STATE OF WASHINGTON DEPARTMENT OF HEALTH OFFICE OF PROFESSIONAL STANDARDS

) OPS No. 96-05-01-354 DW) Prog. No. 96-B01
) FINDINGS OF FACT,) CONCLUSIONS OF LAW, AND) ORDER ON PETITION FOR) RECONSIDERATION

A Petition for Reconsideration was submitted on November 25, 1996, by James G. Sackett on behalf of himself and Seventh Generation Systems, Inc. (the Respondent). A Response to Petition for Reconsideration was submitted on December 20, 1996, by Lilia Lopez, Assistant Attorney General representing the Drinking Water Division within the Department of Health (the Division). Having reviewed the Findings of Fact, Conclusions of Law, and Final Order, the Respondent's Motion for Reconsideration and the Division's Response filed in this matter, Senior Health Law Judge Eric B. Schmidt, serving as Presiding Officer for the Secretary of the Department of Health, hereby issues the following:

I. FINDINGS OF FACT

1.1 On November 13, 1996, the Presiding Officer issued Findings of Fact, Conclusions of Law, and Final Order, which affirmed the October 3, 1996 Initial Order, which had affirmed the Division's refusal to approve the Class B water system proposed by the Respondent and had denied the Respondent's request for approval of the Class B water system.

- 1.2 On November 25, 1996, the Respondent filed a Petition for Reconsideration, challenging some of the Findings of Fact and Conclusions of Law made by the Brief Adjudicative Proceeding (BAP) Presiding Officer and by the Reviewing Presiding Officer, and seeking modification of the Final Order.
- 1.3 On December 9, 1996, the Office of Professional Standards directed the Division to file a response to the Respondent's Motion for Reconsideration by December 20, 1996.
- 1.4 On December 20, 1996, the Division filed its Response to Respondent's Petition for Reconsideration.

II. CONTENTIONS OF THE PARTIES

- 2.1 The Respondent seeks reconsideration of the Findings of Fact,
 Conclusions of Law and Final Order. He challenges the evidentiary bases of some of the Findings of Fact, and the legal bases of some of the Conclusions of Law.
- 2.2 The Division responds that there is sufficient evidentiary and legal bases for the Findings of Fact and Conclusions of Law, and urges that the Final Order be adhered to.

III. CONCLUSIONS OF LAW

- 3.1 The Respondent's Motion for Reconsideration was timely filed. RCW 34.05.461(3), RCW 34.05.470 and WAC 246-10-704.
- 3.2 The Presiding Officer concludes that the Respondent has not demonstrated errors of law or fact such that the Findings of Fact or Conclusions of Law contained in the Final Order should be modified. The matters raised by the Respondent in the Petition for Reconsideration are either outside the record of this

proceeding, are contradicted by the record of this proceeding, or are irrelevant to the threshold question of whether the Respondent has satisfied WAC 246-290-190(1).

IV. DECISION AND ORDER

Based on the above Findings of Fact, Contentions of the Parties and Conclusions of Law, the Presiding Officer hereby issues the following ORDERS:

- 4.1 The Respondent's Petition for Reconsideration is DENIED.
- 4.2 Proceedings for judicial review may be instituted by filing a petition in the Superior Court in accord with the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review must be filed within thirty (30) days after service of this Order, as provided in RCW 34.05.470(3) and RCW 34.05.542.

	DATED THIS DAY OF JANUARY, 1997.
	ERIC B. SCHMIDT, Senior Health Law Judge Presiding Officer
DECLARATION OF SERVICE BY MAIL I declare that today I served a copy of this document upon the following parties of record: JIM SACKETT, LILIA LOPEZ by mailing a copy properly addressed with postage prepaid.	
DATED AT OLYMPIA, WASHINGTON THIS	_ DAY OF JANUARY, 1997.
Office of Professional Standards	cc: DAVE CLARK