

Summary of Proposed Rule Changes

Waterworks Operator Certification

Chapter 246-292 WAC



August 2013

The purpose of the proposed rule is to include changes made by the legislature to strengthen the department's authority to take enforcement actions, and clarify our authority to certify BATs and CCSs. The changes also include updating the rule to reflect current program practices, moving requirements from guidance into rule, and clarifying rule language to improve readability.

Acronyms					
BAT	Backflow assembly tester	CCC	Cross-connection control	TNC	Transient noncommunity
BTO	Basic treatment operator	GW	Groundwater under the direct influence of surface water	WTPO	Water treatment plant operator
CCS	Cross-connection control specialist	OIT	Operator in training		

Section Number	Section Title	Proposed Changes
001	Purpose	<ul style="list-style-type: none"> Editorial changes to clarify requirements Clarifies that this rule regulates BATs and CCSs
010	Definitions, Abbreviations, and Acronyms	<ul style="list-style-type: none"> Adds or deletes numerous definitions, abbreviations, and acronyms Moves abbreviations and acronyms into definitions, adds numbering to definitions
020	Public Water System Requirements	<ul style="list-style-type: none"> Requires purveyors to designate an operator in responsible charge for each operating shift and each major segment of the system, if applicable Requires purveyors to designate and report all mandatory positions to the department within 30 days of starting operations or when a position is vacated Purveyors shall not require operators to perform work that is beyond their skills, abilities or level of certification
031	Duties of a certified operator	<ul style="list-style-type: none"> Editorial changes to clarify requirements Operators are required to tell the purveyor if an action or correction is beyond their skills, abilities or level of certification Clarifies that certified operator duties do not relieve a purveyor of their responsibility to comply with the Group A rule

Section Number	Section Title	Proposed Changes
NEW 032	Duties of a Certified Operator in Responsible Charge	<ul style="list-style-type: none"> • Establishes requirements for certified operators in responsible charge. Most are based on current program guidance or requirements in the Group A rule • Key changes include: <ul style="list-style-type: none"> - Lists the duties of the operator in responsible charge - In addition to being available 24 hours per day, an operator must be able to initiate appropriate action within 2 hours - An operator must cooperate with the department during a special purpose investigation or sanitary survey - An operator must provide required records and reports to the department or its representative upon request
NEW 033	Duties of a CCS	<ul style="list-style-type: none"> • Specifies that a CCS designated by the purveyor to be in responsible charge of a water systems' cross-connection control program must develop, implement, and maintain a cross-connection control program that meets the CCC requirements in the Group A rule • Clarifies duties that <i>must</i> be performed by CCSs including: <ul style="list-style-type: none"> - Hazard assessments and determining appropriate backflow prevention - Inspecting preventer installations - Investigating backflow incidents - Developing and maintaining cross-connection records - Completing CCC related reports such as annual summary reports and backflow incident reports - Taking corrective action when a consumer fails to comply with the purveyor's CCC program requirements - Reviewing test reports and taking follow-up action on incomplete, erroneous, or fraudulent reports - Granting exceptions to mandatory premises isolation (if applicable) • Clarifies that a CCS's duties <i>may</i> include inspecting: <ul style="list-style-type: none"> - Air gaps to determine if they are approved and reporting results - Backflow prevention assemblies to determine if they are installed correctly and approved by the department • Clarifies that CCS duties do not relieve purveyors of their responsibility to comply with the Group A rule

Section Number	Section Title	Proposed Changes
NEW 034	Duties of a BAT	<ul style="list-style-type: none"> • Specifies that a BAT must inspect, field test, maintain, and repair backflow preventers that protect public water systems • Requires a BAT to be equipped with the a field test kit and tools needed to perform the required duties • Requires a BAT to use field test procedures acceptable to DOH • Requires a BAT to record field test results on a report form that meets the requirements of WAC 246-292-036 • Requires a BAT to submit reports in original, copy, FAX or electronic format to the purveyor and backflow preventer owner • Requires a BAT to use a field test kit that meets design criteria in the University of Southern California (USC) 10th Edition <i>Manual of Cross-Connection Control</i> • Requires BATs to get their field test kits verified for accuracy and recalibrated (if needed) at least once within the 12 months before the field test date • Requires a BAT to have accuracy verifications conducted by a lab independent of the BAT and using procedures in the USC 10th Edition CCC Manual • Specifies that a BAT shall provide documentation of field test kit accuracy verification and department-issued certification to the purveyor • Specifies that the BAT shall only use replacement parts from the original manufacturer and retain the backflow prevention assembly's or device's design and operational characteristics to maintain the approval • Specifies that a BAT must meet the plumber certification requirements of RCW 18.106 if applicable.

Section Number	Section Title	Proposed Changes
NEW 036	Backflow Preventer Inspection and Field Test Report Content	<ul style="list-style-type: none"> • Lists the minimum information required for backflow preventer inspection and field test reports submitted to public water systems and backflow preventer owners by BATs • Requires the BAT to include the following information on the test report: <ul style="list-style-type: none"> - Facility information - Assembly/device information - Assembly/device approval status information - Assembly/device installation information - Field test results for the initial field test and test after maintenance or repair (if applicable) including test kit readings and whether the assembly passed or failed the test - Assembly/device maintenance and repair information - Field test kit information including the date of the most recent accuracy verification or calibration - Air gap inspection measurements and whether the air gap met the definition of an approved air gap - Remarks, if applicable, including a list of missing or defective components and description of conditions that could adversely affect the performance of the backflow preventer - Contact and certification information for the BAT performing the work - Date each inspection and test were performed - Certification statement certifying that BAT personally performed work, use field test procedures acceptable to DOH, and provided true, complete, and accurate information - Signature in original, copy, FAX, or electronic format
040	Classification of Public Water Systems	<ul style="list-style-type: none"> • Editorial changes to clarify requirements based on current program practices and guidance • Clarifies the scope of water treatment plant processes

Section Number	Section Title	Proposed Changes
050	Public Water System Minimum Operator Certification Requirements	<ul style="list-style-type: none"> • Replaces the BTO class with a WTPO class for Class 1 treatment plants to ease water system recruitment and retention issues • Clarifies language requiring a purveyor of a TNC system to have a certified operator in responsible charge, or if the TNC system has a groundwater source that requires 4-log treatment, or if the TNC system is in violation of requirements in the Group A rule • Allows a certified operator in responsible charge to be certified at one level lower than the treatment plant or distribution system rating • Allows an assigned certified operator at one level lower than the operator in responsible charge if the purveyor has written procedures
055	Minimum Requirements for Contract Operators	<ul style="list-style-type: none"> • Editorial changes to clarify requirements • Be available 24 hours per day and able to initiate appropriate action within 2 hours • Sets minimum duties and contract information
060	Minimum Education and Experience Requirements to Become a Certified Operator	<ul style="list-style-type: none"> • Editorial changes to clarify requirements • Changes minimum education and experience to align with federal requirements (high school diploma or GED, or experience and relevant training as a substitution for education) • Identifies allowable substitutions for part of the minimum education and experience requirements • Establishes minimum education, training or experience for BATs and CCSs
070	Application and Examination	<ul style="list-style-type: none"> • Includes changes to reflect current program practices and the use of computer-based examinations • Specifies application packet information • Changes the effective date of certificates to align with current program practices
075	Reciprocity	<ul style="list-style-type: none"> • Clarifies requirements to ensure that a certified operator from another state or province meets the department's minimum requirements for certification
080	Public Water System Temporary Operator Certification	<ul style="list-style-type: none"> • The language clarifies that the temporary operator certification is issued to the operator, not to the public water system • Clarifies requirements to document experience • Specifies the department will only issue a temporary certification for up to 60 days when the system uses surface water or GWI. Operator must meet minimum education and experience at the time of application. • Specifies the department will only issue a temporary certification for up to 120 days when a system is classified as a TNC
085	Grandparented Certification	Editorial changes to clarify requirements

Section Number	Section Title	Proposed Changes
<i>NEW</i> 086	Certified BTO	<ul style="list-style-type: none"> • Specifies that the department will reclassify BTOs to a WTPO1 if the operator has 12 months experience and meets certain requirements • If the BTO does not have 12 months experience, the BTO will remain classified as a BTO or may request a reclassification to a WTPO-OIT
090	Renewal of Certificates	<ul style="list-style-type: none"> • Editorial changes to clarify requirements • If an operator becomes newly certified after October 1, the certification will be valid until December 31 the following year • Professional growth requirements moved to a new section (095)
<i>NEW</i> 095	Professional Growth	<ul style="list-style-type: none"> • Editorial changes to clarify requirements • Requirements moved from section 090
100	Revocation and Suspension	<ul style="list-style-type: none"> • Editorial changes to clarify requirements • Adds that the department may revoke or suspend certificates for an act of fraud or deceit • Clarifies that a BAT's certificate may be revoked or suspended if the BAT performs an act of fraud, deceit, or gross negligence when inspecting, testing, maintaining, or repairing a backflow preventer that protects the public water system • Clarifies that a CCS's certificate may be revoked or suspended if the CCS performs an act of fraud, deceit, or gross negligence when developing or implementing a CCC program
<i>NEW</i> 105	Certification Denial	<ul style="list-style-type: none"> • Sets the criteria the department will use to determine if an applicant will be denied a certification • Requires the department to notify applicants of the decision and the factual basis for denial
110	Enforcement	<ul style="list-style-type: none"> • Editorial changes to clarify requirements • Clarifies that the department may impose a penalty in cases of a public health emergency
<i>REPEAL</i> 160	Water Works Certification Fees	<ul style="list-style-type: none"> • Moved the requirements to a new section 995 to align the section number with other department fee rules
<i>NEW</i> 995	Certified Operator and Public Water System Certification Fees	<ul style="list-style-type: none"> • Requirements moved from section 160 • Editorial changes to clarify requirements • Removes the department's reapplication fee because computer-based testing eliminates the need to re-process applications to retake exams.

For additional information on the rule, contact Theresa Phillips at (360) 236-3147, or e-mail at theresa.phillips@doh.wa.gov



If you need this document in alternate format, call (800) 525-0127. For TTY/TDD, call (800) 833-6388.