
SENATE BILL 5821

State of Washington

56th Legislature

1999 Regular Session

By Senators Eide, Morton, Patterson, Swecker, McAuliffe and Fraser

Read first time 02/10/1999. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to the licensing of persons who design on-site
2 wastewater treatment systems; adding a new section to chapter 70.118
3 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; and
4 making appropriations.

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

6 NEW SECTION. **Sec. 1.** FINDINGS--INTENT--PURPOSE. (1) In order to
7 safeguard life, health, and property and to promote the public welfare
8 the legislature finds that it is in the public interest to permit the
9 limited practice of engineering by qualified individuals who are not
10 registered as professional engineers under chapter 18.43 RCW.

11 (2) The increased complexity of on-site wastewater treatment
12 systems, including changes in treatment technology and the need to
13 protect ground water and watershed areas, makes it essential that
14 qualified professionals design such systems.

15 (3) Furthermore, the legislature finds that individuals, who have
16 been authorized by local health jurisdictions to perform designs of on-
17 site wastewater treatment systems, have performed these designs in the
18 past.

1 (4) The legislature intends to establish a state-wide licensing
2 program to create uniform application of design practices, standards
3 for designs, individual qualifications, and consistent enforcement
4 efforts applicable to all persons who design on-site wastewater
5 treatment systems, including persons licensed to practice as
6 professional engineers under chapter 18.43 RCW.

7 (5) The legislature also intends to establish a certification
8 program applicable to all persons who inspect or approve on-site
9 wastewater treatment systems on behalf of a local health jurisdiction.

10 (6) It is unlawful for any individual, to practice or offer to
11 practice the design of on-site wastewater treatment systems unless
12 licensed in accordance with this chapter or licensed as a professional
13 engineer under chapter 18.43 RCW.

14 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
15 section apply throughout this chapter unless the context clearly
16 requires otherwise.

17 (1) "Advisory committee" means a group of individuals with broad
18 knowledge and experience in the design, construction, and regulation of
19 on-site wastewater treatment systems appointed under section 5 of this
20 act to offer recommendations to the board and the director on the
21 administration of the program established under this chapter.

22 (2) "Board" means the board of registration for professional
23 engineers and land surveyors as defined in RCW 18.43.020.

24 (3) "Certificate of competency" means a certificate that is issued
25 to employees of local health jurisdictions that shows the certificate
26 holder has passed the licensing examination provided for under this
27 chapter. This certificate is not a license or practice permit to
28 design on-site wastewater treatment systems. The certificate of
29 competency shall remain valid provided the employee remains employed
30 with a local health jurisdiction in a capacity of reviewing,
31 inspecting, or approving on-site wastewater treatment systems. The
32 certificate of competency is renewable on an annual basis or as
33 otherwise provided for in this chapter. The director shall determine
34 the applicable fee for certificate renewals.

35 (4) "Designer, licensee, or permit holder" means an individual
36 authorized under the provisions of this chapter to perform design
37 services for on-site wastewater treatment systems.

1 (5) "Director" means the director of the Washington state
2 department of licensing.

3 (6) "Engineer" means a professional engineer licensed under chapter
4 18.43 RCW.

5 (7) "License" means a license to design on-site wastewater
6 treatment systems issued under this chapter.

7 (8) "Local health jurisdiction or jurisdictional health department"
8 means an administrative agency created under chapter 70.05, 70.08, or
9 70.46 RCW, that administers the rules regarding on-site wastewater
10 treatment systems.

11 (9) "On-site wastewater design" means the development of plans,
12 details, specifications, instructions, or inspections by application of
13 specialized knowledge in analysis of soils, on-site wastewater
14 treatment systems, disposal methods, and technologies to create an
15 integrated system of collection, transport, distribution, treatment,
16 and disposal of on-site wastewater.

17 (10) "On-site wastewater treatment system" means an integrated
18 system of components which convey, store, treat, or provide subsurface
19 soil treatment and disposal of wastewater effluent on the property
20 where it originates or upon adjacent or other property. This also
21 includes piping, treatment devices, other accessories, and soil
22 underlying the disposal component of the initial and reserve areas for
23 on-site wastewater treatment under three thousand five hundred gallons
24 per day when not connected to a public sewer system.

25 (11) "Practice of engineering" has the meaning provided in RCW
26 18.43.020(5).

27 (12) "Practice permits" means an authorization to practice granted
28 to individuals who design on-site wastewater treatment systems, and who
29 have been authorized to practice on or before July 1, 2000, by a local
30 health jurisdiction. Practice permits may be renewed up to July 1,
31 2003, at which time practice permits cease to exist.

32 NEW SECTION. **Sec. 3.** UNPROFESSIONAL CONDUCT. The following
33 conduct, acts, or conditions constitute unprofessional conduct for any
34 person issued a practice permit or license or any applicant for
35 licensure to perform designs for on-site wastewater treatment systems
36 under this chapter:

37 (1) The commission of any act involving moral turpitude,
38 dishonesty, or corruption relating to the practice of on-site

1 wastewater treatment designs or inspections, whether the act
2 constitutes a crime or not. If the act constitutes a crime, conviction
3 in a criminal proceeding is not a condition precedent to disciplinary
4 action. Upon such a conviction, however, the judgment and sentence is
5 conclusive evidence at the ensuing disciplinary hearing of the guilt of
6 the license holder or applicant of the crime described in the
7 indictment or information, and of the person's violation of the statute
8 on which it is based. For the purposes of this section, "conviction"
9 includes all instances in which a plea of guilty or nolo contendere is
10 the basis for the conviction and in all proceedings in which the
11 sentence has been deferred or suspended;

12 (2) Misrepresentation or concealment of a material fact in
13 obtaining a license or in reinstatement thereof;

14 (3) All advertising which is false, fraudulent, or misleading;

15 (4) Incompetence, gross negligence, or malpractice which results in
16 injury to an individual or damage to property, or has an adverse impact
17 on the environment;

18 (5) As determined by the board, failure to provide to the board in
19 a timely manner, any lawfully requested information or documents
20 related to a pending application, license renewal application, or
21 administrative proceeding;

22 (6) Failure to comply with an order issued or approved by the
23 board;

24 (7) Aiding or abetting an unlicensed person to practice when a
25 license is required;

26 (8) Practice beyond the scope of practice as defined by law or
27 rule;

28 (9) Misrepresentation or fraud in any aspect of the conduct of the
29 business or profession of designing on-site wastewater treatment
30 systems;

31 (10) Failure to adequately supervise auxiliary staff to the extent
32 that the consumer's health or safety is at risk;

33 (11) Interference with an investigation or disciplinary proceeding
34 by willful misrepresentation of facts before the board or its
35 authorized representative, or by the use of threats or harassment
36 against any person who may serve as a witness in any adjudicative
37 proceeding before the board;

38 (12) Practice with a license issued under this chapter that is
39 expired, suspended, or revoked;

1 (13) Being intentionally untruthful or deceptive in any document,
2 report, statement, testimony, or plan that pertains to the design or
3 construction of an on-site wastewater treatment system;

4 (14) Submission of a design or as-built record to a local health
5 jurisdiction, the department of health, or the department of ecology
6 that is knowingly based upon false, incorrect, misleading, or
7 fabricated information; and

8 (15) Performing any act or failing to act, when such behavior is
9 considered contrary to the standard of practice for those individuals
10 authorized to practice under this chapter.

11 NEW SECTION. **Sec. 4.** REVOCATIONS--FINES--REPRIMANDS--
12 SUSPENSIONS--DENIALS--COMPLAINTS. (1) In accordance with its authority
13 in chapter 18.43 RCW and as may be provided for in this chapter, the
14 board shall have the exclusive power to reprimand any applicant, permit
15 holder, or licensee, and suspend, revoke, refuse to renew a permit or
16 license, or deny to issue a license or permit to an applicant who is
17 found guilty of violations of this chapter. The board shall also have
18 the power to impose a monetary penalty against any applicant, permit
19 holder, or licensee up to one thousand dollars per violation.

20 (2) Any person may prefer a complaint alleging violations of this
21 chapter. All complaints must be filed with the board in a manner
22 specified by the board. All complaints must be in writing and sworn to
23 by the person making the allegations.

24 (3) All procedures related to hearings on such charges shall be in
25 accordance with provisions relating to adjudicative proceedings in
26 chapter 34.05 RCW, the administrative procedure act.

27 NEW SECTION. **Sec. 5.** ADVISORY COMMITTEE CREATION--
28 QUALIFICATIONS--APPOINTMENTS--TERMS--QUORUM. (1) There is created an
29 advisory committee, which shall provide recommendations to the board
30 and the director concerning the implementation of this chapter.

31 (2) The advisory committee shall consist of five members who are
32 knowledgeable about, and have experience with the designs, inspection,
33 construction, or maintenance of on-site wastewater treatment systems,
34 and are otherwise eligible for licensure under this chapter. Each
35 member of the committee shall be a resident of the state and shall have
36 a minimum of seven years of continuous experience with on-site
37 wastewater treatment systems immediately prior to appointment.

1 (3) The director shall appoint members to the committee comprised
2 of individuals from across the state, utilizing geographic and
3 experience diversity as much as possible. The terms of the members of
4 the advisory committee shall be a maximum of three years. However, the
5 initial appointees to the committee shall serve the following terms:
6 (a) Two members will serve for two years, and (b) three members will
7 serve for three years. No member of the advisory committee is eligible
8 for reappointment to a third consecutive term, but any member is
9 eligible for reappointment after an absence of at least one year from
10 the committee. Whenever a member is reappointed following an absence
11 of at least one year from the committee, he or she is eligible for
12 reappointment to a second consecutive term and is eligible for
13 reappointment after an absence of at least one year from the committee.

14 (4) Members of the advisory committee may not be compensated, but
15 shall be reimbursed for expenses incurred in accordance with RCW
16 43.03.050 and 43.03.060.

17 (5) A quorum of the advisory committee is three members.

18 (6) Each member shall serve until they have been replaced by a
19 subsequent appointment, resign their position, or have been removed
20 from service by the director for just cause. The director shall
21 appoint a new member to fill any vacancy on the advisory committee for
22 the remainder of the unexpired term.

23 (7) At the request of the committee, the director may appoint
24 temporary additional members to the advisory committee for the purpose
25 of aiding in rule development, examination development, and technical
26 advice on complaints. Individuals appointed as temporary members must
27 meet the same minimum qualifications as regular members of the advisory
28 committee. While serving as temporary members, these individuals shall
29 have all the powers, duties, and immunities of a regular member of the
30 advisory committee and shall be reimbursed for expenses incurred in
31 accordance with RCW 43.03.050 and 43.03.060. Maximum appointment of
32 temporary members is one year. The director may extend the original
33 appointment up to only one additional year or less as needed.

34 NEW SECTION. **Sec. 6.** DIRECTOR AUTHORITY. The director has the
35 authority to:

36 (1) Appoint and reappoint members to the advisory committee,
37 including temporary additional members, and remove committee members
38 for just cause;

1 (2) Employ such administrative, clerical, and investigative staff
2 as necessary to administer and enforce the requirements of this
3 chapter;

4 (3) Establish fees for applications, examinations, and renewals in
5 accordance with chapter 43.24 RCW;

6 (4) Issue licenses to those applicants who meet the licensing
7 requirements set forth in this chapter;

8 (5) Issue rules as necessary to implement this section.

9 NEW SECTION. **Sec. 7.** BOARD AUTHORITY--DUTIES. (1) The board has
10 the authority to:

11 (a) Adopt rules to implement this chapter, including but not
12 limited to, evaluation of experience, examinations, scope of practice,
13 and standards of practice;

14 (b) Administer licensing examinations;

15 (c) Review and approve or deny initial and renewal license
16 applications;

17 (d) Conduct investigations of complaints alleging violations of
18 this chapter;

19 (e) Conduct adjudicative proceedings in accordance with the
20 administrative procedure act, chapter 34.05 RCW;

21 (f) Issue investigative subpoenas to compel the production of
22 records, maps, and other documents as may be related to the
23 investigation of violations of this chapter;

24 (g) Take disciplinary action as provided for in RCW 18.43.110 and
25 18.43.120.

26 (2) The board shall consider the recommendations of the advisory
27 committee made in accordance with subsection (1) of this section.

28 NEW SECTION. **Sec. 8.** ADVISORY COMMITTEE AUTHORITY. The advisory
29 committee shall make recommendations to the board regarding the
30 following:

31 (1) Development and adoption of rules to implement this chapter,
32 including but not limited to: Evaluation of experience, examinations,
33 scope of practice, and standards of practice;

34 (2) Assist in the development of the material content of
35 examinations needed to qualify for licensure or a certificate of
36 competency under this chapter;

1 (3) Review of complaints and investigations pertaining to the
2 practice of the design of on-site wastewater treatment systems; and
3 (4) Any other duties as deemed necessary by the director or the
4 board.

5 NEW SECTION. **Sec. 9.** IMMUNITY. The director, members of the
6 board, or individuals acting on behalf of the director are immune from
7 suit in any action, civil or criminal, based on any acts performed in
8 the course of their duties under this chapter. However, the misconduct
9 may not be intentional or willful.

10 NEW SECTION. **Sec. 10.** PRACTICE PERMITS--LICENSE--PRACTITIONERS
11 UNDER LOCAL AUTHORITY. (1) On July 1, 2000, all persons who are
12 authorized by a local health jurisdiction to prepare on-site wastewater
13 treatment system designs in the state of Washington shall be deemed
14 eligible for a practice permit under this chapter.

15 (2) On or after July 1, 2000, all individuals wishing to obtain the
16 practice permit shall make application to the board and pay the
17 prescribed fee established by the director. The practice permit
18 enables the permit holder to practice on-site design services only
19 within those jurisdictions that the permit holder had local health
20 jurisdiction authorization as of July 1, 2000.

21 (3) The practice permit is renewable annually after payment of the
22 fee established by the director. However, all practice permits issued
23 under this chapter will expire on June 30, 2003, and are considered
24 invalid for any time period after that date.

25 (4) All persons who practice or offer to practice the design of on-
26 site wastewater treatment systems shall obtain a license under this
27 chapter by July 1, 2003. All persons wishing to obtain a license to
28 practice on-site wastewater treatment systems may obtain the license by
29 one of the methods described in this chapter. The board, starting on
30 July 1, 2001, will accept applications for the license.

31 (5) On July 1, 2000, all programs administered by local health
32 jurisdictions that license or otherwise authorize the practice of on-
33 site wastewater treatment systems designs will discontinue. On or
34 after that date all persons practicing on-site design services in the
35 state of Washington must hold a practice permit or a license as
36 described in this chapter.

1 (6) The local health jurisdictions, the department of health, and
2 the department of ecology shall retain authority to administer local
3 regulations and codes for approval or disapproval of designs for on-
4 site wastewater treatment systems, to issue permits for construction,
5 evaluate soils and site conditions for compliance with code
6 requirements, and perform on-site wastewater treatment design work as
7 authorized under state and local board of health rules.

8 NEW SECTION. **Sec. 11.** APPLICANTS VIA WRITTEN EXAMINATION--
9 EXPERIENCE REQUIREMENTS. All applicants for licensure, via written
10 examination under this chapter, shall meet the following minimum
11 requirements:

12 (1) Have a high school diploma or equivalent degree;

13 (2) Be able to demonstrate a minimum of four years of experience,
14 as approved by the board, showing increased responsibility for the
15 design of on-site wastewater treatment systems. The experience shall
16 include, but not be limited to: Site soil assessment, hydraulics,
17 topographic delineations, use of specialized treatment processes and
18 devices, construction practices, or microbiology.

19 (3) Completion of two years of college level course work in
20 subjects dealing with, but not limited to: Soils, hydraulics,
21 topographic delineations, construction practices, or microbiology, or
22 completion of a two-year curriculum in on-site treatment systems,
23 technology, and applications, as approved by the board, may be
24 substituted for up to two years of the experience requirement.

25 NEW SECTION. **Sec. 12.** APPLICANTS VIA EXAMINATION WAIVER--
26 EXPERIENCE REQUIREMENTS. (1) Applicants for licensure under this
27 chapter may apply for an examination waiver. An applicant for
28 licensure by examination waiver is required to submit an application
29 and fee, as prescribed by the board, that includes documentation that
30 at the time of application, the applicant:

31 (a) Has a high school diploma or equivalent degree; and

32 (b) Is able to demonstrate a minimum of eight years of experience,
33 as approved by the board, showing increased responsibility for the
34 design of on-site wastewater treatment systems within the ten years
35 immediately prior to application. The experience may include, but not
36 be limited to: Site soil assessments or evaluations, hydraulics,
37 topographic delineations, use of specialized treatment processes and

1 devices, microbiology, regulatory reviews of on-site designs, and
2 construction inspections of on-site installations.

3 (2) Applicants for licensure by examination waiver should be able
4 to demonstrate that their experience areas were applicable to work
5 performed on at least ten separate sites or designs for each of the
6 five years immediately preceding the date of application. Experience
7 for waiver must include a varied complexity of designs, as approved by
8 the board.

9 NEW SECTION. **Sec. 13.** EXPERIENCE FROM OUTSIDE WASHINGTON STATE.
10 Experience gained in on-site design, inspection, or construction
11 activities that is acquired in areas outside the state of Washington
12 may satisfy the experience requirements under this chapter. The
13 experience will be considered based upon the level of complexity of the
14 design work, and evidence that the experience shows increased
15 responsibility over designs. Such experience will only be considered
16 to the extent the experience can be independently verified by the
17 board. Credit given for experience gained outside of Washington state
18 can only be applied toward eligibility for licensure by examination.

19 NEW SECTION. **Sec. 14.** APPLICATION--REFERENCES--FEES. (1) An
20 application for licensure shall be made on forms prescribed by the
21 board and furnished by the director. The application shall contain
22 statements made under oath, demonstrating the applicant's education and
23 work experience.

24 (2) Applicants shall provide not less than two verifications of
25 experience from licensed professional engineers, on-site wastewater
26 treatment system designers licensed under this chapter, or state or
27 local regulatory officials in the on-site wastewater treatment field
28 who have direct knowledge of the applicant's qualifications to practice
29 in accordance with this chapter and can verify the applicant's work
30 experience.

31 (3) The director, as provided in RCW 43.24.086, shall determine an
32 application fee for licensure as an on-site wastewater treatment system
33 designer. A nonrefundable application fee shall accompany the
34 application and will include the cost of the examination and the
35 issuance of a license and wall certificate. A candidate failing an
36 examination may apply for reexamination. Subsequent examinations will
37 be administered upon payment of a fee to be determined by the director.

1 NEW SECTION. **Sec. 15.** ISSUANCE OF LICENSE--SEAL. (1) The
2 director shall issue a license to any applicant who has satisfactorily
3 met the requirements of this chapter. The issuance of a license by the
4 director shall be evidence that the person named is entitled to the
5 rights and privileges of a licensed on-site wastewater treatment system
6 designer, while the license remains valid.

7 (2) Each person licensed under this chapter shall obtain an inking
8 stamp, of a design authorized by the board, that contains the
9 licensee's name and license number. Plans, specifications, and reports
10 prepared by the registrant shall be signed, dated, and stamped. Such
11 signature and stamping constitutes a certification by the licensee that
12 the plans, specifications, and reports were prepared by or under the
13 direct supervision of the licensee.

14 (3) Those persons who obtain a certificate of competency issued
15 under chapter 70.118 RCW do not have the privileges granted to a
16 license holder under this chapter and do not have authority to obtain
17 and use a stamp as described in subsection (2) of this section.

18 NEW SECTION. **Sec. 16.** PRACTICE PERMIT RENEWAL--LICENSE RENEWAL--
19 PENALTY FEE. (1) Practice permits and licenses issued under this
20 chapter are valid for a period of one year and may be renewed under the
21 conditions described in this chapter. An expired practice permit or
22 expired license is invalid and must be renewed before lawful practice
23 can resume. Any permit holder or licensee who fails to pay the renewal
24 fee within ninety days following the date of expiration, shall be
25 assessed a penalty fee as determined by the director. The penalty fee
26 and the base renewal fee must be paid by the permit holder or licensee
27 before the license is returned to a valid status.

28 (2) Any license issued under this chapter, that is not renewed
29 within two years of its date of expiration, shall be canceled. Once
30 canceled, the affected licensee is required to reapply, as a new
31 applicant, under this chapter. The director in conformance with RCW
32 43.24.140 may modify the duration of the license. The director, as
33 provided in RCW 43.24.086, shall determine the fee for applications and
34 renewals of practice permits and licenses issued under this chapter.

35 NEW SECTION. **Sec. 17.** PERSONS EXEMPT FROM LICENSURE. Persons
36 engaged in the following activities are not required to be licensed
37 under this chapter:

1 (1) A resident owner, who has prepared a design of on-site
2 wastewater treatment systems for his or her single-family residence, if
3 such design is authorized by the local health jurisdiction;

4 (2) A licensed professional engineer as provided for in chapter
5 18.43 RCW, if the professional engineer can perform the design work in
6 accordance with this chapter; and

7 (3) An employee or a subordinate of a person licensed under chapter
8 18.43 RCW as a professional engineer or a person licensed under this
9 chapter. However, the work must be under the direct supervision of the
10 engineer or licensee and cannot include final design decisions.

11 NEW SECTION. **Sec. 18.** UNLICENSED PRACTICE--PENALTY. After June
12 30, 2003, it is a gross misdemeanor, punishable under RCW 9.92.020, for
13 any person to:

14 (1) Perform on-site wastewater treatment systems design services,
15 or hold himself or herself out to be qualified to perform such
16 services, without having been issued a standard license under this
17 chapter. However, this does not apply to a person who is exempt from
18 licensure under section 17 of this act; or

19 (2) Attempt to use as his or her own, the license or seal of
20 another, attempt to use a revoked or suspended license, or attempt to
21 use false or fraudulent credentials.

22 NEW SECTION. **Sec. 19.** CONTINUING COMPETENCY. The board may
23 require licensees and certificate of competency holders under this
24 chapter to demonstrate maintenance of knowledge and skills as a
25 condition of license or certificate renewal. These requirements may
26 include but are not limited to:

- 27 (1) Continued professional development or continued education;
28 (2) Peer review of work products; and
29 (3) Periodic reexamination.

30 NEW SECTION. **Sec. 20.** COMITY. Any person holding a license
31 issued by a jurisdiction outside the state of Washington that
32 authorizes that person to perform design services for the construction
33 of an on-site wastewater treatment system may be granted a license
34 without examination under this chapter, if:

1 (1) The education, experience, or examination forming the basis of
2 the license is equal to or greater than the conditions for the issuance
3 of a license under this chapter; and

4 (2) The individual has paid the applicable fee and submitted the
5 necessary application form.

6 NEW SECTION. **Sec. 21.** LOCAL HEALTH JURISDICTIONS--CERTIFICATE OF
7 COMPETENCY. (1) Employees of local health jurisdictions who work in a
8 capacity of reviewing, inspecting, or approving the design and
9 construction of on-site wastewater treatment systems are required to
10 obtain a certificate of competency by obtaining a passing score on the
11 written examination administered for licensure under this chapter. The
12 certificate of competency is established to allow local health
13 jurisdictions to evaluate the competency level of their employees.
14 Eligibility to apply for the certificate of competency is based upon a
15 written request from the local health director or designee, and payment
16 of the necessary fee. Applications for a certificate of competency
17 will not be accepted until after June 30, 2000. The certificate of
18 competency is renewable upon payment of the fee established by the
19 director.

20 (2) Issuance of the certificate of competency does not authorize
21 the certificate holder to offer or provide on-site wastewater treatment
22 system design services. However, nothing in this chapter shall be
23 construed to limit or affect the ability of the local health
24 jurisdictions to perform on-site design services under their authority
25 in chapter 70.05 RCW.

26 NEW SECTION. **Sec. 22.** OPERATING ACCOUNT ESTABLISHED. (1) All
27 fees and fines collected under this chapter shall be paid into the
28 professional engineers' account established under RCW 18.43.150.
29 Moneys in the account may be spent only after appropriation and shall
30 be used to carry out all the purposes of this chapter and chapter 18.43
31 RCW. It is intended that the cost of administering this chapter be
32 recovered through fees collected from licensees and applicants under
33 this chapter.

34 (2) The director shall biennially prepare a budget request based on
35 the anticipated cost of administering these licensing activities, which
36 shall include the estimated income from fees contained in this chapter.

1 NEW SECTION. **Sec. 23.** INITIAL APPROPRIATION FOR IMPLEMENTATION.

2 (1) The sum of two hundred thousand dollars, or as much thereof as may
3 be necessary, is appropriated for the fiscal year ending June 30, 2000,
4 from the general fund to the board of registration for professional
5 engineers and land surveyors for the purposes of this act.

6 (2) The sum of one hundred thousand dollars, or as much thereof as
7 may be necessary, is appropriated for the fiscal year ending June 30,
8 2001, from the general fund to the board of registration for
9 professional engineers and land surveyors for the purposes of this act.

10 NEW SECTION. **Sec. 24.** PROGRAM EVALUATION. (1) By July 1, 2005,

11 the department of licensing and the department of health shall convene
12 a review committee to evaluate the designer licensing and inspector
13 certification programs established under this chapter.

14 (2) With implementation of this chapter, a work group shall be
15 convened by the director to continue the evaluation on the need for and
16 implementation of subsequent licensing or certification programs for
17 other on-site wastewater related activities, including operations and
18 maintenance, installation and pumping/hauling. Additionally, the work
19 group shall study the development and implementation of an amendment to
20 this chapter dealing with financial assurance of practitioners through
21 bonding, insurance, risk pools, or other methods. Recommendations of
22 the work group shall be provided to the director and forwarded to the
23 legislature by January 1, 2002.

24 NEW SECTION. **Sec. 25.** A new section is added to chapter 70.118
25 RCW to read as follows:

26 The local board of health shall ensure that individuals who conduct
27 inspections of on-site wastewater treatment systems or who otherwise
28 conduct reviews of such systems are qualified in the technology and
29 application of on-site sewage treatment principals. A certificate of
30 competency issued by the department of licensing, as authorized in
31 chapter 18.-- RCW (sections 1 through 22, 24, and 26 of this act),
32 shall be deemed as adequate demonstration that an individual is
33 competent in the engineering aspects of on-site sewage system
34 technology.

35 For purposes of determining competency of local health personnel
36 regarding a certificate of competency, the department of licensing may
37 waive minimum experience requirements and the exam requirements of

1 chapter 18.-- RCW (sections 1 through 22, 24, and 26 of this act),
2 based on the individual's related work experience, education, training,
3 and appropriate state or national professional accreditation.

4 A local health board may allow noncertified individuals to review
5 designs and conduct inspections of on-site wastewater treatment systems
6 for a maximum of two years after their date of hire, if a certified
7 individual reviews or supervises their work during that time.

8 NEW SECTION. **Sec. 26.** CAPTIONS NOT LAW. Captions used in this
9 chapter are not any part of the law.

10 NEW SECTION. **Sec. 27.** Sections 1 through 22, 24, and 26 of this
11 act constitute a new chapter in Title 18 RCW.

--- END ---