



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL PUBLIC HEALTH
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February 22, 2016

TO: Michelle Davis, Executive Director
Washington State Board of Health

FROM: ^{MG} Maryanne Guichard, Assistant Secretary
Division of Environmental Public Health

SUBJECT: RULEMAKING AUTHORITY DELEGATION REQUEST WAC 246-272C-0150,
Transition from the approved on-site sewage tanks list to the sewage tank registered list

The Department of Health (department) is requesting the board's delegation of rule-making authority to repeal WAC 246-272C-0150, Transition from the approved on-site sewage tanks list to the sewage tank registered list because the transition was completed in 2012. Chapter 246-272C WAC was revised in 2009 to strengthen sewage tank design and construction requirements, plan review and approval requirements, and prefabricated tank registration requirements. WAC 246-272C-0150 establishes a transition schedule from December 2009 to January 2012 to phase out the approved list and phase in the registered list. Since this transition was completed in 2012, this rule is now obsolete.

WAC 246-272C-0150 was adopted in 2009 to convert the requirements for on-site sewage tanks from an "approved" tank list, to a "registered" list. This rule was intended to help users understand when specific products would no longer meet the new requirements of the revised chapter and would be phased out of use. The registered tank list requires more documentation to demonstrate compliance with the stricter requirements of the chapter than the approved list. Specifically, the registered list requires demonstration that products meet the more stringent requirements for water-tightness testing and professional engineering (PE) of tank construction as indicated by submission of a PE stamped tank design.

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Conformance with the State Board of Health Delegation Criteria:

The board's "Policy for Considering Delegation of Rules to the Department of Health" provides the following elements for consideration.

The extent to which the proposed rule revision is expected to include editorial and/or grammatical changes that do not change the substance of the rule:

- There are no editorial or grammar changes.

The extent to which the proposed rule seeks to adopt federal requirements in which the state has little or no discretion:

- This rule is not associated with federal requirements.

The extent to which the substance and direction of the proposed rule is expected to have broad public and professional consensus:

- Stakeholders supported the department in adopting this rule in 2009 to transition from an approved list to a registered list. The department is not aware of any controversy over this rule.

The extent to which the proposed rule may make significant changes to a policy or regulatory program:

- The repeal of this rule section is procedural only.

The extent to which the rule revision process would benefit from the board's role as a convener of interested parties:

- The department does not expect the repeal of this rule section to be controversial. Stakeholders will be informed through the department's websites, e-mail notification to stakeholders and interested parties, and at the public hearing.

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