

Design Standards
Revisions and Rulemaking
Safe Drinking Water Commission
December 4, 2012
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Public Drinking Water Branch

A little background

- Revisions to the Design Guide were completed in 2003 and implementation began
- After a trial period of implementation PDWB and regional office staff reviewed the Design Guide and proposed revisions
- Stakeholders were involved in the revision process

Commenters

- Engineering consulting firms
- Rural water districts
- Municipal water systems
- Missouri Rural Water Association
- Water tank contractors
- Private water companies
- Missouri Water Well Association
- Plastics Pipe Institute
- Association of RV Parks & Campgrounds

WHY IS RULEMAKING NEEDED?

- Provides minimum design standards for public health protection
- Provides a “level playing field” so that all parties use the same standards
- Critical for enforcing design standards
- And it’s the law



Section 640.016

- Permit conditions must be prescribed or authorized by rule or statute
 - 640.016. 1. The department of natural resources shall not place in any permit any requirement, provision, stipulation, or any other restriction which is not prescribed or authorized by regulation or statute, unless the requirement, provision, stipulation, or other restriction is pursuant to the authority addressed in statute.

Section 640.115

- PWS construction, etc., must be in accordance with SDWC rules
 - 640.115.2. Construction, extension or alteration of a public water system shall be in accordance with the rules and regulations of the safe drinking water commission.



Section 536.021

- Policy can not be enforced without being promulgated as a rule
 - 536.021.9. If it is found in a contested case ... that a state agency's action was based upon a statement of general applicability which should have been adopted as a rule ... the administrative or judicial fact finder shall award the prevailing nonstate agency party its reasonable attorney's fees....

Rulemaking Schedule

All dates are tentative

- | | |
|-------------------|--|
| Jan 2-Mar 4, 2013 | Regulatory Impact Report comment period (min. 60 days) |
| Mid-March, 2013 | SDWC approval to publish proposed rulemaking |
| May 1, 2013 | File proposed rulemaking for publication in <i>Missouri Register</i> |
| June 1, 2013 | Proposed rulemaking is published |
| Mid-July, 2013 | SDWC holds public hearing |

July 31, 2013 Close comment period*

**Maximum of 60 days to provide orders of rulemaking to Joint Committee on Administrative Rules*

August 2013 Orders of rulemaking to SDWC

Early Sept. 2013 SDWC meets to make final decision

Dec. 2, 2013 Orders of Rulemaking are published
in *Missouri Register*

Dec. 30, 2013 Final rules are published in the *Code
of State Regulations*

Jan. 30 2014 Rules are effective

Future Revisions

- Updates to the Design Standards
- PDWB will keep abreast of revisions to 10-State Standards, AWWA standards, etc.
- When it becomes apparent that the Design Standards rule is becoming dated we will go through a review/update process similar to the process used for these revisions, followed by rulemaking

The Variance Process