



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR ; 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).

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

Title of rule and other identifying information: (Describe Subject)

Chapter 246-271 WAC, Public Sewage. Repeal the chapter because State Board of Health (board) rule making authority has been superseded by more current and more specific Department of Ecology (Ecology) statutory authority. The board delegated rule making authority to the Department of Health (department) to repeal this chapter at its August 10, 2016 meeting.

Hearing location(s): Department of Health
Town Center 2, Room 530
111 Israel Rd SE
Tumwater, WA 98511

Date: 12/16/16 Time: 10:00 a.m.

Submit written comments to:

Name: Vicki M. Bouvier
Address: PO Box 47820
Olympia, WA 98504
e-mail: <https://fortress.wa.gov/doh/policyreview>
fax N/A by (date) 12/16/2016

Assistance for persons with disabilities: Contact

Vicki M. Bouvier by 12/09/2016

TTY (800) 833-6388 or () 711

Date of intended adoption: 12/23/2016

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of the proposed rule is to repeal chapter 246-271 WAC, Public Sewage. This chapter is outdated and duplicative with Ecology and other public health statutes and rules. The board's rule making authority under RCW 43.20.050 has been superseded by more current and more specific Ecology statutory authority in chapter 90.48 RCW. As a result, the requirements of chapter 246-271 WAC do not reflect the most current and appropriate regulation of public sewage.

Reasons supporting proposal:

The department performed a section-by-section analysis of the chapter to confirm all requirements of chapter 246-271 WAC are adequately regulated under Ecology statutes and rules and other public health statutes and rules to protect public health. The department consulted with Ecology to complete the rule review and ensure no essential public health regulatory oversight will be lost with the repeal of the chapter. The department also confirmed that local health jurisdictions do not rely on the chapter for any activities unknown to the department.

Statutory authority for adoption:

RCW 43.20.050

Statute being implemented:

RCW 43.20.050

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE

NAME (type or print)

Clark Halvorson

SIGNATURE

TITLE

Assistant Secretary, Division of Environmental Public Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 25, 2016

TIME: 10:14 AM

WSR 16-22-028

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

None

Name of proponent: (person or organization) Department of Health

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Vicki M. Bouvier	111 Israel Rd SE, Tumwater, WA 98511	360-236-3011
Implementation.... Vicki M. Bouvier	111 Israel Rd SE, Tumwater, WA 98511	360-236-3011
Enforcement..... Vicki M. Bouvier	111 Israel Rd SE, Tumwater, WA 98511	360-236-3011

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:
Address:

phone
fax
e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(d), a SBEIS is not required for proposed rules that only correct typographical errors, make address or name changes, or clarify the language of a rule without changing its effect.

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
e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(iv) exempts rules that only correct typographical errors, make address or name changes or clarify the language of a rule without changing its effect.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-271-010	Definitions.
WAC 246-271-020	Prohibited methods of sewage disposal.
WAC 246-271-030	Investigative and order powers of secretary.
WAC 246-271-040	Plans for sewage systems.
WAC 246-271-050	Plans for sewage treatment works.
WAC 246-271-060	Plans for sewage treatment works—Requirements for engineers.
WAC 246-271-090	Operation of sewage treatment plants—Disinfection.
WAC 246-271-100	Irrigation with sewage.
WAC 246-271-110	Use of sewage sludge for fertilizer.
WAC 246-271-120	Adoption of appendix details as rules.
WAC 246-271-130	Appendix—Definitions.
WAC 246-271-140	Appendix—Report—Sewage system.
WAC 246-271-150	Appendix—General layout map.
WAC 246-271-160	Appendix—Plot plan.
WAC 246-271-170	Appendix—Engineering report—Sewage treatment works.
WAC 246-271-180	Appendix—Preliminary report, industrial waste treatment works.