plant classifications and operator requirements and direct them to existing guidance and inform them about updates to guidance that are forthcoming.

We will also provide technical outreach staff with updated applications and any updated written materials or web addresses to share with operators as needed.

The Coordinator has already begun working with Ecology IT staff to update the database to accommodate the new Operator in Training certifications, including updates to the reporting queries.

The Coordinator will work with the Budget Manager, who has been part of the rulemaking, to establish a new MIC code for tracking work and charging the Wastewater Treatment Plant Operator Certification Account. Because the Wastewater Treatment Plant Operator Certification Account was established in 2017, Ecology's Fiscal Office should experience no change to how they collect fees; however, the Budget Manager will communicate and coordinate with Fiscal to ensure a smooth transition.

Lastly, we will notify all the regional office Directors upon adoption and provide contact information for the rule writers and the Coordinator.

List of Supporting Documents that May Need to be Written or Revised

Ecology will create, update, or develop the following to support the adoption of and the effective implementation of the newly amended chapter.

- Update internal and external guidance materials.
- Write focus sheet and/or update webpages with OIT information.
- Update database to allow for OIT certifications, expiration dates, and reports.
- Update application, application instructions, and the application review worksheets.
- Update certification log book.
- Update webpages to list new fee schedule through FY 2021.
- Update Certificate and Validation card templates.
- Update Coordinator and assistant email signature lines to inform of fee increase beginning on September 1, 2019.

More Information

Rulemaking webpage:

<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-230>

Wastewater Operator Certification Webpage:

www.ecology.wa.gov/OpCert

Contact Information

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