

HOUSE BILL REPORT

SHB 2589

As Passed House:
February 11, 2010

Title: An act relating to on-site wastewater treatment systems designer licensing.

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

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representative Green).

Brief History:

Committee Activity:

Commerce & Labor: 1/15/10, 1/19/10 [DPS];
General Government Appropriations: 2/4/10 [DPS(CL)].

Floor Activity:

Passed House: 2/11/10, 95-2.

Brief Summary of Substitute Bill

- Modifies the on-site wastewater treatment systems designer licensing provisions related to unprofessional conduct, experience and education requirements, and renewals.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Crouse, Green, Moeller and Williams.

Staff: Alison Hellberg (786-7152).

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant

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Ranking Minority Member; Blake, Crouse, Dunshee, Hudgins, Kenney, Klippert, Pedersen, Sells, Short, Van De Wege and Williams.

Staff: Sara del Moral (786-7118).

Background:

Licensing of On-Site Wastewater System Designers.

On-site wastewater system designers are required to be licensed and regulated by the Board of Registration for Professional Engineers and Land Surveyors (Board). The licensing requirement passed in 1999. Previous to that, many local health agencies had licensed designers. The bill 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.

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 set 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 Inspectors Certification 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 of Substitute Bill:

References to practice permits 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 to 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. 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 of 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 surveying 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Commerce & Labor):

(In support) There has not been any substantial changes to these laws since 1999, when the initial licensing law was passed. The licensees and certificate holders serve the communities

and keep them safe. They serve over one million wastewater treatment systems in the state. When properly designed and maintained, these systems protect the water.

The industry is aging and people are retiring. The bill provides more flexibility to the Department of Licensing to allow more people to enter the industry. The bill also removes antiquated language and updates the law with changes in technology and the industry. Four stakeholder meetings were held across the state and it was discussed in the organization's quarterly publication in order for affected licensees and certificate holders be provided opportunity to have input.

(Available for questions) The Board has worked with the organization for the past 18 months to make updates and improvements. These all make good business sense for the Board as an administrative agency.

(Opposed) None.

Staff Summary of Public Testimony (General Government Appropriations):

(In support) This bill removes obsolete language from statute, and it adds flexibility for the Department of Licensing as it reviews applicants. Designers of on-site wastewater systems are an aging demographic; this bill helps a new generation of designers enter the field.

(Opposed) None.

Persons Testifying (Commerce & Labor): (In support) Representative Green, prime sponsor; and John Thomas, Washington Onsite Sewage Association.

(Available for questions) George Twiss, Department of Licensing.

Persons Testifying (General Government Appropriations): John Thomas, Washington On-site Sewage Association.

Persons Signed In To Testify But Not Testifying (Commerce & Labor): None.

Persons Signed In To Testify But Not Testifying (General Government Appropriations): None.