

RESPONSES TO COMMENTS FROM PUBLIC ON PROPOSED AMENDMENTS TO R317-11 (Onsite Certification)

Date: Revised June 28, 2012

This document responds to public comments received from May 15, 2012 through June 14, 2012 on the proposed amendment to change the certification period for Onsite Professionals from 5 years to 3 years for Level 1 & 2 Certification, and from 2 years to 3 years for Level 3 Certification.

Table I documents each comment, discipline of commenter within onsite program, its associated response, and resultant change to proposed rule amendment.

Table 2 lists the source of each comment, along with the commenter’s name and affiliation

Commenter Discipline	Comment Number	Comment	Response to Comment	Resultant Change to Proposed Rule Amendment
Engineer	1	Frequency to 3 years too short. Two days of training is a “significant time commitment”...“it seems redundant to require an additional certification for this work”... “soils and percolation test would be subcontracted”	<p>Recertifying every three years is too frequent – This frequency was determined by a workgroup of onsite wastewater professionals from local health departments and DWQ (COWP). Additionally, DWQ is proposing major changes to R317-4 which place increased emphasis on soils evaluation as a method for evaluating prospective sites for onsite systems. This change, and other key changes proposed in the revision are taught in re-certification classes.</p> <p>Two days of training is a “significant time commitment” - Recertification course length is not established in rule, but by the Training Center with the agreement of DWQ..</p>	No change to document.
Engineer	2	“I am qualified to design a city sewer system, design dams, bridges, and a multitude of structures that are much more complex and difficult to design than a septic system.” “My suggestion is that licensed civil engineers be required to take the initial courses to obtain certificates, have the refresher course waived, and that they receive certificates that are perpetually valid without need to renew so long as the professional engineers license is maintained.”	Professional licensing requirements Utah Administrative Code R156-22-304 stipulate “During each two-year period...a [Utah] licensed professional engineer shall be required to complete not fewer than 24 hours of qualified professional education directly related to the licensee’s professional practice” (emphasis added). Professional education related to the design of wastewater collection systems, dams, bridges, and structures may not directly relate to the design of onsite wastewater systems. The purpose of the refresher course is to ensure that designers	No change to document.

Commenter Discipline	Comment Number	Comment	Response to Comment	Resultant Change to Proposed Rule Amendment
			periodically receive education directly related to the practice of onsite wastewater system soils evaluation and design.	
Engineer	3	Time and expense of re-certification period of 2 days. "...costs to renew certifications will never be reduced or proportionate."	Recertification course length is not established in rule, but is established by agreement between DWQ and the Training Center.	No change to document
Installer/ excavator	4	"The only thing that really needs to be addressed is the location of the testing"	Testing locations are not established in rule, but by the Training Center with the agreement of DWQ.	No change to document.
Contractor/ designer	5	<p>"...the language is being changed from 'percolation and soil tests' to 'soil evaluations or percolation tests'. ...using the word <u>or</u> in here is lending itself to the idea that soil evaluations can be done in place of perc tests....this idea has been presented of part of an overall rule change- but until the rule is changed...the language should reflect the current state code."</p> <p>"...comment concerning the qualification of individuals being certified.... the State is making a step in the right direction by having more frequent re-certification,... recommend having some qualifiers for [first time certification] such as in field experience or possibly being certified at levels 1 or 2 for a certain time period before being certified at level 3. Just about every other professional license in the state requires proof that an individual has had experience in the field before they can obtain a license. I frequently deal with people that have never seen or heard of a septic system and then become level 3 certified within a few weeks and don't have adequate knowledge to properly design or maintain more technical septic systems.... I would like to see the program step up the requirements to get certified in the first place."</p>	<p>The Level 1 certification has always included the authorization to perform either soil evaluations or perc tests and the certificates issued in the past have been labeled "Soil Evaluation and Percolation Testing at Level 1." The current title of the rule has used the language found in statute of "percolation and soil tests for underground wastewater disposal systems," but the phrase "soil tests" is misleading because it is used in the water science and agricultural industries to be tests for pH and elemental and chemical components of the soil--not generally types of tests that help in determining the suitability of the soil to aid in the processes of underground wastewater disposal (treatment) systems. Discussions between local health departments and DWQ determined that this descriptor for the Level 1 certification better embodies what the certification actually allows the individual to perform in the onsite system industry. The title for the rule is also being changed to reflect more accurately this certification as we feel was the intent of the legislation. This does not change the current requirements found in R317-4.</p> <p>The proposed changes do not recommend changes to any of the requirements for initial certification. These comments will be taken into consideration when future rule changes are considered.</p>	No change to document

Table 2. Comments received from Public

Comment Number	Commenter Discipline/ Certification Level	Response Type	Name
1	Engineer/ 2	e-mail	Randall Vickers
2	Engineer/ 2	e-mail	Nathan Moses
3	Engineer/ 2	e-mail	Ralph E. Watson
4	Installer/ excavator/ 2	e-mail	Vicki Anderson
5	Contractor/ designer/ 3	e-mail	Benjamin Witt