



**DATE:** August 10, 2016

**TO:** Washington State Board of Health Members

**FROM:** Environmental Health Committee  
Keith Grellner, Chair

**SUBJECT:** REQUEST FOR RULE DELEGATION TO REPEAL CHAPTER 246-271 WAC,  
PUBLIC SEWAGE

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**Background and Summary:**

The Washington State Board of Health has authority under Chapter 43.20.050 RCW to adopt rules for the prevention, control and abatement of health hazards related to the disposal of human excreta. The Department of Ecology has more current and specific authority in Chapter 90.48 RCW to regulate and control public sewage systems. The Board's rule, Chapter 246-271 WAC, Public Sewage, no longer reflects the most current and appropriate regulation of public sewage systems. The Department of Health (department) is requesting that the board delegate rule making authority so that the department may repeal Chapter 246-271 WAC. In a recent review of this chapter, department staff performed a section-by-section analysis and consulted with Department of Ecology, Assistant Attorney General and Local Health Jurisdictions to ensure that no essential public health protections will be lost by the repeal of this chapter. This repeal is not expected to be controversial, however, local health jurisdiction staff did express a desire for the department to continue to be engaged with Ecology on review of public sewage system permits.

This repeal request meets the criteria set in Board policy 2000-001, Considering Delegation of Rules to the Department of Health.

Kelly Cooper, Environmental Public Health Policy Director, and Clark Halvorson, Assistant Secretary, are here to answer any questions about this request. Please refer to materials behind Tab 10 in your packets.

**Recommended Board Action:**

The Board may wish to consider the following motion:

*The Board delegates to the Department of Health authority to repeal Chapter 246-271 WAC, Public Sewage for the purpose of eliminating redundant and outdated rules.*

**Staff Contact:** David DeLong

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