

**MEMORANDUM**

**TO:** Mississippi State Board of Health

**THROUGH:** Leslie Royals, Director

 Environmental Health

**FROM:** Duncan Welch, Director

 On-site Wastewater

**DATE:** February 13, 2018

**SUBJECT:** Regulation Changes for On-site Wastewater

The Department wishes to propose the following changes to On-site Wastewater regulations:

* Added language to clarify that individual on-site wastewater disposal systems that have both treatment and disposal replaced within 45 days of one another must be considered a replacement, not a repair. A replacement is subject to all current design requirements of the Department and must be approved as new system.
* Added language to allow for an additional exemption for a single tract of land 5 acres or larger and clarified that commercial facilities (as defined by Rule 3.1.11.1. of the On-site Wastewater regulations) are not eligible for exemption

Mississippi Code Annotated § 41-67-3 provides authority for the State Board of Health, with input by members of the Wastewater Advisory Board, to adopt, modify, repeal and promulgate rules and regulations as may be necessary to carry into effect the provisions of the Wastewater Disposal System Law.

The Wastewater Advisory Board met on August 16, 2017 and December 13, 2017, and approved proposed changes to the Mississippi On-site Wastewater Disposal System, Rules and Regulations. Attached you will find a summary of modifications table that will indicate the rule number being changed, justification and a copy of the rules referenced. These proposed amendments have been filed for public comment in accordance with the Administrative Procedures Act. An oral proceeding on these amendments is scheduled for March 12, 2018 at 9:15 a.m. in the Osborne Auditorium.

Please note that the staff recommendation below may be adjusted if relevant changes are introduced during the public comment period.

**Staff concurs with the proposed amendments and requests that the State Board of Health approve this amendment.**

Thank you for considering these amendments.