

FINAL BILL REPORT

SHB 1061

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Synopsis as Enacted

Brief Description: Concerning on-site wastewater treatment systems designer licensing.

Sponsors: House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Green and Kelley).

House Committee on Business & Financial Services
House Committee on General Government Appropriations & Oversight
Senate Committee on Environment, Water & Energy

Background:

Licensing of On-site Wastewater System Designers.

On-site wastewater system designers are licensed and regulated by the Board of Registration for Professional Engineers and Land Surveyors (Board). The licensing requirement was enacted in 1999. Previous to that, many local health agencies had licensed designers. The law allowed for designers licensed under a local ordinance to obtain a "practice permit" to continue practicing. All practice permits expired on June 30, 2003.

An "on-site wastewater treatment system" is an integrated system of components that convey, store, treat, and/or provide subsurface soil treatment and disposal of wastewater effluent on the property where it originates or on adjacent or other property and includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas, for on-site wastewater treatment under 3,500 gallons per day when not connected to a public sewer system.

"On-site wastewater design" means the development of plans, details, specifications, instructions, or inspections by application of specialized knowledge in analysis of soils, on-site wastewater treatment systems, disposal methods, and technologies to create an integrated system of collection, transport, distribution, treatment, and disposal of on-site wastewater.

License Requirements. A license to design on-site wastewater treatment systems is obtained by passing a written examination, having a high school diploma or its equivalent, and having either at least four years of experience, or two years of relevant college-level course work and two years of experience. Out-of-state experience in on-site design, inspection, and/or construction activities may satisfy the necessary experience requirements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

License Renewal. Licenses must be renewed annually. A license not renewed for two years is canceled, and the holder must reapply. To renew a license, the holder must pay a fee and satisfy continuing education requirements established by the Board.

Unprofessional Conduct. Activities which constitute unprofessional conduct are specified. Upon finding a violation, the Board may reprimand or fine a practice permit or license holder, or suspend, revoke, deny, or refuse to renew a license or permit. The work of licensed designers must also comply with standards of practice adopted by the Board.

Local Health Inspector Certificates of Competency.

Employees of local health jurisdictions who inspect, review, or approve the design and construction of on-site systems must obtain a certificate of competency by passing the examination administered for licensing designers. A certificate of competency does not allow the holder to provide on-site wastewater treatment design services. Certificates may be renewed by payment of a fee and satisfaction of continuing education requirements.

Summary:

References to practice permits for designing on-site wastewater treatment systems are removed. It is unprofessional conduct, for disciplinary purposes, if an applicant submits false, fraudulent, or misleading information in an application for licensure or certification. In addition to individuals acting on behalf of the Director of the Department of Licensing, individuals acting on behalf of the Board are also immune from liability in any civil action or criminal case for acts performed in the course of their duties.

Changes are made to the experience and education requirements for licensure as an on-site wastewater treatment system designer. Rather than allowing applicants to substitute two years of the experience requirements by completing two years of college-level work in specified subjects, applicants may either complete satisfactory college-level course work or successfully participate in a Board-approved internship program. The continuing education requirement for certificate holders is removed.

The reciprocity requirements are also modified. Certain people licensed from jurisdictions outside Washington to perform design services for site soil assessment, hydraulics, topographic delineations, use of specialized treatment processes and devices, microbiology, and construction practices of on-site wastewater treatment systems may be granted a license without examination.

Rather than requiring that the licenses be renewed annually, authority is granted to the Board to determine the renewal period for licenses and certificates. For determining renewal fees, the pool of licensees and certificate holders is combined with engineer and land surveyor licensees.

Local health jurisdictions and the Washington State Department of Health retain authority to:

- administer state and local regulations and codes for approval or disapproval of designs for on-site wastewater treatment systems;
- issue permits for construction;

- evaluate soils and site conditions for compliance with code requirements; and
- perform on-site wastewater treatment design work as authorized in state and local board of health rules.

Votes on Final Passage:

House	89	4
Senate	47	0

Effective: July 22, 2011