



Wastewater Operator Certification Program Final Fee Schedule and Response to Comments

By

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For the

Water Quality Program

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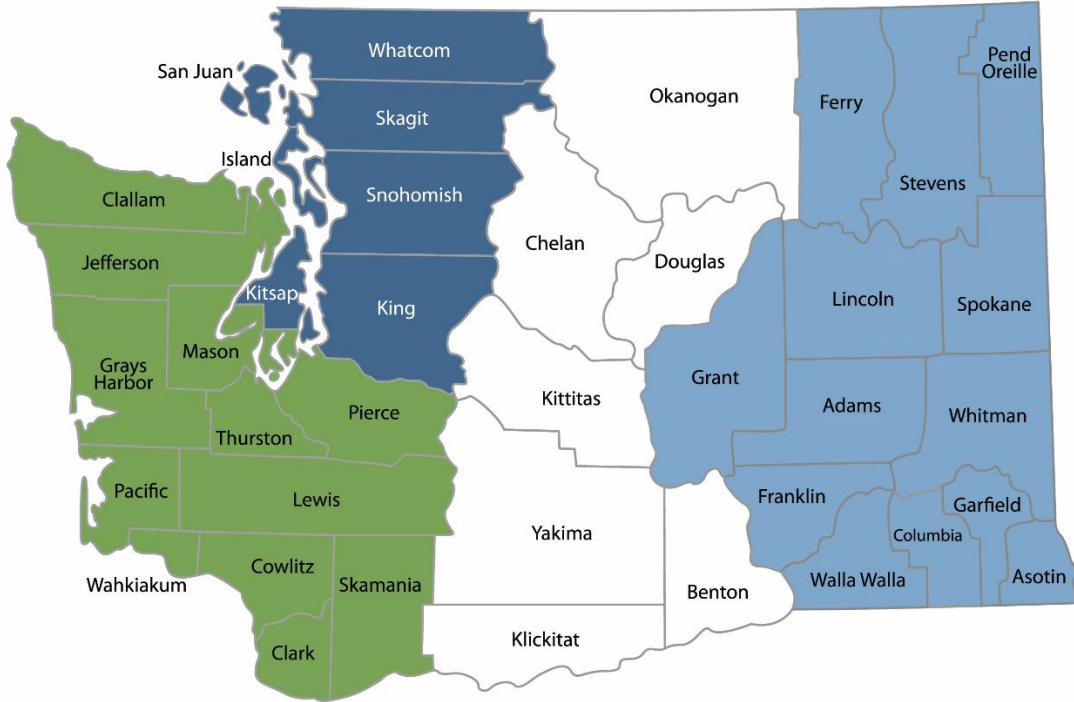
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Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	P.O. Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	P.O. Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 West Alder Street Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 North Monroe Spokane, WA 99205	509-329-3400
Headquarters	Statewide	P.O. Box 46700 Olympia, WA 98504	360-407-6000

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 27, 2023

The Washington State Department of Ecology (Ecology) received several public comments regarding the Draft Fee Schedule for the Wastewater Operator Certification Program for Fiscal Years 2024 and 2025. Below you will find a summary of the comments we received and our response.

Summary of Comments:

- 1) Proposed increases appear to be excessive. Can changes occur more gradually/predictably to allow for planning?
 - a. Renewal fee increase seems excessive and without clear justification. State should tighten budgets instead of adding unnecessary burden to operators.
- 2) Request for details of the analysis including:
 - a. Where can the operators view the workload analysis and budget estimate?
 - b. Are there additional staff being brought on board?
 - c. Are there additional programs being started?
 - d. Will the additional fees help shorten the turnaround time for applications and CEU's?
- 3) Fee structure is higher for renewal fees than application fees. It seems like less time is required to renew already certified operators, and more time is required to review new applications. Fee structure should be the opposite.
- 4) Treatment plant owners should be required to pay a portion of the fees to share the burden with operators and help with cost of the program.
- 5) Request for a less expensive/tiered renewal for retired or semi-retired operators who would like to maintain their operator certification while not actively working in wastewater operations and maintenance.
 - a. Introduce a more affordable, "standby certification" fee option to encourage experienced operators to remain current and contactable.
- 6) The fees are in line with California and Colorado and the cost per year is a pretty good deal.

Ecology's Response:

Ecology's Wastewater Treatment Plant Operator Certification (OpCert) Program is supported by application and renewal fees for individual wastewater treatment plant operators. The [Revised Code of Washington 70A.212.100](#), requires Ecology to collect fees to fully fund the Wastewater Operator Certification Program. The law also requires Ecology to conduct a workload analysis and prepare a biennial assessment of fees needed to cover the cost of the program. These costs include the staff time necessary to:

- evaluate applications,
- maintain and administer exams,
- ensure operators receive necessary training,
- provide outreach and technical assistance, and
- enforce program requirements.

In addition to staff time, the cost also covers overhead expenses related to program administration.

After careful consideration, Ecology has chosen to finalize the Fee Schedule for the Wastewater Operator Certification Program for Fiscal Years 2024 and 2025 as originally proposed. Further information to justify the increase is outlined below.

1) Ecology did not increase certification fees during the previous biennium based on projections for numbers of certified operators paying fees and estimated future program costs. The current number of certified operators is fewer than previous projections, and combined with the increase in program costs, a fee increase is necessary to support the program.

Throughout the workload and fee analysis process, Ecology considered ways in which to minimize the impact of this increase as much as possible. In order to help reduce the burden of this increase on operators, Ecology has proposed the increased fee amounts be staggered over multiple years. The larger increase is scheduled for year two, to allow some time for operators and their employers to plan. Because of the lack of increase over the previous four years, combined with fewer certified operators than estimated, the cost projections to move the program to fully funded have shifted.

2) The primary need for the increase is based on the increased costs for maintaining existing dedicated program staff. It currently supports two full time staff. Costs for travel, training, salaries, and overhead have all gone up due to inflation. Beyond this, Ecology has secured an additional dedicated part-time IT professional to support OpCert database updates and other technology needs. Though the cost is increasing over the coming biennium, Ecology anticipates an increased level of service through development of user-friendly and transparent updates to our electronic systems and processes. This additional staff support for IT-related needs will eliminate some of the burden on existing program staff and allow them to dedicate more time to application review (which cannot be automated) and technical assistance. Ecology anticipates an eventual improvement in application turnaround time because of this ability to

shift where staff time is focused. You can view a breakdown of the budget analysis for this increase attached to this response summary.

3) Ecology considered alternative fee structures in which application fees were higher, and renewal fees were lower. There are approximately 1,500 certified operators renewing each year and approximately 400 applications each year. If the fees were switched, the application fees would have to be much higher to sustain the program. Higher renewal fees allow us to keep the application fees lower which minimizes the barriers to initial certification and incentivizes folks to start the process to become certified.

4) Ecology continues to explore the ability to require treatment plant owners to pay a portion of the certification fee. However, this would require legislative action which the program does not currently have enough staff to support.

5) Similarly, the recommendation for additional fee restructure to consider reduced renewal fees for those not actively employed (e.g., retired), is not currently supported by the existing number of staff. Pushing for a restructuring of the fees would require additional costs (e.g., staff time) that would ultimately mean a greater fee increase in the short term to support the development.

A reduced fee for operators working part-time, or that are semi-retired, would not provide the resources necessary to meet the workload requirements. In order to keep the program fully funded as required by law, Ecology would have to increase the fees on operators working full-time in the field to reduce the fees for operators working part-time or that are semi-retired. Ecology is not likely to do this because it would result in a fee increase for operators working full time without providing them with any additional benefits.

To implement a different fee amount based on employment status, Ecology would also have to find a way to differentiate between operators that are working in the field and using their certifications versus the operators who are retired or not working in the field, but who want to maintain their certifications. This would cause Ecology to have to:

- Update our database
- Create new forms
- Track this information
- Educate operators about this fee change
- Enforce or correct situations where operators inappropriately selected the lesser fee
- Issue separate invoices to active and semi-retired operators

These administrative hurdles and the additional staff time required would be prohibitive and would not generate sufficient funds to justify the expense. It would likely lead to an additional increase in fees for all certified operators beyond what is already proposed, at least in the short term.

There is no difference in the professional growth requirements, application reviews, or training request reviews between operators working part-time or that are semi-retired versus operators working full-time in the field. Therefore, Ecology's workload is the same for managing the Wastewater Operator Certification Program regardless of operators' current employment status.

6) We believe the increases are aligned with certification programs in other states such as Oregon and California. Some state programs which may appear lower in cost based on *initial* application and renewal fees, actually make up some of their program costs in additional hidden fees once certified (such as fees to receive your certification, fees for document replacement, or extra fees for late renewals, etc.).

Based on these considerations, and the similarity in cost to many other state programs, Ecology has decided to finalize the Fee Schedule as proposed for fiscal years 2024 (July 1, 2023 to June 30, 2024) and 2025 (July 1, 2024 to June 30, 2025). We encourage your continued feedback on the program throughout the biennium to help us prepare for the next biennial workload and fee analysis process.

Thank you again for your interest and comments on the Draft Fee Schedule for the Wastewater Operator Certification Program for Fiscal Years 2024 and 2025. You can find additional information on the [Wastewater Operator Certification Program](#)¹.

If you have any questions regarding this letter, please contact Poppy Carre at opcort@ecy.wa.gov, or call 360-407-6889.

Sincerely,



Jeff Killelea, Manager
Permit and Technical Services Section
Water Quality Program

Enclosures: Workload Analysis 2023-25
 All Public Comments Received
 Final Fee Schedule for Wastewater Operator Certification

¹ <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Wastewater-operator-certification>

Comments

Laurie Pierce

The proposed certification fee increases appear to be inordinately excessive. I understand that we are making up for past inability to keep up with demand and program costs, but do we really need to do that in just one year or budget-cycle? Anyone who is paying their own application renewal fee will not be able to afford to do so if we continue to make these large changes to the fee schedule. Is there a way to make these changes more gradually, and with a regular and predictable increase each year instead of large jumps every so often? At least we could plan and budget for known rate increases. If we look at the cost of running the program over time (10-20 years), we can calculate an annual rate increase that will allow us to keep pace with inflation and the needs of the program without over-burdening the program's customers.

Hugh Theiler

I suggest that the OpCert program consider requiring the POTW permittee (treatment plant owners) to shoulder a portion of the fee increases for the program. After all, they are the ones that are required to have certified operators at certain group levels on staff (required by their NPDES permit). You are proposing a 25% - 50% certification fee increase, all to be paid by the Operator. Start making the plant owners pay a portion of the program fee increases. I know most plant owners will reimburse their operators for the cost of the certification, but not all of them do. Some operators work for multiple owners, or maintain their certifications as part of a larger set of job qualifications.

Adam McClymont

Regarding the Wastewater Operator Certification (OpCert) Program fee increase schedule, it has been increasingly difficult to fill open positions for certified operators in Washington State. I support increasing fees as necessary to fund the certification program for new and renewal applications, but also request that there be consideration for certified operators considering reentering the workforce. The proposed fee schedule is a nearly 50% increase for renewing certification and that is not inclusive of the cost for meeting CEU requirements. Increasing barriers for certified operators to reenter the workforce such as those who have retired, have changed careers, or lack employer support may limit options for filling open positions. Many plants are struggling to meet the NPDES permit staffing requirements for certified operators. Please consider a tiered renewal rate with a lower rate for certified operators who not currently employed as certified operators at the time of renewal. Thanks for the consideration.

Chris Clardy

I've been a part of a fee restructuring in another state and have a couple of questions as these fee increases seem a little higher than normal. 1. Where can the operators view the workload analysis and budget estimate? 2. Are there additional staff being brought on board? 3. Are there additional programs being started? 4. Will the additional fees help shorten the turnaround time for applications and CEU's? WAC 173-230-240 Fees. (1) All persons certified or seeking certification under chapter 70.95B RCW and this chapter must pay an application fee and/or renewal fee to the department each year. (2) All costs of activities associated with

administering this program, as described in RCW 70.95B.095(1), are fee eligible. (3) 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) 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.

Mike McClain

I am licensed/certified in 3 states and this fee is in line with California and Colorado. Both CA and CO are a three year license period, so looking at the cost per year this is a pretty good deal. I have no problem with the increase, but my employer is the one that reimburses or pays for my renewal and my CE hours.

Edward Griffenberg

First off I am happy to see that you can adjust your fees now to meet the demand. I remember when the whole program was set by a fixed fee that took an act of congress to change. I am a bit concerned about the fee structure though. It seems that the folks that are requiring the most assistance and costing the state the most money are the ones going through the application process but the people who are getting hit with the highest fees are the current operators who are just asking to have their certification renewed. It seems to me that getting renewed would take far less time then going through the application process especially now that I am sure the State is seeing higher fees in all the locations that now provide the tests. I think it is more justifiable to charge a flat rate for renewal and then charge a higher fee for testing so that the higher expenses are covered by the higher fees. It also seems a bit odd that in two years the fee for renewal will doubled. I was planning to keep my certification current after I retire in 2025 but at that rate and having to pay for training on a fixed income I might not be able to. Take care and I will swing by and talk with you at the short school.

Best regards,

Edward Griffenberg

Gavin Bushee

I believe this fee increase to be extremely excessive (especially over such a short time frame) and adding unnecessary burden on the Operators, especially with the inflation we are seeing with our mandated fiat currency and all the new proposed taxes, both at the federal level and here in WA. I see no clear justification being provided for any fee increases, and I also see no options/considerations for sharing the burden of the 'increased budget requirements' among the organizations who require certified operators. How about the state can work on tightening

up their budgets? Don't they ('the state') have a lot of extra funds from all the salaries and pensions they no longer are responsible for due to the mass C-19 firings? Why don't they work on compensating all of those people they got rid of due to the ridiculous, useless, arbitrary, and overreaching C-19 mandates instead of trying to squeeze money out of working people for bloated bureaucratic budgets? If the state wants more many for the "OpCert" program, why don't they ask LOTT CWA for the money? They have plenty! Mike Strub can sell one his Corvettes that he bought on the rate payer's dime.

Worldthree, LLC

Standby Status:

Part of the 2020 OpCert COVID response involved contacting certified WWTP Operators who were no longer practicing to determine whether they might assist treatment facilities understaffed due to illness. These operators would have left the field due to retirement or career change, and considering the field turnover, their numbers might be substantial. Regardless, during the COVID crisis, their skills represented a significant asset to the State of Washington, so it would seem prudent to encourage them to maintain their certification. Maintaining operator certification after leaving a treatment facility is expensive as it involves continuing education (coursework or conference attendance) and certification fees, typically paid by the individual rather than the employer. The proposed certification fee increase is substantial and will discourage certification maintenance. Please consider introducing a more affordable "Standby Certification" fee option. A cost-appropriate "Standby Certification" fee would encourage experienced operators to remain current and contactable. In effect, a discounted "Standby Certification" approach would help maintain the availability of this valuable Washington State skill resource.

2023-25 Wastewater Operator Certification Program Expenses and Revenue Analysis

December 2022

Projected Expenditures 2023-25

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>23-25 Total</u>
A	Salaries and Wages	\$201,777	\$207,830	\$409,607
B	Employee Benefits @ 36%	\$72,640	\$74,819	\$147,459
E	Goods and Services	\$13,060	\$13,060	\$26,120
G	Travel	\$3,908	\$3,908	\$7,816
J	Capital Outlays	\$2,578	\$2,578	\$5,156
T	Indirect	\$70,295	\$70,295	\$140,590
Total Objects		\$364,258	\$372,490	\$736,748
Rounded		\$364,000	\$372,000	\$736,000

Projected Revenue 2023-25

Operator Certification Program	2024 Rate	2024 Est. Operators	2024 Revenue Est.	2025 Rate	% increase	2025 Est. Operators	2025 Revenue Est.	Total Revenue 2023-25
Renewals	\$135	1,390	\$187,650	\$200	48%	1,390	\$278,000	465,650
<u>Applications</u>								
Group I/OIT I App.	\$60	173	\$10,380	\$75	25%	173	\$12,975	\$23,355
Group II-IV/OIT II-IV App.	\$85	191	\$16,235	\$125	47%	191	\$23,875	\$40,110
Total Renewals and Apps		1,754	\$214,265			1,754	\$314,850	\$529,115
Rounded			\$214,000				\$315,000	\$529,000

Wastewater Treatment Plant Operator Certification Account (21H)

Beginning Balance July 1, 2023	\$324,000
Expenses July 1, 2023 to June 30, 2024	(\$364,000)
Revenue July 1, 2023 to June 30, 2024	\$214,000
Ending Balance June 30, 2024	\$174,000
Beginning Balance July 1, 2024	\$174,000
Expenses July 1, 2024 to June 30, 2025	(\$372,000)
Revenue July 1, 2024 to June 30, 2025	\$315,000
Ending Balance June 30, 2025	\$117,000



Final Fee Schedule for Wastewater Operator Certification Fiscal Years 2024 and 2025

By law, Ecology must fund the Wastewater Operator Certification (OpCert) Program with fees. These fees are subject to change, dependent upon a budget and workload analysis completed every biennium. On March 31, 2023, Ecology published a draft fee schedule for comment. Ecology responded to the comments and is now publishing the Final Wastewater Operator Certification Program Fee Schedule. Ecology made no changes from the draft fee schedule published on March 31, 2023.

Based on the estimated administrative costs of the OpCert program and the projected account balance, Ecology will raise wastewater operator certification fees beginning July 1, 2023.

Table 1. Fee Schedule for Fiscal Years 2024 and 2025

Category	Fiscal Year 2024 (July 1, 2023 - June 30, 2024)	Fiscal Year 2025 (July 1, 2024 - June 30, 2025)
Group I and Group I OIT Applications	\$60.00	\$75.00
Groups II through IV Applications and Groups II through IV OIT Applications	\$85.00	\$125.00
Renewals	\$135.00	\$200.00

Assistance for Persons with Disabilities

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² <https://ecology.wa.gov/About-us/Accessibility-equity/Accessibility>