

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems

Rule Identifier: 250-RICR-150-10-6

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 10/04/2021

End of Public Comment: 11/03/2021

Authority for this Rulemaking:

R.I. Gen. Laws Chapter 42-17.1 Environmental Management; Chapter 5-56 Installers of Individual Sewage Disposal Systems; Chapter 5-56.1 Designers of Individual Sewage Disposal Systems; Chapter 23-19.5 Percolation Tests and Water Table Elevations; Chapter 23-24.3 Substances or Compounds Used as Sewerage System Cleaners; Chapter 46-13.2 Drilling of Drinking Water Wells, and Chapter 23-19.15 Rhode Island Cesspool Act of 2007

Summary of Rulemaking Action:

The purpose of these amendments is to incorporate revisions made to R.I. Gen. Laws § 5-56.1-4 (Designers of Individual Sewage Disposal Systems- Conditions for obtaining a designer's license) by the R.I. General Assembly in the 2019 session. The change in statute states that professional engineers, registered and authorized to practice engineering in Rhode Island, meet the minimum qualifications, experience, and education requirements for an OWTS designer's license. This has the effect of exempting professional engineers from the testing and continuing education requirements to obtain and maintain a Class III Designer's License.

Section 6.8- Definitions:

-Add definition of "Professional engineer."

Section 6.11- Obtaining a Class I, II, III or IV License

-Section reorganized to place Class III license information into separate subsection. Subsection (A) includes existing requirements for Class I, II, and IV (Soil Evaluator) licenses. Language pertaining to Class III minimum qualifications and exam descriptions have been deleted from Subsection (A). Also, references to Professional Engineer credential as a minimum qualification for Class I and II licenses has been deleted. Subsection (B) includes requirements for obtaining a

Class III license consistent with revisions made to R.I. Gen. Laws § 5-56.1-4 (Designers of Individual Sewage Disposal Systems- Conditions for obtaining a designer's license).

-Existing requirement that licenses be issued only to natural persons moved to Subsection (C) to make clear that these requirements apply to all license classes.

Sections 6.12 (Expiration and Renewal of a Class I, II, or IV License):

- Section 6.12(B)(3) edited to incorporate revisions made to R.I. Gen. Laws § 5-56.1-4 (Designers of Individual Sewage Disposal Systems- Conditions for obtaining a designer's license) stating Professional Engineers are exempt from continuing education requirements for license renewal.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until November 3, 2021 by contacting the appropriate party at the address listed below:

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Office of Water Resources
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In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For full regulatory analysis or supporting documentation see agency contact person above.