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**SUBSTITUTE HOUSE BILL 3056**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Linville and Constantine)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to implementing the recommendations of the on-site  
2 wastewater certification work group; adding a new section to chapter  
3 70.05 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The 1997 legislature directed the  
6 department of health to convene a work group for the purpose of making  
7 recommendations to the legislature for the development of a  
8 certification program for occupations related to on-site septic  
9 systems, including those who pump, install, design, perform  
10 maintenance, inspect, or regulate on-site septic systems. The work  
11 group was convened and studied issues relating to certification of  
12 people employed in these occupations, bonding levels, and other  
13 standards related to these occupations. In addition, the work group  
14 examined the application of a risk analysis pertaining to the  
15 installation and maintenance of different types of septic systems in  
16 different parts of the state. A written report containing the work  
17 group's findings and recommendations was submitted to the legislature  
18 as directed.

1 (2) The legislature recognizes that the recommendations of the work  
2 group must be phased-in over a time period in order to develop the  
3 necessary scope of work requirements, knowledge requirements, public  
4 protection requirements, and other criteria for the upgrading of these  
5 occupations. It is the intent of the legislature to start implementing  
6 the work group's recommendations by focusing first on the occupations  
7 that are considered to be the highest priority, and to address the  
8 other occupational recommendations in subsequent sessions.

9 NEW SECTION. **Sec. 2.** (1) The department of licensing and the  
10 department of health shall jointly convene an advisory committee for  
11 the purpose of developing legislation that will establish licensing  
12 requirements for the designers of on-site septic systems, and a  
13 proposed certification program for inspectors of on-site septic systems  
14 that tests the same knowledge and competency required for licensed  
15 designers of on-site septic systems. The departments shall develop the  
16 legislation consistent with the findings and recommendations contained  
17 in the written report developed by the on-site wastewater certification  
18 work group. The proposed legislation shall be submitted to the senate  
19 agriculture and environment committee and the house of representatives  
20 agriculture and ecology committee by December 1, 1998.

21 (2) The department of licensing and the department of health shall  
22 report on the time frames and feasibility for developing proposed  
23 legislation that implements the other on-site wastewater certification  
24 work group's recommendations by December 1, 1998.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.05 RCW  
26 to read as follows:

27 (1) The department of health, in consultation and cooperation with  
28 local environmental health officers, shall develop a one-day course to  
29 train local environmental health officers, health officers, and  
30 environmental health specialists and technicians to address the  
31 application of the waiver authority granted under RCW 70.05.072 as well  
32 as other existing statutory or regulatory flexibility for siting on-  
33 site sewage systems.

34 (2) The training course shall include the following topics:

35 (a) The statutory authority to grant waivers from the state on-site  
36 sewage system rules;

1 (b) The regulatory framework for the application of on-site sewage  
2 treatment and disposal technologies, with an emphasis on the  
3 differences between rules, standards, and guidance. The course shall  
4 include instruction on interpreting the intent of a rule rather than  
5 the strict reading of the language of a rule, and also discuss the  
6 liability assumed by a unit of local government when local rules,  
7 policies, or practices deviate from the state administrative code;

8 (c) The application of site evaluation and assessment methods to  
9 match the particular site and development plans with the on-site sewage  
10 treatment and disposal technology suitable to protect public health to  
11 at least the level provided by state rule; and

12 (d) Instruction in the concept and application of mitigation  
13 waivers.

14 (3) The training course shall be made available to all local health  
15 departments and districts in various locations in the state without  
16 fee. Updated guidance documents and materials shall be provided to all  
17 participants, including examples of the types of waivers and processes  
18 that other jurisdictions in the region have granted and used. The  
19 first training conducted under this section shall take place by June  
20 30, 1999.

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