

# SENATE BILL REPORT

## SHB 2589

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As Reported by Senate Committee On:  
Labor, Commerce & Consumer Protection, February 25, 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:** Passed House: 2/11/10, 95-2.

**Committee Activity:** Labor, Commerce & Consumer Protection: 2/22/10, 2/25/10 [DP].

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Majority Report:** Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Honeyford, King and Kline.

**Staff:** Kathleen Buchli (786-7488)

**Background:** Beginning in 1999, on-site wastewater system designers are required to be licensed and regulated by the Board of Registration for Professional Engineers and Land Surveyors (Board). Previously, many local health agencies had licensed designers. Designers licensed under a local ordinance were permitted to obtain a practice permit to continue practicing. All practice permits expired on June 30, 2003.

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. 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.

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

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examination administered for licensing designers of on-site wastewater treatment systems. 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 Bill:** References to practice permits are removed. It is unprofessional conduct 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 (DOL), 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 licensing and certification requirements. Applicants for licensure must meet the following requirements: completion of a high school diploma or the equivalent; four years of experience approved by the Board of which two years of experience may be substituted by completing satisfactory college level course work or successfully participating in a Board-approved internship program.

Licenses and certificates are valid for a period of time to be determined by the Director. If a licensee or certificate holder fails to pay the renewal fee within 90 days following the date of expiration, the person must pay the penalty fee and the base renewal fee. The Director of DOL must determine renewal fees by combining the pool of licensees and certificate holders with engineer and land surveying licensees. Licensees must maintain continuing professional development, but certificate holders are not required to meet a continuing education requirement. A person holding a license issued by a jurisdiction outside the state 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.

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.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: The current law has not been reviewed since its implementation. This is a direct outcome of stakeholder meetings beginning in 2009 to discuss how the law is working and how it can be improved.

**Persons Testifying:** PRO: John Thomas, Washington On-Site Sewage Association.