



## ***Rhode Island Department of Health***

### **NOTICE OF PUBLIC HEARING**

The Director of the Rhode Island Department of Health has under consideration proposed *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health [R23-1-17-Fee]*. These Regulations are proposed pursuant to general authority set forth in §23-1-3(b), §23-1-17 and §23-1-54 of the Rhode Island General Laws, as amended, and the authority to establish the specific licensing, laboratory or administrative fee contained in the individual statute(s) cited in these Regulations. The purpose of the proposed regulations is to adopt a consolidated fee schedule for licensing, laboratory and administrative services provided by the Department.

Concurrently with the adoption of these rules and regulations, the Director of the Rhode Island Department of Health is also proposing to repeal *Rules and Regulations Pertaining to the Fee Structure for Clinical Laboratory Services Provided by the Department of Health Laboratory* and *Rules and Regulations Pertaining to the Fee Structure for Testing Private Well Drinking Water and Other Media for Substances of Public Health Concern* because the fees contained in these rules and regulations have been incorporated into the consolidated fee schedule.

Notice is hereby given in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws, as amended, that the Director will hold a public hearing on the above mentioned matter, in the **AUDITORIUM** of the Rhode Island Department of Health (on the lower level of the Cannon Building), Three Capitol Hill, Providence, Rhode Island on **FRIDAY, 7 SEPTEMBER 2012 AT 10:00 A.M.** at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

For the sake of accuracy, it is requested that statements to be made relative to any aspect of the regulations, including alternative approaches or overlap, be submitted in writing at the time of the hearing or mailed prior to the hearing date to: Michael Fine, M.D., Director, Rhode Island Department of Health, #401 Cannon Building, 3 Capitol Hill, Providence, Rhode Island 02908-5097.

Copies of the regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island, on the Secretary of State's website: <http://www.sos.ri.gov/rules/>, by calling 401-222-7767 or by e-mail to [Bill.Dundulis@health.ri.gov](mailto:Bill.Dundulis@health.ri.gov)

## Rhode Island Department of Health – Notice of Public Hearing

*The Department of Health is accessible to the handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-7767 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.*

Signed this 3<sup>rd</sup> day of August 2012

*Original signed by Michael Fine, MD*

Michael Fine, M.D., Director of Health

**RULES AND REGULATIONS  
PERTAINING TO THE FEE STRUCTURE FOR TESTING  
PRIVATE WELL DRINKING WATER AND OTHER MEDIA FOR  
SUBSTANCES OF PUBLIC HEALTH CONCERN**

(R23-1-5.1-PW)



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH**

January 1988

***As Amended:***

October 1992

November 1993

January 1994 (E)

July 1994

October 1994

January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

January 2012 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

**August 2012 (Proposed Repeal)**

**COMPILER'S NOTES:**

**Proposed Deletions: ~~Strikeouts~~**

**REGULATIONS ARE PROPOSED TO BE REPEALED IN  
THEIR ENTIRETY.**

## ***INTRODUCTION***

~~These Rules and Regulations Pertaining to the Fee Structure For Testing Private Well Drinking Water (R23-1-5.1 PW) are promulgated pursuant to the authority set forth in section 23-1-5.1 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting the fee structure for the testing of private well water supplies used as sources of drinking water in this state.~~

~~Pursuant to the provisions of Chapter 42-35-3(c) of the General Laws, consideration was given to: (1) alternative approach to the regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact on small business as defined under Chapter 42-35 which may result from the regulations. No alternative approach, duplication or overlap was identified, nor any significant economic impact based on information available. Consequently, the regulations are adopted in the best interest of the public health, safety and welfare.~~

~~These Rules and Regulations shall supersede all previous rules and regulations pertaining to the fee structure for testing private well drinking water, promulgated by the Department of Health and filed with the Secretary of State.~~

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~~Section 1.0- **Definitions**~~

~~Wherever used in these rules and regulations the following terms shall be construed as follows:~~

- ~~1.1 "**Act**" refers to Chapter 23-1-5.1 of the General Laws of Rhode Island, as amended entitled "Department of Health."~~
- ~~1.2 "**Director**" refers to the Director of the Rhode Island Department of Health.~~
- ~~1.3 "**Division of Laboratories**" refers to the Division of Laboratories of the Rhode Island Department of Health.~~
- ~~1.4 "**Private Well Water Supplies**" means a source of well water used for human consumption and which is not a "Public Water System."~~
- ~~1.5 "**Public Water System**" means a system for the provision to the public of piped water for human consumption, provided such system has at least fifteen (15) service connections or regularly serves an average of at least twenty five (25) individuals daily at least sixty (60) days out of the year, pursuant to the Rules and Regulations Pertaining to Public Drinking Water (R46-13-DWS), Rhode Island Department of Health.~~
- ~~1.6 "**Well Water**" means water that is taken from below the ground through piping or similar installed device utilizing external force or vacuum.~~

~~Section 2.0- **General Requirements**~~

- ~~2.1 Pursuant to section 23-1-5.1 of the Act, the Director is authorized to provide, upon request, testing (chemical, radiological and microbiological) testing for private well water supplies used as sources of drinking water.~~
  - ~~2.1.1 Testing of private well water supplies shall be subject to the fee schedule established in accordance with the provisions of section 4.0 herein. -);~~

~~Section 3.0- **Laboratory Testing Services**~~

- ~~3.1 Nothing in these rules and regulations requires the use of the Division of Laboratories for testing of private well water supplies where other licensed laboratories are available.~~
- ~~3.2 Persons who wish to test private well water supplies can obtain a sampling kit(s) from the Division of Laboratories at the Department of Health.~~
  - ~~3.2.1 Kits shall contain a price list, an order form for sample water testing. Upon selection of the test(s), the collection of water sample and the completion of the necessary forms, the kit is to be submitted to the Division of Laboratories, Rhode Island~~

Department of Health.

**Section 4.0- *Criteria For The Determination Of Fees***

- 4.1 ~~The fee for each chemical, radiological and microbiological tests requested by an individual and conducted by the Division of Laboratories shall be reasonable and shall be determined on the basis of current costs for conducting the requested tests. Such costs shall include administrative, personnel, equipment and such other related costs which may be incurred in the testing of private well water supplies.~~
- 4.2 ~~The fee shall be assessed no less than annually and adjusted as needed based on the criteria herein, and the need to meet current costs for the operation of the private well water supplies testing program.~~
- 4.3 ~~Fees for tests are as set forth in Appendix A.~~

**Section 5.0- *Payment of Fees***

- 5.1 ~~Water testing will be prepaid. The testing(s) fees shall be submitted at the time the sample is forwarded to the Division of Laboratories. Payment by check or money order shall be made payable to the General Treasurer, State of Rhode Island.~~

**Section 6.0- *Severability***

- 6.1 ~~If any provision of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applicability to the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.~~

~~APPENDIX A~~  
**FEEs FOR PRIVATE WELL TESTING**

<del>TEST</del>	<del>FEE</del>
TO3 VOCS.....	115.00
TO5 B/N EXT.....	300.00
TO7 ACID EXT.....	200.00
TO8 PAHs.....	200.00
TO11 USER FEE VOCs.....	115.00
TO12 WQ VOC.....	215.00
TO17 WQ VOC + PET.....	215.00
TO19 TOTAL EXT. W/O PESTICIDES + PCBs.....	375.00
TO23 METHOD 8260 LEGAL.....	225.00
TO24 METHOD 8260 NON LEGAL.....	200.00
RA3 RADON IN WATER.....	29.00
RA10 RADON IN AIR.....	15.00
PEST/PCB.....	186.00
WATER HERBICIDES.....	226.00
WATER TEMIK.....	81.00
COLIFORM MF PWO.....	22.00
FECAL COLIFORM ALL SM.....	10.00
PRESENT/ABSENT.....	20.00
% MOISTURE.....	16.00
% SOLIDS.....	16.00
% VOLATILE SOLIDS.....	16.00
ALKALINITY.....	11.00
ALUMINUM.....	16.00
AMMONIA.....	17.00
ANTIMONY.....	24.00
ARSENIC.....	24.00
BARIUM.....	16.00
BERYLLIUM.....	24.00
BOD.....	32.00
CADIUM.....	24.00
CALCIUM.....	16.00
CHLORIDE.....	11.00
CHROMIUM.....	24.00
COLOR.....	5.00
COPPER.....	16.00
CYANIDE.....	41.00
FLUORIDE.....	15.00
FOAM SCREEN.....	4.00
HARDNESS.....	16.00
HEXAVALENT CHROMIUM.....	16.00
IRON.....	16.00
LEAD PRIVATE.....	24.00
LEAD IN SOIL.....	21.00



APPENDIX A  
FEES FOR PRIVATE WELL TESTING (continued)

TEST	FEE
LEAD IN DUST.....	21.00
LEAD IN DUST (wipes).....	21.00
LEAD PAINT CHIPS.....	21.00
MAGNESIUM.....	16.00
MANGANESE.....	16.00
MBAS.....	38.00
MERCURY.....	32.00
NICKEL.....	16.00
NITRATE.....	16.00
NITRITE.....	16.00
ODOR.....	4.00
OIL & GREASE.....	32.00
PHOSPHATE, ORTHO.....	22.00
PHOSPHORUS, TOTAL.....	24.00
POTASSIUM.....	16.00
RESIDUAL CHLORINE.....	17.00
SEDIMENT.....	4.00
SELENIUM.....	24.00
SILVER.....	24.00
SODIUM.....	16.00
SOLIDS, LOI.....	16.00
SOLIDS, SETTLEABLE.....	10.00
SOLIDS, SUSPENDED.....	16.00
SOLIDS, TOTAL.....	16.00
SPEC CONDUCTANCE.....	11.00
SULFATE.....	16.00
SULFIDE.....	16.00
THALLIUM.....	24.00
TOTAL PHENOLS.....	32.00
TURBIDITY.....	5.00
TURBIDITY SCREEN.....	4.00
ZINC.....	16.00
pH.....	5.00