



PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

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DATE: May 13, 2024

TIME: 1:27 PM

WSR 24-11-058

Agency: Department of Health

Subject of possible rule making: Testing Requirements for Proprietary Treatment Products in WAC 246-272A-0110. The Department of Health (department) is considering to amend WAC 246-272A-0110, Table I, Category 2 to add NSF/ANSI 40 testing for Category 2 products.

Statutes authorizing the agency to adopt rules on this subject: RCW 43.20.050(3) and (4).

Reasons why rules on this subject may be needed and what they might accomplish: Category 2 products treat high-strength sewage from restaurants and other facilities that generate high levels of oil and grease. Prior to the recent rule revision, the rule required testing for Category 2 products under the EPA/NSF Protocol for the Verification of Wastewater Treatment Technologies/EPA Environmental Technology Verification (April 2001). This protocol tested for organic sewage strength (CBOD₅), suspended solids (TSS), and oil and grease. EPA archived this testing protocol in 2013. During the recent rule revision, the EPA Method 1664, Revision B (February 2010) testing was adopted for Category 2 systems to treat oil and grease. This recommendation, however, neglected to assure that Category 2 products are also tested for organic sewage strength (CBOD₅) and suspended solids (TSS). A manufacturer provided formal comment highlighting this oversight and recommended Category 2 products instead be tested with NSF/ANSI 40 - Residential Wastewater Treatment Systems (versions dated between January 2009 and May 31, 2021). The department will consider if Category 2 products should be tested by both EPA Method 1664, Revision B (February 2010) and NSF/ANSI 40 - Residential Wastewater Treatment Systems (versions dated between January 2009 and May 31, 2021) to ensure the product is tested for organic sewage strength (CBOD₅), suspended solids (TSS), and oil and grease.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The department will use a collaborative rule making approach. The department will keep interested parties informed of the rule development through email and posting information on the department's rule making and program websites. Interested parties will have the opportunity to provide comments throughout the rule making process, during the formal comment period, and at the public hearing.

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

(If necessary)

Name: Peter Beaton

Address: PO Box 47820 Olympia, WA 98504-7820

Phone: 360-236-4031

Name: Jeremy Simmons

Address: PO Box 47820 Olympia, WA 98504-7820

Phone: 360-236-3346

Fax: N/A
TTY: 711
Email: peter.beaton@doh.wa.gov
Web site: www.doh.wa.gov
Other:

Fax:N/A
TTY: 711
Email: jeremy.simmons@doh.wa.gov
Web site: www.doh.wa.gov
Other:

Additional comments:

Date: 5/13/2024

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:

