
HOUSE BILL 3040

State of Washington 59th Legislature 2006 Regular Session

By Representatives McCoy, Eickmeyer, Sump, Chase, Appleton and B. Sullivan

Read first time 01/18/2006. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to licensing of on-site sewage maintenance
2 providers; adding a new chapter to Title 18 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that on-going
6 competent operation, monitoring, and maintenance of an on-site sewage
7 disposal system is necessary for the protection of the consumers'
8 health and the environment, and therefore it is of vital interest to
9 the public. The legislature further finds that to protect the public
10 health and conserve and protect the water resources of the state, it is
11 necessary to require the examination and certification of the persons
12 responsible for providing technical maintenance of such systems and to
13 provide for the adoption of rules to carry out this chapter.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires otherwise.
16 (1) "Department" means the department of licensing.
17 (2) "Director" means the director of the department of licensing.

1 (3) "Maintenance" means actions necessary to keep the on-site
2 sewage disposal system functioning as designed, including, but not
3 limited to pumping tanks, cleaning and replacing pumps or filters, and
4 replacement of baffles in tanks.

5 (4) "Maintenance service provider" means an individual certified to
6 perform operation, monitoring, and maintenance activities for on-site
7 sewage disposal systems. This does not include an individual certified
8 by a local health officer solely to pump septic tanks.

9 (5) "Monitoring" means periodic or continuous checking of on-site
10 sewage disposal systems performed by making observations or
11 measurements to determine if the system is functioning as intended and
12 if maintenance or repairs are needed.

13 (6) "Operation" means adjustments made to treatment or disposal
14 processes to ensure proper treatment and disposal of wastewater.

15 NEW SECTION. **Sec. 3.** (1) Operation, monitoring, and maintenance
16 services for on-site sewage disposal systems may not be provided by an
17 individual unless the individual possesses a maintenance service
18 provider certificate issued by the department.

19 (2) This section does not apply to a homeowner operating,
20 monitoring, or maintaining his or her own system.

21 NEW SECTION. **Sec. 4.** (1) The director shall adopt rules as
22 necessary for the administration of a system to certify persons who
23 provide, for a fee, operation, monitoring, and maintenance services for
24 on-site sewage disposal systems. The rules must include provisions
25 establishing minimum qualifications and procedures for the
26 certification of on-site sewage system maintenance service providers
27 and criteria for determining the kind and nature of continuing
28 educational requirements for renewal of certification, if any.

29 (2) The department may establish different levels of certification
30 for maintenance service providers that account for varying levels of
31 system complexity or geographical requirements due to soil types or
32 other conditions.

33 (3) The director must enforce rules adopted under this section.

34 NEW SECTION. **Sec. 5.** The issuance and renewal of a maintenance
35 service provider certificate is subject to the following conditions:

1 (1) A certificate must be issued if the maintenance service
2 provider has:

3 (a) Satisfactorily passed an examination;

4 (b) Paid the department an application fee as established by the
5 department under RCW 43.70.250; and

6 (c) Met the requirements specified in the rules adopted in
7 accordance with this chapter.

8 (2) Every certificate must be renewed annually upon the payment of
9 a fee as established by the department under RCW 43.70.250 and
10 satisfactory evidence is presented to the department that the
11 maintenance service provider has fulfilled the continuing education
12 requirements, if any, as prescribed by rules adopted in accordance with
13 this chapter.

14 (3) The department shall provide for reciprocal certification of
15 any individual certified as an on-site sewage operation and maintenance
16 specialist by a local health jurisdiction in Washington state without
17 additional examination until the certification issued by the local
18 health jurisdiction is required to be renewed.

19 (4) A maintenance service provider who has failed to renew a
20 certificate pursuant to the provisions of this section and the rules
21 adopted in accordance with this chapter may reapply for certification
22 and the director may require the provider to meet the requirements
23 established for new applicants.

24 (5) The department may deny, suspend, modify, or revoke a
25 certificate for failure to comply with the requirements of this chapter
26 or any rule adopted under this chapter. A certificate may be denied,
27 suspended, modified, or revoked on any of the following grounds:

28 (a) Committing fraud or misrepresentation in applying for or
29 obtaining a certificate or a recertification or reinstatement of a
30 certificate;

31 (b) Negligent maintenance or inspection of an on-site sewage
32 system;

33 (c) Violating the requirements of this chapter or any lawful rules
34 or orders of the department; or

35 (d) Receipt by the department from the department of social and
36 health services certification pursuant to RCW 74.20A.320(7) that the
37 maintenance service provider is not in compliance with a child support
38 order.

1 (6) No person whose certificate is revoked under this chapter is
2 eligible to apply for a certificate for one year from the effective
3 date of the final order of revocation.

4 NEW SECTION. **Sec. 6.** Any person violating a provision of this
5 chapter may be fined up to two hundred fifty dollars per day.

6 NEW SECTION. **Sec. 7.** (1) The department shall adopt rules for
7 carrying out the provisions of this chapter in accordance with chapter
8 34.05 RCW.

9 (2) The department shall develop the rules required to implement
10 this chapter with the advice of a committee composed of members from
11 agencies, professions, organizations, and individuals having knowledge
12 and interest in on-site sewage system operation, monitoring, and
13 maintenance.

14 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
15 a new chapter in Title 18 RCW.

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