

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Public Health**  
**Division of Public Health Protection and Safety**  
**(As Amended at ARRS, March 8, 2021)**

**902 KAR 10:131. Repeal of 902 KAR 10:060 and 902 KAR 10:130.**

RELATES TO: KRS 13A.310

STATUTORY AUTHORITY: KRS 211.350(5), 211.972

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.350(5) requires that no person, firm, or corporation construct, install, alter, or cause to be constructed, installed, or altered, any on-site sewage disposal system subject to regulation by the cabinet without first obtaining an on-site sewage disposal permit from the local health department. KRS 211.972 requires all persons proposing to engage in the business of servicing or maintaining sewage pretreatment units, grease traps, or holding tanks, or the transporting of sewage sludge from those facilities within the Commonwealth be licensed and bonded. This administrative regulation repeals 902 KAR 10:060 and 902 KAR 10:130 as the fees for on-site sewage disposal permits and septic tank servicing have been added to **902 KAR 10:110 and 902 KAR 10:170**~~the administrative regulations~~ that cover those activities.

Section 1. The following administrative regulations are hereby repealed:

- (1) 902 KAR 10:060, On-site sewage disposal application fee; and
- (2) 902 KAR 10:130, Licensing fee for septic tank servicing.

STEVEN J. STACK, MD, MBA, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: October 23, 2020

FILED WITH LRC: November 2, 2020 at 8:32 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on January 25, 2021, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by January 15, 2021, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until January 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Donna Little, Deputy Executive Director, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

**REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

Contact persons: Donna Little or Julie Brooks

Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 902 KAR 10:060 and 902 KAR 10:130.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal 902 KAR 10:060 as the on-site sewage disposal application fee has been included in the amendment to 902 KAR 10:110; and the repeal of 902 KAR 10:130 is necessary as licensing fees for septic tank servicing have been included in the amendment to 902 KAR 10:170.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms with KRS 13A.310 by repealing regulations and including the provisions for the application to construct, install, or alter an on-site sewage disposal system in 902 KAR 10:110 and including the licensing of a septic tank servicing business in 902 KAR 10:170.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is in accordance with KRS 13A.310(3).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The repeal of 902 KAR 10:060 will impact the local health departments that collect fees for issuing on-site sewage disposal system permits and the Environmental Management Branch of the Department for Public Health that conduct cluster system plan reviews. The repeal of 902 KAR 10:130 impacts 260 licensed septic tank servicing businesses.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: No action is required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): There are no costs associated with the compliance of this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will result in the repeal of obsolete administrative regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no costs to the administrative body associated with this administrative regulation.

(b) On a continuing basis: There are no costs to the administrative body associated with this

administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There are no costs to the administrative body associated with this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: No increase in fees or funding is associated with this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. No fees are associated with this administrative regulation.

(9) TIERING: Is tiering applied? No. Tiering is not applicable as this administrative regulation repeals 902 KAR 10:060 and 902 KAR 10:130.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The repeal of 902 KAR 10:060 and 902 KAR 10:130 impacts the Environmental Management Branch within the Department for Public Health.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 211.350 and 211.972.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation does not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation does not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs to the administrative body associated with this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs to the administrative body associated with this administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: