



# 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: August 09, 2021

TIME: 3:06 PM

WSR 21-17-040

**Agency:** Department of Health

**Subject of possible rule making:** Chapter 246-275 WAC, Onsite Nonpotable Water Systems. The Department of Health (department) is considering adopting a new rule chapter to implement Engrossed Substitute House Bill (ESHB) 1184 (chapter 156, Laws of 2021) to establish risk-based water quality standards for the onsite treatment of nonpotable alternative water sources for nonpotable end uses and construction standards to achieve the risk-based framework water quality standards.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 90.46.200 and ESHB 1184 (chapter 156, Laws of 2021)

**Reasons why rules on this subject may be needed and what they might accomplish:** Rules will allow for the use of locally issued building permits, rather than waivers, for the onsite treatment of nonpotable alternative water sources for nonpotable end uses, including toilet and urinal supply water, clothes washing, irrigation, and dust suppression. Adopted standards may be necessary to provide uniform water quality and construction standards across the state for multifamily residential, commercial, and mixed-use buildings, and district-scale projects, including a mix of multifamily residential, commercial, and mixed-use buildings. The department will consider applicable national standards as part of this rulemaking.

**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, and the Washington State Department of Labor and Industries.

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

Negotiated rule making

Pilot rule making

Agency study

Other (describe) Collaborative rulemaking through application of National Blue Ribbon Commission for Onsite

Nonpotable Water System model rules and consultation with affected agencies and stakeholders. Rulemaking notices will be delivered via GovDelivery to various general interest and environmental public health lists. To receive notices, interested persons may sign up for any or all lists at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

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

Name: Brian A. Sayrs

Address: Department of Health 16201 E. Indiana Ave Ste  
1500, Spokane Valley, WA 99216

Phone: 509-326-2212

Fax:

TTY: 711

Email: [brian.sayrs@doh.wa.gov](mailto:brian.sayrs@doh.wa.gov)

Web site:

Other:

(If necessary)

Name: Jocelyn Jones

Address: Department of Health PO Box 47820-7820 Olympia,  
WA 98504-7820

Phone: 360-236-3020

Fax:

TTY: 711

Email: [jocelyn.jones@doh.wa.gov](mailto:jocelyn.jones@doh.wa.gov)

Web site:

Other:

Additional comments:

**Date:** August 9, 2021

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

**Title:** Deputy Secretary, Policy & Planning for Secretary of Health

**Signature:**