



FILED

WEST VIRGINIA LEGISLATURE 2002 DEC 17 A 9 58
Legislative Rule-Making Review Committee

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Building 1, Room MB-49
1900 Kanawha Boulevard, East
Charleston, WV 25305-0610
(304) 347-4840
(304) 347-4919 FAX

email: tanders@mail.wvnet.edu

Senator Mike Ross, Cochair
Delegate Virginia Mahan, Cochair
Debra A. Graham, Counsel

December 16, 2002

Joseph A. Altizer, Associate Counsel
Connie A. Bowling, Associate Counsel
Teri Anderson, Administrative Assistant

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Martha Barnitt
Health, Division of
Capitol Complex
Building 3, Room 206

FROM: Legislative Rule-Making Review Committee

Proposed Rule: Sewage Treatment and Collection System Design Standards, 64CSR47

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
 - (a) as originally filed
 - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULE

Agency: Division of Health
Subject: Sewage Treatment and Collection System Design
CSR Cite: 64 CSR 47
Counsel: JAA

PERTINENT DATES

Filed for public comment: June 14, 2002
Public comment period ended: July 15, 2002
Filed following public comment period: July 25, 2002
Filed LRMRC: July 25, 2002
Filed as emergency: n/a

Fiscal Impact: None.

ABSTRACT

Brief Summary

This is a new rule and replaces an existing interpretative rule. The rule establishes standards for sewage treatment and collection systems construction and operation. The interpretative rule is being revised and redesignated as a legislative rule.

Section Summary

Section 1. General

Section 1 provides that this rule establishes standards for sewage treatment or collection system construction and operation, and applies to any person constructing or operating sewage

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2002 DEC - 6 P 12: 54

FILED

treatment or collection, requiring approval by the Bureau for Public Health.

Section 2. Definitions

This section provides definitions of terms used in the rule.

Section 3. Sewage Permit Applications

Each permit applicant must complete an application that comports to the type of system that is being installed. Table A at the end of the rule lists the various types of applications available. The agency may modify any application to provide revised criteria for a permit. The applicant must revise his or her application to reflect these modifications. Specifications on the daily operation of the treatment plant may also be required by the agency.

Section 4. Sewage Collection Systems.

(Pages 4-25)

This section provides various general design standards and performance requirements for sewage systems. Requirements differ based on the volume of waste disposed and the type of sewage system being installed. Design requirements for municipal and multi-family systems are provided. Standards for gradation, piping, manhole locations, pumping stations, vacuum and other collection systems, emergency electrical backup, personnel requirements, electrical systems, alarms, operational and maintenance requirements are provided.

Section 5. Sewage Treatment Works.

(Pages 25-73)

This section provides criteria for sewage treatment plants design, operation and discharge requirements. Requirements are provided for plant location and design, essential facilities, safety requirements, discharge testing procedures, sewage and sludge processing, stabilization ponds and lagoons. Requirements for various discharges, treatment and sludge disposal are also provided.

Section 6. Individual Sewage Systems.

(Pages 73-88)

This section provides design standards for sewage systems that serve as waste treatment and disposal for individual dwelling and commercial establishments. Site evaluation procedures and criteria, septic tank design and installation requirements, soil absorption field standards, discharge limitations are provided. Requirements are also provided for alternative disposal methods such as privies, recirculating toilets and sewage holding tanks. The rule also allows alternative and experiential sewer systems when conditions allow.

Section 7. Septage Treatment and Disposal.

(Pages 88-90)

All public sewage treatment plants that treat more than 100,000 gallons a day are required to accept septage from a septage hauler. Lagoon design and safety requirements and sewage stabilization treatment criteria are provided.

Section 8. Animal Waste Handling Facilities.

(Page 90)

U.S. Department of Agriculture Soil Conservation Service guidelines are to be followed.

Section 9. Grease Traps.

This section provides location, design, and usage requirements for grease traps.

Tables begin on Page 92 of the rule

Tables include:

- (A) Listing of application packages
- (B) Minimum Design Loading for Sewage Treatment Facilities
- (C) Minimum Slopes for Sanitary Sewers
- (D) Spare Pumps for Pressure Sewer Systems
- (E) Buffer Zone Requirements for Sewage Treatment Works
- (F) Wastewater Treatment Plant Line Color Code
- (G) Permissible Aeration Tank Capacities and Loadings
- (H) Wastewater Treatment Plant Minimum Air Requirements
- (I) Return Sludge Rate

- (J) Media Sizing/Grouping
- (K) Minimum Horizontal Separation Distances Between Soil Absorption Systems and Natural and Manmade Features
- (L) Standard Septic Tank Soil Absorption System Sizing For Single-Family Dwellings
- (M) Single Absorption System Sizing for Establishment other than Single-Family Dwelling

AUTHORITY

Statutory authority: W.Va. Code, §16-1-4.

The secretary may propose rules, in accordance with the provisions of article three, chapter twenty-nine-a of the code, that are necessary and proper to effectuate the purposes of this chapter.....

The rules may include, but are not limited to, the regulation of:

(c) Occupational and industrial health hazards, the sanitary conditions of streams, sources of water supply, sewerage facilities and plumbing systems and the qualifications of personnel connected with any of those facilities, without regard to whether the supplies or systems are publicly or privately owned; and the design of all water systems, plumbing systems, sewerage systems, sewage treatment plants, excreta disposal methods and swimming pools in this state, whether publicly or privately owned....

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications.