

SENATE BILL REPORT

SB 5821

As Reported By Senate Committee On:
Environmental Quality & Water Resources, March 2, 1999
Ways & Means, March 8, 1999

Title: An act relating to the licensing of persons who design on-site wastewater treatment systems.

Brief Description: Establishing a state-wide licensing program for persons who design on-site wastewater treatment systems.

Sponsors: Senators Eide, Morton, Patterson, Swecker, McAuliffe and Fraser.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/25/99, 3/2/99 [DPS-WM, DNPS].

Ways & Means: 3/5/99, 3/8/99 [DP2S].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5821 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe and Swecker.

Minority Report: Do not pass substitute.

Signed by Senator Morton.

Staff: Richard Ramsey (786-7412)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5821 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Wojahn.

Staff: Kari Guy (786-7437)

Background: In 1997, the Legislature directed the Department of Health to create a work group that would develop recommendations to the Legislature regarding a certification program for occupations related to onsite septic systems. The Onsite Wastewater Certification Work Group returned recommendations relating to bonding levels and other standards for people employed in these occupations and risk analysis relating to the

installation and maintenance of different types of septic systems in different parts of the state. In 1998, the Legislature directed the Departments of Health and Licensing to convene an advisory committee to develop legislation to license designers of onsite septic systems and a certification program for inspectors of onsite septic systems.

Summary of Second Substitute Bill: A licensing program for designers of onsite wastewater treatment systems is established in the Department of Licensing under the jurisdiction of the Board of Professional Engineers and Land Surveyors. The statewide licensing program provides for uniform application of design practices, standards for designs, and individual qualifications. The department must create a committee to advise the board and the department on licensing requirements, examinations, and the administration of the program.

Until the licensing program is fully operational in 2003, the department may issue practice permits as an interim license. License applicants must pass a written examination and meet education and experience requirements.

Employees of local health jurisdictions who inspect, review, or approve the design and construction of onsite systems must obtain a certificate of competency from the department.

As with other professional licensing programs, the program is structured to be self-sufficient on license and application fees. A work group is directed to study and recommend financial assurances of on-site wastewater practitioners including on-site system designers' responsibility for system failures that affect structure and property values.

Second Substitute Bill Compared to Substitute Bill: The appropriation of \$300,000 is removed.

Substitute Bill Compared to Original Bill: The substitute clarifies that a license for an on-site wastewater treatment system designer is valid throughout the state. The examination waiver for designers of on-site wastewater treatment systems and the exemption from obtaining a license for a resident owner who designs a system for his or her own single-family residence are removed. On-site wastewater treatment system designers are required to demonstration of continuing competency to maintain their licenses. The ability for the Department of Licensing to waive minimum experience requirements and exam requirements for local health jurisdiction personnel seeking a certificate of competency is removed. The work group studying and recommending financial assurances of on-site wastewater practitioners reports in 1999 rather than 2002 and also considers on-site system designers' responsibility for system failures that affect structure and property values. Technical corrections are made.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Environmental Quality & Water Resources): A high standard for the industry is needed to protect health, property and the environment. The certified inspectors

have a broader "grandfather" provision than the designers; consider having the inspectors meet the same requirements as the designers. The bill could be strengthened by removing or limiting the exemption for homeowners who design their own systems, removing the waiver for exams for designers and accelerating the timelines for developing legislation related to performance bonding and maintenance and operations of on-site systems.

Testimony Against (Environmental Quality & Water Resources): None.

Testified (Environmental Quality & Water Resources): Dick Ducharme, Building Industry Association of Washington (pro); Sandra Sebbas (pro); George Twiss, Department of Licensing (pro); Sharon Nelson (pro); Bill White, Department of Health (pro); Larry Fay, Jefferson County Health Department (pro); Bruce Wulkan, Puget Sound Water Quality Action Team (pro); James Nim (pro).

Testimony For (Ways & Means): This bill is a response to concerns over public health and groundwater protection. Certification will ensure that on-site systems are done right. This is important for the protection of Puget Sound.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): PRO: Bruce Wulkan, Puget Sound Water Quality Action Team; Dick Ducharme, Building Industry Assn. of WA.