



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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FILED

DATE: April 16, 2024

TIME: 11:01 AM

WSR 24-09-067

Agency: Department of Health

Subject of possible rule making: Chapter 246-275 WAC, On-site nonpotable water systems. The Department of Health (department) is considering adopting a new chapter to Title 246 Department of Health. The rules may establish general administrative procedures, including for waivers and extensions of compliance, treatment and performance requirements, including risk-based log reduction targets for the removal of pathogens; allowable source water, end uses, and implementation scales; design and construction standards; cross-connection control requirements; permitting; water quality standards; monitoring; reporting and recordkeeping; operation and maintenance, including for qualified operators and O&M manual contents; malfunction notification and user confidence requirements; and enforcement, violations, and fees.

Statutes authorizing the agency to adopt rules on this subject: Engrossed Substitute House Bill 1180 (chapter 156, Laws of 2021) codified as RCW 90.46.290 and RCW 43.70.250

Reasons why rules on this subject may be needed and what they might accomplish: Engrossed Substitute House Bill 1184 (Chapter 156, Laws of 2021) directed the department to adopt these rules to protect and improve public health; protect and enhance the environment; conserve potable (drinking) water where nonpotable (not drinkable) water can safely be used on-site or nearby. Rules may be needed to establish comprehensive standards for a statewide on-site nonpotable water systems program in Washington.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Washington state Department of Ecology, Washington State Building Code Council, as well as local health jurisdictions with plumbing code enforcement authority. The department will invite participation on the rule advisory committee and offer opportunities for review and commenting on drafts as they are developed.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule making using the National Blue-Ribbon Commission for On-site nonpotable

Water System model rules and consultation with affected agencies and interested parties. Rulemaking notices will be delivered via GovDelivery to various general interest and environmental public health lists. The department will also keep interested parties informed of the rule development process by posting information on the department's rule making webpage. Affected agencies and interested parties will have the opportunity to provide comments throughout the rule making process, during the formal comment period, and at the public hearing. The department may also hold workshops throughout the rule making process to solicit feedback.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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Additional comments: To receive notices, interested people may sign up for the On-site Nonpotable Water Systems Rulemaking listserv at <https://public.govdelivery.com/accounts/WADOH/subscriber/new> .

Date: April 16, 2024
Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH
Title: Chief of Policy for Secretary of Health

Signature:
