



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Licensing

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: March 9, 2000

(2) Purpose: To implement the requirement that a practice permit be established for On-site Wastewater Designers by July 1, 2000 in accordance with 2SSB #5821, Chapter 263, Laws of 1999, codified as chapter 18.210 RCW.

(3) Citation of existing rules affected by this order:

Repealed:
Amended:
Suspended:

(4) Statutory authority for adoption: RCW18.210.060; RCW 18.210.050
Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-04-059 on January 28, 2000 (date).
Describe any changes other than editing from proposed to adopted version: No changes were made.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes No If Yes, explain:

(6) Effective date of rule:

- | | |
|--|--|
| Permanent Rules
or Expedited Repeal | Emergency Rules |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately |
| <input type="checkbox"/> Other (specify) _____* | <input type="checkbox"/> Later (specify) |

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)
George A. Twiss

Signature
George A. Twiss

Title
Executive Director

Date
March 28, 2000

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAR 30 2000

TIME 11:33 A17
WSR 00-08-042 PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	.....	Amended	.....	Repealed	.....
Federal rules or standards:	New	.....	Amended	.....	Repealed	.....
Recently enacted state statutes:	New	<u>7</u>	Amended	.....	Repealed	.....

The number of sections adopted at the request of nongovernmental entity:

	New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

	New	<u>7</u>	Amended	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	Amended	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	.....	Amended	.....	Repealed	.....
Other alternative rule making:	New	.....	Amended	.....	Repealed	.....

Chapter 196-31 WAC

PRACTICE PERMITS

NEW SECTION

WAC 196-31-010 Declaration of purpose. This chapter contains rules and procedures for individuals to obtain, use and renew practice permits as provided for in chapter 18.210 RCW.

NEW SECTION

WAC 196-31-020 Definition. "Practice permit" is a limited authorization granted by the board for an individual who performs or offers to perform design services for on-site wastewater treatment systems. Practice permits are an interim authorization and terminate at midnight on June 30, 2003.

NEW SECTION

WAC 196-31-030 Applications--Qualifications. In order to obtain a practice permit, the applicant must verify to the satisfaction of the board that the applicant holds a current authorization from a local health jurisdiction (LHJ) on or before July 1, 2000, to perform or offer to perform designs of on-site wastewater treatment systems. Only authorizations from LHJs satisfying the following criteria will be accepted:

(1) The LHJ has an established program for evaluating the competency of the applicant in on-site wastewater treatment system codes and principles for that LHJ; or

(2) If the LHJ does not have an established program for evaluating the competency of the applicant in on-site wastewater treatment systems, the LHJ has established policies or procedures that would otherwise permit the applicant to perform designs in that LHJ, and the applicant has obtained approval of those designs

consistent with those established policies or procedures.
Verification must come from the authorizing LHJ(s).

NEW SECTION

WAC 196-31-040 Applications--Procedures. To obtain a practice permit an applicant must submit a completed application as prescribed by the board. Said application must be accompanied by payment of the prescribed fee as established by the director in accordance with chapter 43.24 RCW. Said application shall include verifications from all LHJs where the applicant intends to practice under a practice permit as provided under this chapter.

NEW SECTION

WAC 196-31-050 Permit issuance--Renewals. On or after April 1, 2000, individuals may apply for a practice permit in accordance with the provisions of this chapter. Permits become effective on or after July 1, 2000. Permits are valid for one year from the date of issuance and are renewable on an annual basis thereafter. Any practice permit that is not renewed shall be invalid. All practice permits renewed on or after July 1, 2002, shall expire on June 30, 2003, regardless of the date of issuance. Renewal fees for practice permits renewed on or after July 1, 2002, shall be equivalent to the established renewal for a one year renewal even if less than a year remains before June 30, 2003. No partial payments or prorated fees will be accepted for renewals. No portion of any fees paid by the applicant to the LHJ for previous authorization shall apply to practice permits issued under this chapter.

NEW SECTION

WAC 196-31-060 Scope of practice. A permit holder is authorized to perform or offer to perform designs of on-site wastewater treatment systems only in those counties where the applicant has provided LHJ verification of an authorization to practice at the time of application. Permit holders are required to be proficient in the technical design criteria and administrative code requirements for every LHJ in which they

perform design services. Nothing in this chapter is intended to restrict or limit the ability of LHJs to accept homeowner designed on-site systems as provided in WAC 246-272-11501. Any practice with an expired permit shall constitute unprofessional conduct and grounds for disciplinary action.

NEW SECTION

WAC 196-31-070 Brief adjudicative proceedings--Denials based on failure to meet prerequisites for licensure, practice permit, or examination. The board adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants who are denied a license, practice permit, or opportunity to take an examination under chapter 18.210 RCW, because of failure to meet the prerequisites for said license, practice permit, or examination. The sole issue at the adjudicative proceeding shall be whether the applicant meets the prerequisites for the license, practice permit, or examination.