



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 30, 2023

TIME: 8:42 AM

WSR 23-14-088

Agency: Board of Registration for Professional Engineers and Land Surveyors

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 23-11-049 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR _____; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) WAC 196-33 Rules of professional practice for licensees designing on-site wastewater treatment systems.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 23, 2023	1:30 pm	Board of Registration for Professional Engineers and Land Surveyors Office 605 11 th Ave SE Suite 201 Olympia WA 98501 OR WebEx meeting: https://brpels.my.webex.com/brpels.my/j.php?MTID=mc78c5c6baf60baadb0f370ce52a9ecc9	The Board of Registration for Professional Engineers and Land Surveyors is holding this hearing in person at the Board's offices in Olympia. The public may also virtually participate in the hearing by accessing the hearing link on the Board's rulemaking page: https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity

Date of intended adoption: October 19, 2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Shanán Gillespie
Address: PO Box 9025 Olympia WA 98507-9025
Email: Shanán.Gillespie@brpels.wa.gov
Fax:
Other:
By (date) August 23, 2023

Assistance for persons with disabilities:

Contact Mackenzie Wherrett
Phone: 360-968-4813
Fax:
TTY: 711 or 1-800-835-5388
Email: Mackenzie.Wherrett@brpels.wa.gov
Other:
By (date) August 18, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: To amend language for the everyday usage of the stamp/seal by on-site designers, and to make the direct supervision language current so that it mirrors the direct supervision language for professional engineers and land surveyors. These amendments should make it easier for the licensees to understand their responsibilities.

Reasons supporting proposal: Changes provide clarification of requirements when stamping a document, as well as provides the types of documents that need to be stamped by the licensee.

Statutory authority for adoption: RCW 18.43.035, RCW 18.210.050, RCW 18.21.060

Statute being implemented: Chapter 18.210

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Type of proponent: Private Public Governmental
Name of proponent: (person or organization) Board of Registration for Professional Engineers and Land Surveyors

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Shanan Gillespie	605 11 th Ave SE Ste 201 Olympia WA 98501	360-664-1570
Implementation:	Ken Fuller	605 11 th Ave SE Ste 201 Olympia WA 98501	360-968-4805
Enforcement:	Ken Fuller	605 11 th Ave SE Ste 201 Olympia WA 98501	360-968-4805

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: The Board of Registration for Professional Engineers and Land Surveyor is not one of the agencies to which RCW 34.05.328 applies pursuant to RCW 34.05.328(5)(a).

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: The following rules are exempt per RCW 34.05.310(4)(d) because the amendments clarify language without changing its effect: WAC 196-33-100 Purpose and definitions, WAC 196-33-200 Fundamental cannons and guidelines for professional practice and conduct, WAC 196-33-300 Providing direct supervision, WAC 196-33-500 Seal and stamp usage.

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: June 30, 2023

Name: Ken Fuller

Title: Director

Signature:

