

WSR 23-01-084
PROPOSED RULES
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed December 16, 2022, 8:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-06-082.

Title of Rule and Other Identifying Information: Chapter 196-32 WAC, On-site wastewater treatment system designer licenses/inspector certificates of competency.

Hearing Location(s): On January 25, 2023, at 1:00 p.m., at Board of Registration for Professional Engineers and Land Surveyors (board) Office, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501; or WebEx meeting <https://brpels.my.webex.com/brpels.my/j.php?MTID=m6f7b1493de84ab7db2d7b567ebae851d>. The public may participate in the hearing by providing written comment, coming to the board's office or they may participate in the hearing virtually by accessing the hearing link on the board's rule-making web page <https://brpels.wa.gov/about-us-laws-and-rules/rulemaking-activity> or calling 1-650-479-3208.

Date of Intended Adoption: February 23, 2023.

Submit Written Comments to: Shanana Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, email Shanana.Gillespie@brpels.wa.gov, by January 25, 2023.

Assistance for Persons with Disabilities: Contact Shanana Gillespie, phone 360-664-1570, TTY 711 or 1-800-833-5388, email Shanana.Gillespie@brpels.wa.gov, by January 20, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule changes will impact all applicants applying for licensure as an on-site wastewater treatment systems designer, and all applicants applying for certification as an inspector certificate of competency holder. There will be no additional costs to implement and comply with the changes. New language and amendments to existing language will clarify the processes and better define requirements for examination for both on-site designers and inspector certificate of competency holders.

Reasons Supporting Proposal: Chapter 196-32 WAC has not been significantly updated since 2000. The amendments and new sections better define the requirements for designers and inspector certificate of competency holders and allow more flexibility to the board to consider different types of education and experience when reviewing applications.

Statutory Authority for Adoption: RCW 18.210.050 and 18.210.060.

Statute Being Implemented: Chapter 18.210 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting: Shanana Gillespie, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501, 360-664-1570; Implementation and Enforcement: Ken Fuller, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501, 360-968-4805.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The board is not one of the agencies to which RCW 34.05.328 applies pursuant to RCW 34.05.328 (5) (a).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Explanation of exemptions: The following rules are exempt per RCW 34.05.310 (4) (c) because the language incorporates by reference without material change Washington state statutes: WAC 196-32-005 and 196-32-007.

The following rules are exempt per RCW 34.05.310 (4) (g) (ii) process requirements for applying to an agency for a license or permit: WAC 196-32-011, 196-32-020, 196-32-030, 196-32-035, 196-32-040, and 196-32-050.

Scope of exemption for rule proposal:

Is fully exempt.

December 16, 2022
Ken Fuller
Director

OTS-3601.5

NEW SECTION

WAC 196-32-005 Declaration and purpose. This chapter contains rules and procedures for applications, experience, education, and eligibility to become licensed as an on-site wastewater treatment system designer or to obtain a certificate of competency.

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NEW SECTION

WAC 196-32-007 Definitions. On-site wastewater treatment system designer. "Designer" or "licensee" means an individual authorized under chapter 18.210 RCW to perform design services for on-site wastewater systems.

On-site wastewater treatment system inspector/certificate of competency holder. "Certificate of competency holder" or "inspector" means a person who has been issued a certificate and has been authorized by the board to practice as an on-site wastewater treatment inspector.

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NEW SECTION

WAC 196-32-011 Requirements for designer license. To become licensed as an on-site wastewater treatment system designer in Washington, you must meet the requirements described below:

- (1) Have a high school diploma or GED equivalent.
- (2) Have four years of progressive experience in the design of on-site wastewater treatment systems judged suitable by the board. The four years of experience could be a combination of education and work experience related to on-site wastewater system design.
- (3) Fully complete the application form to the satisfaction of the board.
- (4) Pay all applicable fees.
- (5) Receive a passing score on the Washington law review.
- (6) Receive a passing score on the Washington state on-site designer examination.

Upon passing the on-site designer examination, the applicant will be licensed as an on-site wastewater treatment system designer.

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AMENDATORY SECTION (Amending WSR 00-20-017, filed 9/25/00, effective 10/26/00)

WAC 196-32-020 (~~Qualifications for designer applicants~~) Acceptable experience and ((education records)) supporting documents.
 (~~To qualify for examination the law requires a high school diploma or equivalent and~~) The four years of experience in the design of on-site wastewater treatment systems of a character satisfactory to the board (~~. The four years of experience must be completed two months prior to the date of the examination. The board shall evaluate all experience, including education, on a case-by-case basis and consider such experience and education as appropriate. The board will use~~) should include site and soil assessment, hydraulics, topographic delineations, use of specialized treatment processes and devices, microbiology, and construction practices. The following criteria will be used in evaluating an applicant's experience record:
 (~~Acceptable education experience will be based on transcripts.~~)
 (~~1) Education experience, up to a maximum of two years, may be approved based on the following:~~)
 (~~a) Graduation from a baccalaureate or associate degree program which contains course work in the sciences and technologies of on-site wastewater treatment systems, as provided in RCW 18.210.100.~~)

~~(b) Completed college level course work without a degree will be evaluated on a case by case basis.~~

~~(c) Documented seminars, industry training programs, and other educational or training programs specifically related to the science and technologies of on-site wastewater treatment systems will be evaluated on a case by case basis.~~

~~(2-)) (1) Acceptable work experience shall be ((four years of)) broad based((7)) and progressive ((field and office experience)) in the design of on-site wastewater treatment systems. ((The applicability of the)) Work experience ((shall)) will be considered by the board based upon the verifications provided by the applicant, the level of independent judgments and decisions, and the demonstration of the ability to work within the regulatory structure. This experience must include, but shall not be limited to the following:~~

~~(a) Applying state and local health regulations;~~

~~(b) Exercising sound judgment when making independent decisions regarding the sciences and technologies of on-site wastewater treatment systems;~~

~~(c) Field identification and evaluation of soil types and site conditions;~~

~~(d) Conducting research; and((7))~~

~~(e) Interacting with clients and the public in conformance with chapter 18.210 RCW.~~

~~((The board may grant partial credit for experience that does not fully meet the requirements in (a) through (e) of this subsection.))~~

~~(2) Of the four years of work experience required, education relevant to on-site wastewater treatment may be considered satisfactory experience up to a maximum of two years; the board will determine if the education credentials are satisfactory to award years of experience based on the following:~~

~~(a) Graduation from a baccalaureate or associate degree program which contains course work in the sciences and technologies of engineering and/or on-site wastewater treatment systems, as provided in RCW 18.210.100 may be awarded up to a maximum of two years of experience. Course work relevant to on-site wastewater systems includes soil science, geology, biology, mapping, site development and construction management.~~

~~(b) Completed college level course work without a degree will be evaluated by the board in deciding the equivalent years of experience.~~

~~(c) Documented seminars, industry training programs, and other educational or training programs specifically related to the science and technologies of on-site wastewater treatment systems will be evaluated by the board in deciding the equivalent years of experience.~~

~~Official transcripts and/or other official educational documents must be sent to the board's office for review and approval to count towards experience.~~

~~(3) On-site wastewater related teaching ((of a character satisfactory to the board)) may be ((recognized as)) considered satisfactory experience up to a maximum of one year at the discretion of the board.~~

~~(4) ((Any)) Working for a local health jurisdiction as a certificate of competency holder may count towards a portion of the required experience, at the discretion of the board.~~

~~(5) All work experience gained ((in a situation which violates the provisions of)) must be performed under the direct supervision of a licensed designer or professional engineer as per chapter 18.210 RCW~~

~~((will not be credited towards the experience requirement))~~ or as approved by the board.

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 00-20-017, § 196-32-020, filed 9/25/00, effective 10/26/00.]

AMENDATORY SECTION (Amending WSR 00-20-017, filed 9/25/00, effective 10/26/00)

WAC 196-32-030 ((Qualifications)) Requirements for inspector certificate of competency. ~~((1) To qualify for examination the law requires))~~ To receive an inspector certificate of competency you must meet the requirements below:

(1) Be an employee of a local health jurisdiction that reviews, inspects, or approves the design and construction of on-site wastewater treatment systems.

(2) Have one year of practical work experience under the supervision of a certificate of competency holder or one year of previous work under a licensed on-site designer or professional engineer, unless otherwise approved by the board.

The board will consider the following in evaluating the practical work experience: Verification(s) provided by the applicant, the demonstration of the ability to work within the regulatory structure and familiarity with the aspects of on-site wastewater system design, construction, and maintenance.

The work experience must demonstrate understanding of chapter 246-272A WAC and associated department of health recommended standards and guidance (RS&G) documents. In addition, the work experience should include:

(a) Review of site characteristics such as soil types and location of water tables.

(b) Review of well siting, testing, and construction.

(c) Review of plats and land subdivisions.

(d) Review of septic system designs.

(e) Review of system installation and construction.

(f) Review of system troubleshooting and operations and maintenance.

The applicant must demonstrate their knowledge and experience in more than one area listed under (a) through (f) of this subsection.

(3) Fully complete the application form to the satisfaction of the board.

(4) Provide a written request from the local health ((director or designee)) jurisdiction. Requests shall be submitted on a form prescribed by the board.

(5) Pay all applicable fees.

(6) Obtain a passing score on the Washington law review.

(7) Obtain a passing score on the on-site designer examination.

Upon passing the on-site designer examination, the applicant will be issued a certificate of competency. Issuance of the certificate of competency does not authorize the certificate of competency holder to offer or provide on-site wastewater treatment system design services to the public. However, nothing in this chapter limits or affects the ability of local health jurisdictions to perform on-site design services under their authority in chapter 70.05 RCW, RCW 18.210.190 (3) (d) and WAC 246-272A-0230.

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 00-20-017, § 196-32-030, filed 9/25/00, effective 10/26/00.]

NEW SECTION

WAC 196-32-035 Application process. The board has one application form for licensure as an on-site wastewater treatment system designer and another application for inspector certificate of competency. All applications must be completed on forms provided on the board's website, and include required documentation to be approved by the board for examination. Completed applications must be received at the board's address with the applicable fee by the date posted on the board's website to be considered for approval to take the exam. Incomplete applications, and/or applications received after the deadline may be considered for a later examination. Applications submitted without the proper fee shall be considered incomplete.

(1) **On-site wastewater treatment system designer application:** Applicants must complete all sections of the form and must meet all listed requirements for licensure.

(a) Applicants must provide information on the application form that demonstrates they meet all requirements for licensure. This includes work experience and education requirements, as detailed in WAC 196-32-011 and 196-32-020; and RCW 18.210.100, 18.210.110, and 18.210.120.

(b) All applicants must provide the following documents to verify these requirements:

(i) For education to be considered, you must submit official transcripts or other official educational documents.

(ii) Applicants must provide two or more verifications of work experience. Experience must be verified on the form titled "On-Site Wastewater Treatment Systems Designer Experience Verification" which includes not only work experience information and details but also verifications of work experience by supervisors or other verifiers. At least one of the verifiers should be a licensed on-site designer or professional engineer who provided direct supervision of the applicant performing design services.

(c) A certificate of competency holder who wants to become licensed as an on-site wastewater treatment system designer must complete the on-site wastewater treatment system designer application, including verification(s) of design experience.

(2) **Inspector certificate of competency application:** Applicants must complete all sections of the form and must meet all requirements to obtain an inspector certificate of competency.

(a) Applicants must provide verification of one year of practical work experience under the supervision of a certificate of competency holder, licensed on-site designer or professional engineer; or otherwise demonstrate knowledge of (a) through (f) of this subsection to be considered by the board for approval of application.

(b) Applicants must have the local health department director or director designee complete and sign the "DOH request for examination" form per WAC 196-32-030 and submit it with the application.

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AMENDATORY SECTION (Amending WSR 00-20-017, filed 9/25/00, effective 10/26/00)

WAC 196-32-040 Examinations. (1) To become licensed as an on-site wastewater treatment system designer or to become an inspector certificate of competency holder the ~~((candidate))~~ applicant must pass the on-site designer licensing examination as established by the board. ~~((The examinations are given at times and places designated by the board.))~~ The schedule of ~~((future))~~ examinations and an examination ~~((syllabus))~~ blueprint may be ~~((obtained from))~~ found on the board's ~~((office))~~ website.

~~((2))~~ An applicant who has taken ~~((an))~~ the examination and failed or who qualified for ~~((an))~~ the examination but did not take it shall ~~((request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable fee and/or charge as listed in chapter 196-30 WAC is required to))~~ submit the exam reschedule ((for an examination)) application and applicable fee by the date posted on the board's website.

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 00-20-017, § 196-32-040, filed 9/25/00, effective 10/26/00.]

AMENDATORY SECTION (Amending WSR 00-20-017, filed 9/25/00, effective 10/26/00)

WAC 196-32-050 ~~((Comity Licensing))~~ Registration of applicants licensed in other jurisdictions without examination. The board has the discretion to issue a license to an out-of-state licensee without examination who meets the following requirements:

(1) ~~((Applicants for licensure as an))~~ Completes the on-site wastewater treatment system designer ((by comity must meet the following criteria:

~~((a) The applicant's qualifications meet the))~~ registration application including supporting documentation as listed in WAC 196-32-035 and pays the appropriate fee.

~~((2) Receives a passing score on the Washington law review.~~

~~((3) Meets minimum requirements of ((chapter)) RCW 18.210.100, 18.210.110, and 18.210.180 ((RCW)) and this chapter((?))~~

~~((b) The applicant is in good standing with the)).~~

~~((4) Holds a currently valid license in a board recognized licensing agency in a state, territory, possession, or foreign country. ((Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice, if different from the jurisdiction of original registration.~~

~~((2) This provision does not apply to those individuals who have obtained a license, certificate or other authorization from a local health jurisdiction.))~~

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 00-20-017, § 196-32-050, filed 9/25/00, effective 10/26/00.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-32-010 Applications.