

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME <u>Mississippi State Department of Health</u>		CONTACT PERSON <u>Mitchell Adcock</u>	TELEPHONE NUMBER <u>601-576-7847</u>	
ADDRESS <u>570 E. Woodrow Wilson</u>		CITY <u>Jackson</u>	STATE <u>MS</u>	ZIP <u>39216</u>
EMAIL <u>Ingrid.Williams@msdh.ms.gov</u>	SUBMIT DATE <u>2/15/18</u>	Name or number of rule(s): <u>Individual On-site Wastewater Disposal System regulations</u> Title: <u>Mississippi State Department of Health</u> Part 15: <u>Division of On-site Wastewater</u> Subpart 77: <u>On-site Wastewater Regulations</u>		

Short explanation of rule/amendment/pepeal and reason(s) for proposing rule/amendment/pepeal: Allow for an additional exemption on a property & clarify system repair timeframe in accordance with the Wastewater Advisory Council (WAC) recommendations.

Specific legal authority authorizing the promulgation of rule: §41-67-3, MS Individual On-site Wastewater Disposal System law

List all rules repealed, amended, or suspended by the proposed rule: Rules 1.6.5 & 1.7.2

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: March 12, 2018 Time: 9:15 -9:30am Place: Osborne Auditorium – 570 E. Woodrow Wilson; Jackson, MS 39216

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/pepeal may be submitted to the filing agency.


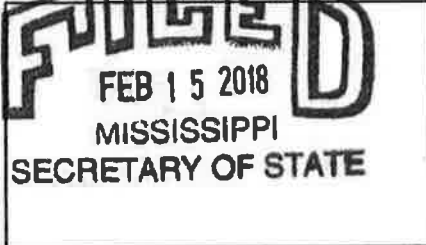
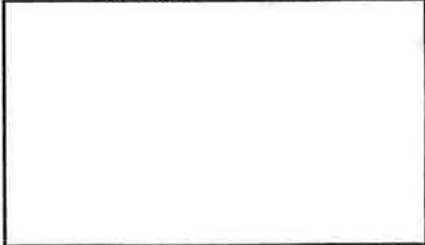

ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Mitchell Adcock, Chief Administrative Officer

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP 	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP 	OFFICIAL FILING STAMP 
Accepted for filing by	Accepted for filing by <u>#23164</u> 	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMANN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

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ADDRESS <u>570 E. Woodrow Wilson</u>	CITY <u>Jackson</u>	STATE <u>MS</u>
EMAIL <u>Ingold.williams@msdh.ms.gov</u>	DESCRIPTIVE TITLE OF PROPOSED RULE <u>Title: Mississippi State Department of Health</u> <u>Part 15: Division of On-site Wastewater</u> <u>Subpart 77: On-site Wastewater Regulations</u>	
Specific Legal Authority Authorizing the promulgation of Rule: <u>41-67-3, MS Individual On-site Wastewater Disposal System law</u>	Reference to Rules repealed, amended or suspended by the Proposed Rule: <u>Rules 1.6.5 & 1.7.2</u>	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

Allowing for an additional exemption will offer homeowners more options without forcing them to split property

Clarifying what constitutes a repair versus a replacement allows Certified Installers to operate with transparency as to what is expected of them by the Department

General Public, Certified Installers

2. Briefly describe the need for the proposed rule:

Requested by industry & legislative partners

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

By allowing for an additional residence on a single tract without Department oversight, wastewater failures may be created or exacerbated

Clarifying what constitutes a repair will inform Certified Installers when Department intervention is required and may eliminate potential wastewater failures

4. Estimated Cost of implementing proposed action:

- a. To the agency
 Nothing Minimal Moderate Substantial Excessive
- b. To other state or local government entities
 Nothing Minimal Moderate Substantial Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

a. Cost:

Nothing Minimal Moderate Substantial Excessive

b. Economic Benefit:

Nothing Minimal Moderate Substantial Excessive

6. Estimated impact on small businesses:

Nothing Minimal Moderate Substantial Excessive

a. Estimate of the number of small businesses subject to the proposed regulation: 500+ (Known)

b. Projected costs for small businesses to comply: \$0

c. Statement of probable effect on impacted small businesses: Depends on Permit/Recommendation, system selected by Applicant, Certified Installers method of construction, and value of components utilized in installation

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

substantially less than moderately less than minimally less than

the same as minimally more than moderately more than

substantially more than excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

substantially less than moderately less than minimally less than

the same as minimally more than moderately more than

substantially more than excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

yes no


2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. On-site wastewater database, Best professional judgment, and Wastewater Advisory Council

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? N/A (Oral proceeding is scheduled for March 12, 2018, 9:15 am, Alton B Cobb Auditorium, Osborne Building, 570 E Woodrow Wilson, Jackson, MS 39215)

SIGNATURE 	TITLE Mitchell Adcock, Chief Administrative Officer
DATE 2/15/18	PROPOSED EFFECTIVE DATE OF RULE 30 days after filing