

# ARKANSAS SENATE

88th General Assembly - Regular Session, 2011

## Amendment Form

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### Subtitle of Senate Bill No. 913

AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS SEWAGE DISPOSAL  
SYSTEMS.

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### Amendment No. 1 to Senate Bill No. 913

Amend Senate Bill No. 913 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code §§ 14-236-102 — 14-236-104 are amended to read as follows:

14-236-102. Findings, policy, and intent.

(a) The General Assembly finds and determines that:

(1) Safe and adequate sewage disposal promotes the health and welfare of the citizens of this state by minimizing the exposure of the citizens, farm animals, domestic animals, fish, and wildlife of this state to human excreta and domestic wastes and thus minimizing the disease transmission potential of human excreta and domestic wastes, by minimizing the contamination of drinking water supplies and the hazards to recreational areas of this state, and by minimizing the pollution of other ground and surface waters of this state;

(2) Individual sewage disposal systems, when properly designed and constructed in suitable soils, provide renovation of waste water and inject the renovated waste water back into the hydrologic cycle;

(3) Community sewage systems are preferable for densely developed portions of cities, towns, subdivisions, mobile home parks, and other built up areas because the concentration of individual sewage disposal systems could increase the degree of contamination of local ground and surface waters and could increase the exposure of the citizens of this state to human excreta and other domestic wastes while community sewerage systems permit the location of sewage treatment and disposal facilities in areas remote from the population;

(4) In densely developed subdivisions located outside incorporated areas, property owners associations have been formed for the purpose of constructing and maintaining community sewage systems and that authorization from the state granting jurisdiction over nonincorporated community sewage systems is desirable to ~~insure~~ ensure that the property owners associations shall qualify for state and federal assistance;

(5) In some areas of this state, the soil is not suitable for ~~normal underground~~ subsurface sewage disposal, and that the improper and unapproved construction or installation of



individual septic systems has created conditions throughout the state that are dangerous to the public health of the citizens of Arkansas and has contributed to the devaluation of properties.

(b) Therefore, it is the public policy of this state and the purpose of this chapter to:

(1) Eliminate and prevent health hazards by regulating the location, design, construction, installation, operation, and maintenance of individual sewage disposal systems and the proper planning thereof, and to authorize the charging and collection of fees for the issuance of permits for the construction, installation, alteration, repair, extension, and operation of individual sewage disposal systems, and for the tests, designs, and inspections of the systems, and to prescribe penalties for violations;

(2) Require registration of all installers of individual sewage disposal systems by the ~~Division of Sanitarian Services of the~~ Department of Health, with the individual homeowner retaining all rights to install and repair his system in accordance with the provisions of this chapter;

(3) Encourage the use of community sewage systems when economically feasible wherever density of development or the lack of acceptable soils makes the renovation of waste water and the return of the renovated waste water to the hydrologic cycle by individual sewage disposal systems impractical;

(4) Encourage research and development by institutions, agencies of government, or persons to develop modifications to, or alternates for, septic tank systems which will be improvements to the systems, or which will make the systems applicable to soils not suitable for ~~normal underground~~ subsurface sewage disposal; and

(5) Permit the rules ~~and regulations~~ adopted ~~pursuant to~~ under this chapter to be amended periodically to include ~~therein such~~ the proposed modifications and alternates as are approved by the State Board of Health.

(c) Furthermore, it is the intent of this chapter to aid and assist the citizens of this state in obtaining safe and adequate individual sewage disposal systems.

#### 14-236-103. Definitions.

As used in this chapter, ~~unless the context otherwise requires:~~

(1) "Community sewage system" means any system, whether publicly or privately owned, serving two (2) or more individual lots, for the collection and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of the sewage or industrial wastes;

~~(2) "Department" means the Division of Environmental Health Protection of the Department of Health;~~

~~(3)~~(2) "Homeowner" means a person who owns and occupies a building as his or her home;

~~(4)~~(3) "Industrial wastes" means liquid wastes resulting from the processes employed in industrial and commercial establishments;

~~(5)~~(4) "Individual sewage disposal system" means a single system of treatment tanks, disposal facilities, or both, used for the treatment of no more than five thousand (5,000) gallons of domestic sewage per day, exclusive of industrial wastes, serving ~~only a single dwelling dwellings~~ office building buildings, or an industrial plant or an institution;

~~(6)~~(5) "Installer" means any person, firm, corporation, association, municipality, or governmental agency who for compensation constructs, installs, alters, or repairs individual sewage disposal systems for others;

~~(7)~~(6) "Municipality" means a city, town, county, district, or other public body created by or ~~pursuant to~~ under state law, or any combination thereof acting cooperatively or jointly;

~~(8)~~(7) "Person" means any institution, public or private corporation, individual, partnership, or other entity;

~~(9)~~(8) "Potable water" means water free from impurities in an amount sufficient to cause disease or harmful physiological effects, with the bacteriological and chemical quality conforming to applicable standards of the State Board of Health;

~~(10)~~(9) "Property owners association" means an association created by and ~~pursuant to~~ under state law and organized for the purpose of maintaining common facilities, including sewage disposal facilities in unincorporated subdivisions;

~~(11)~~(10) "Domestic sewage" means all wastes discharging from sanitary conveniences and plumbing fixtures of a domestic nature, exclusive of industrial and commercial wastes;

~~(12)~~(11) "Subdivision" means land divided or proposed to be divided for predominantly residential purposes into such parcels as required by local ordinances or, in the absence of local ordinances, the term "subdivision" means any land which is divided or proposed to be divided by a common owner or owners for predominantly residential purposes into three (3) or more lots or parcels, any of which contain less than three (3) acres, or into platted or unplatted units any of which contain less than three (3) acres, as a part of a uniform plan of development;

~~(13)~~(12) "Authorized agent" means the ~~sanitarian~~ environmental health specialist assigned to the county or local area by the Division of Environmental Health Protection of the Department of Health;

~~(14)~~(13)(A) "~~Designated representative~~" "Onsite Wastewater Designer I" means a person ~~designated by the authorized agent to make percolation tests, system designs, and inspections licensed by the department to perform soil tests, perform soil interpretation, and design individual sewage disposal systems~~ subject to the authorized agent's final approval.

~~(B) Designated representatives shall be registered professional engineers, registered land surveyors, licensed master plumbers, registered sanitarians, or other similarly qualified individuals holding current certificates from the State of Arkansas, and shall demonstrate to the satisfaction of the authorized agent prior to their designation as a designated representative their competency to make percolation tests, designs, and final inspections for individual sewage disposal systems in accordance with the rules and regulations promulgated pursuant to this chapter.~~ An Onsite Wastewater Designer shall be a registered professional soil classifier, a registered professional engineer, a registered professional land surveyor, or a registered sanitarian;

~~(15)~~(14) "~~Alternate and experimental system~~" "Experimental system" means a nonstandard individual sewage disposal system or treatment system which is classified as experimental in order to evaluate its potential effectiveness;

~~(16)~~(15) "Septic tank manufacturer" means a person, firm, corporation, or association who manufactures septic tanks, package treatment plants, or other components for individual sewage disposal or treatment systems; ~~and~~

~~(17)~~(16) "Certified maintenance person" means an individual registered by the Department of Health to conduct assessments under this chapter; and

(17) "Onsite Wastewater Designer II" means a person licensed by the department to perform presite soil interpretations, design individual sewage disposal systems and perform final inspections.

14-236-104. Certain individual systems excepted from chapter.

(a)(1) ~~No~~ An individual sewage disposal system in existence on July 1, 1977, nor any individual sewage disposal system installed after July 1, 1977, in a subdivision, ~~wherein in which~~ individual lots have been developed or sold for use with individual sewage disposal systems, for which a plat has been filed of record ~~prior to~~ before July 1, 1977, shall not be required to conform to more stringent specifications and requirements as to design, construction, density of improvements, lot size, and installation than those standards contained in any applicable, duly adopted, and published regulation in effect at the time of the platting of record of the subdivision.

(2) ~~No~~ An individual sewage disposal system to be installed on a residential lot for which the ~~Division of Environmental Health Protection of the~~ Department of Health or its authorized agent has issued a construction permit on or before July 1, 1977, shall not be required to conform to the design, construction, and installation provisions of this chapter, or any rules ~~and regulations adopted pursuant thereto~~ adopted under this chapter.

(3) In a subdivision for which a master plan has been approved by the Department of Health or the Arkansas Department of Environmental Quality ~~prior to~~ before July 1, 1977, or for which the Department of Health or the Arkansas Department of Environmental Quality has otherwise previously issued its written approval for the installation of individual sewage disposal systems and where individual lots have been developed or sold in reliance upon the prior written approval, individual sewage disposal systems shall not be required to conform to more stringent specifications as to design, construction, and installation than those standards in effect at the time of or referred to in the prior written approval.

(b) However, any individual sewage disposal system which is determined by the ~~Division of Environmental Health Protection of the~~ Department of Health to be a health hazard or ~~which that~~ constitutes a nuisance due to odor or unsightly appearance ~~must~~ shall conform with the provisions of this chapter and applicable rules ~~and regulations~~ within a reasonable time after notification that the determination has been made.

(c)(1) The requirements of this chapter shall not apply to any individual sewage disposal system or alternate and experimental system ~~which that~~ is situated on a tract of land ten (10) acres or larger, in which the field line or sewage disposal line is no closer than two hundred feet (200') to the property line.

(2) A person who requests an exemption under this subsection shall provide sufficient documentation to the Department of Health.

SECTION 2. Arkansas Code §§ 14-236-106 — 14-236-108 are amended to read as follows:

14-236-106. Penalties.

(a)(1)(A) A person who shall willingly and knowingly violate ~~the provisions of this~~ chapter ~~shall be~~ is liable to the party aggrieved or damaged by that violation for the cost of suit, including a reasonable attorney's fee, actual damages, and additional punitive damages equal to twenty-five percent (25%) of the damages proven by the aggrieved party, to be taxed by the court where the suit is heard on an original action, by appeal, or otherwise, and recovered by a suit at law in any court of competent jurisdiction.

(B) However, the party aggrieved or damaged thereby must by a violation of this chapter shall give twenty (20) days' written notice of any violation of this chapter to the violator.

(2) Approval by the ~~Division of Environmental Health Protection of the~~ Department of Health or its authorized agent of a requested variation from the rules ~~and~~

~~regulations adopted pursuant to~~ under this chapter shall not be construed as a violation of this chapter.

(b) ~~The Division of Environmental Health Protection of the Department of Health department~~ or its authorized agent is authorized to require the property owner to take the necessary action to correct the malfunctioning individual sewage disposal system within thirty (30) working days of being notified. Failure to take corrective action shall constitute a violation of this chapter.

(c)(1) Any person, firm, corporation, or association ~~who~~ that violates any of the provisions of this chapter or any rules ~~and regulations promulgated~~ adopted under the authority of this chapter ~~shall~~, upon conviction, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

(2)(A) Every firm, person, or corporation who violates any of the provisions of this chapter or rules, ~~regulations~~, or orders issued or ~~promulgated~~ adopted by the State Board of Health or who violates any condition of a license, permit, certificate, or any other type of registration issued by the board may be assessed a civil penalty ~~by the board~~.

(B)(i) The penalty shall not exceed one thousand dollars (\$1,000) for each violation.

(ii) Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

(3) All fines collected under subdivision (c)(1) of this section shall be deposited in the State Treasury and credited to the Public Health Fund to be used to defray costs of administering this chapter.

(4) Subject to ~~such rules and regulations~~ as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Health is authorized to transfer all unexpended funds relative to fines collected under this section, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

14-236-107. Division of ~~Sanitarian Services~~ Environmental Health Protection — Powers and duties.

(a) ~~The Division of Sanitarian Services of the Department of Health~~ or its authorized agents shall have general supervision and authority over the location, design, construction, installation, and operation of individual sewage disposal systems, and shall be responsible for the administration of this chapter and of the rules ~~and regulations~~ adopted ~~pursuant to~~ under this chapter.

(b) In order to assure the effective and efficient administration of ~~the provisions and purposes of this chapter~~, the ~~Division of Sanitarian Services of the Department of Health~~ is authorized to department may:

(1) After review by ~~the House and Senate Interim Committees on Public Health, Welfare, and Labor or appropriate subcommittees thereof~~ Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare, and Labor or by subcommittees of the Senate and House committees, respectively, adopt, and from time to time amend, rules ~~and regulations~~ governing the review and approval of subdivisions proposing to utilize individual sewage disposal systems as the means of sewage disposal for part or all of the lots in the subdivision and the location, design, construction, installation, and operation of individual sewage disposal systems proposed for or located in subdivisions or in platted or unplatted lots or tracts of land ~~pursuant to~~ under the procedures provided in the Arkansas

Administrative Procedure Act, § 25-15-201 et seq., in order that the wastes from the systems will not pollute any potable water supply; or source of water used for public or domestic supply purposes, or for recreational purposes, or other waters of this state, and will not give rise to a public health hazard by being accessible to insects, rodents, or other possible carriers which may come into contact with food or potable water, or by being accessible to human beings, and will not constitute a nuisance due to odor or unsightly appearance;

(2) Include a provision in all rules ~~and regulations~~ adopted or amended under this chapter to encourage studies and alternate submissions by ~~engineers, sanitarians, institutions, agencies, and other persons~~ designers of economically feasible ~~alternate~~ systems for ~~underground subsurface~~ and above ground individual sewage disposal systems for use in soils not suitable for ~~normal underground subsurface~~ sewage disposal;

(3) Include in rules ~~and regulations~~ adopted ~~pursuant to~~ under this chapter; definitions and detailed descriptions of good management practices and procedures ~~which that~~, when utilized in the construction of septic systems; will:

(A) Justify variation in field size or in other standard requirements;

(B) Promote the use of good management practices or procedures in the construction of septic systems by adopting under the rules ~~and regulations promulgated~~ adopted under this chapter standard permissible reductions in field size ~~which that~~ may be applied when the management practices or procedures are utilized in the construction of a septic system;

(C) Require the utilization of one (1) or more specific management practices or procedures as a condition of approval of standard septic systems where, in the opinion of the authorized agent, unusual site conditions or problems require the additional management practices or procedures to ensure the proper operation of an otherwise standard septic system;

(4) Enforce ~~the provisions of~~ this chapter and any rules ~~and regulations~~ adopted ~~pursuant thereto~~ under this chapter;

(5) Delegate, at its discretion, to any municipality or, in the case of an unincorporated subdivision, the property owners association, any of its authority under this chapter in the administration of the rules ~~and regulations~~ adopted ~~pursuant to~~ under this chapter;

(6) Delegate to any Onsite Wastewater Designer II any of its authority under this chapter in the administration of the rules adopted under this chapter; and

~~(6)(7)~~ Issue permits, and other documents, including the establishment and collection of permit fees and of procedures and forms for the submission, review, approval, and rejection of application for permits required under this chapter.

14-236-108. Division of ~~Sanitarian Services~~ Environmental Health Protection — Nonliability.

The Division of ~~Sanitarian Services~~ Environmental Health Protection of the Department of Health and its authorized agents, when performing their duties as prescribed by established policies and procedures, are exempt from any liability for damages or claims resulting from its approval or disapproval of the installation or operation of any individual sewage disposal system.

SECTION 3. Arkansas Code §§ 14-236-110 — 14-236-115 are amended to read as follows:

14-236-110. Construction, alteration, repair prohibited.

~~No~~ A person shall not construct, alter, repair, or extend or cause to be constructed, altered, repaired, or extended any individual sewage disposal system contrary to ~~the provisions of~~ this chapter and other applicable rules ~~and regulations~~.

14-236-111. Review of proposals and inspections.

(a)(1)(A) ~~The Division of Environmental Health Protection of the~~ Department of Health or its authorized agent ~~is authorized and directed to~~ shall review proposals for individual sewage disposal systems and to make inspections of individual sewage disposal systems as may be necessary to determine substantial compliance with this chapter and ~~regulations adopted hereunder~~ rules adopted under this chapter.

(B) The systems shall not be used unless a permit for operation has been approved by the ~~division~~ department or its authorized agent.

(2) In the event that an authorized agent has not been designated for a county or municipality or locality, applications for individual sewage disposal systems shall be made to the ~~division~~ department.

(3) The ~~division~~ department or its authorized agent shall either approve or disapprove the individual sewage disposal system design submitted by an Onsite Wastewater Designer I, and, if disapproved, the system shall not be installed until all deficiencies are corrected and the design approved by the ~~Division of Environmental Health Protection of the Department of Health~~ department or its authorized agent.

(4) The department or its authorized agent shall either approve or disapprove the individual sewage disposal system design submitted by an Onsite Wastewater Designer I, and if disapproved, the system shall not be installed until all deficiencies are corrected and the design approved by the department or its authorized agent.

(5) An Onsite Wastewater Designer II may perform presite soil interpretations, design a system, and have the system installed without prior issuance of a permit, if a permit is subsequently obtained within five (5) working days after the system installation and inspection.

(b) ~~It shall be the duty of the installer to notify the division, its authorized agent, or his or her designated representative when the installation is to occur and it shall be the duty of the~~ The owner or occupant of the property ~~to shall~~ give the ~~division~~ department, its authorized agent, or his or her designated representative designer free access to the property at reasonable times for the purpose of making such inspections as are necessary.

(c) Within five (5) working days, the installer shall certify to the ~~division~~ department that the system has been installed ~~pursuant to~~ under the approved permit.

(d) Any person aggrieved by the disapproval of an individual sewage disposal system shall be afforded review as provided in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

14-236-112. Permit and registration required — Exception.

(a) ~~It shall be~~ is unlawful for any person, firm, corporation, association, municipality, or governmental agency to construct, alter, repair, extend, or operate an individual sewage disposal system or alternate and experimental system installed after July 1, 1977, unless a valid permit has been issued by the ~~Division of Sanitarian Services of the~~ Department of Health or its authorized agent for the specific construction, alteration, repair, extension, or operation proposed, except that emergency repairs may be undertaken without prior issuance of a permit, provided a permit is subsequently obtained within ten (10) working days after the repairs are made.

(b) ~~It shall be~~ is unlawful for any person, firm, corporation, or association to begin construction, alteration, repair, or extension of any individual sewage disposal system or alternate and experimental system, owned by any other person, firm, corporation, association,

municipality, or governmental agency until the owner first obtains a valid permit issued by the ~~Division of Sanitarian Services of the Department of Health~~ department or its authorized agent.

(c) It ~~shall be~~ is unlawful for a septic tank manufacturer to operate a business in the State of Arkansas or to do business in the State of Arkansas unless he holds a valid registration issued by the ~~Department of Health~~ department.

14-236-113. Applications for permits, etc. — Refusal.

(a) All applications for permits, licenses, or review certificates shall be made on a form which includes such information as may be required by the ~~Division of Sanitarian Services of the Department of Health~~ or its authorized agent to establish compliance with the ~~provisions of this chapter, and any regulations adopted hereunder~~ rules adopted under this chapter.

(b) Except as provided in § 14-236-104(a) and (b), a permit for the construction, alteration, repair, extension, or operation of an individual sewage disposal system or alternate and experimental system shall be refused where community sewerage systems are reasonably available or economically feasible, or in instances where the issuance of ~~such a~~ a permit is in conflict with other applicable laws ~~and regulations or rules~~, or ~~where~~ when the issuance of the permit is in conflict with the public policy declared by this chapter.

14-236-114. Notification by installer required.

It ~~shall be~~ is unlawful for any installer to begin construction, alteration, repair, or extension of any individual sewage disposal system or alternate and experimental system, owned by any other person, firm, corporation, association, municipality, or governmental agency, until the installer first notifies the authorized agent and the Onsite Wastewater Designer II, if applicable, within three (3) days of the date he plans to begin work on the system.

14-236-115. Registration of installers.

(a) Each installer who operates within the State of Arkansas, regardless of the location of his or her home office, ~~must~~ shall become registered by the ~~Division of Sanitarian Services of the Department of Health~~.

(b) The registration ~~will~~ shall be issued by the ~~Division of Sanitarian Services of the Department of Health~~ department or its authorized agent upon application on proper forms and compliance with the provisions of this chapter and ~~regulations~~ rules adopted ~~pursuant to~~ under this chapter.

(c) The registration shall be renewable on January 1 of each year.

(d)(1) The installer's registration may be revoked without advance notice whenever any provision of this chapter is violated.

(2) The installer may appeal the revocation as provided for in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(e) Each installer ~~must~~ shall furnish proof of current registration upon request by an authorized representative of the ~~Division of Sanitarian Services of the Department of Health~~ department.

(f) Failure of an installer to register with the ~~Division of Sanitarian Services of the Department of Health~~ department as an installer in the State of Arkansas shall subject the installer to the penalties of ~~subsection (c) of~~ § 14-236-106(c).

SECTION 3. Arkansas Code § 14-236-116(f) and (g), concerning permits and registration fees for the Arkansas Sewage Disposal Systems Act, are amended to read as follows:



(f)(1) The fee for the issuance of a review certificate under ~~the provisions of this chapter~~ to the person developing a subdivision shall be a minimum of one hundred dollars (\$100) for one (1) lot and twenty-five dollars (\$25.00) for each following lot, with a maximum of one thousand five hundred dollars (\$1,500).

(2) A subdivision composed of at least six (6) lots shall be evaluated by a professional soil classifier to determine the suitability of the lots to utilize individual sewage disposal systems.

(g) Permit and regulation fees collected under this chapter shall be deposited in the State Treasury as follows:

(1) Five dollars (\$5.00) of each permit fee collected for permits issued under subsection (a) of this section shall be credited to a special fund to be known as the "Individual Sewage Disposal Systems Improvement Fund" that is established on the books of the Treasurer of State, with such moneys to be used by the ~~Division of Environmental Health Protection of the Department of Health~~ department, and in the manner recommended by the Individual Sewage Disposal Systems Advisory Committee, for the implementation of the utilization and application of alternate and experimental individual sewage disposal systems, as set forth in this chapter;

(2) The remainder of the fees collected for permits issued under the provisions of subsection (a) of this section and all of the net fees collected under the provisions of subsections (b)-(f) of this section shall be credited to the Public Health Fund, and the moneys shall be used only for the operation of the Onsite Wastewater Program of the ~~Division of Environmental Health Protection of the Department of Health~~; and

(3) Subject to ~~such rules and regulations as may be~~ implemented by the Chief Fiscal Officer of the State, the disbursing officer for the ~~Department of Health is hereby authorized to~~ department may transfer all unexpended funds relative to the funds outlined in subdivision (g)(2) of this section that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

SECTION 4. Arkansas Code § 14-236-118 and 14-236-119 are amended to read as follows:

14-236-118. Fees for tests, designs, and inspections.

~~Designated representatives~~ An Onsite Wastewater Designer may charge reasonable fees for ~~percolation~~ soil tests, system designs, and final inspections where the fees are based on generally accepted wage rates for work of the type and on generally accepted charges for equipment and mileage.

14-236-119. Registration of a certified maintenance person.

(a) Each certified maintenance person who operates within the State of Arkansas shall be registered by the ~~Division of Environmental Health Protection of the Department of Health~~.

(b) The registration shall be issued by the ~~division~~ department or its authorized agent upon compliance with this chapter and rules ~~and regulations~~ adopted under this chapter.

(c) The registration shall be renewed on January 1 of each year.

(d)(1) If a violation of this chapter occurs, a certified maintenance person's registration may be revoked without notice by the division.

(2) The certified maintenance person may appeal the revocation of the registration under the Administrative Procedure Act, § 25-15-201 et seq.

(e) Upon request by an authorized representative of the division, a certified maintenance person shall provide proof of registration.

(f) A certified maintenance person is subject to the penalties under § 14-236-106 for a violation of this chapter.

SECTION 5. Arkansas Code Title 14, Chapter 236, is amended to add two additional sections to read as follows:

14-236-120. Onsite Wastewater Designer II — Requirements.

(a) An Onsite Wastewater Designer II shall demonstrate to the satisfaction of the Department of Health his or her competence by satisfactorily completing an objective test to determine design and soils knowledge.

(b) An Onsite Wastewater Designer II shall:

(1) Be licensed by the department for a minimum of five (5) years;

(2) Submit a minimum of thirty (30) permits during the twelve (12) month period before applying for an Onsite Wastewater Designer II license; and

(3) Hold an installer license, hold a Wastewater II license from the Department of Environmental Quality and

(c) A Onsite Wastewater Designer II shall demonstrate shall be a:

(1) Professional soil classifier;

(2) Professional engineer;

(3) Professional land surveyor; or

(4) Professional registered sanitarian.

14-236-121. Onsite Wastewater Designers — Soil classifiers —Relicensure.

(a) After July 1, 2014, all new applicants for onsite wastewater designer licenses shall be professional soil classifiers.

(b) A person licensed under this chapter whose license has lapsed and who has ceased activities as a licensee for less than five (5) years may apply for relicensure."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator G. Baker

MGF/CDS - 03/10/11 02:11

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Secretary