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Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game

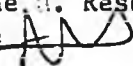


Andre Marrou
Representative

District 5

Kenai	Sterling
Soldotna	Anchor Point
Homer	Port Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Ninilchik	Clam Gulch

April 4, 1986

To: Chairpersons and Members of the Natural Resources Committee
From: Andre Marrou, Representative 

Subject: HB 417, Annual DEC Subdivision Platting Regulations

The Department of Environmental Conservation conducted hearings on these new regulations in the fall of 1984. According to DEC's own "Responsiveness Summary" dated November 1984, only 5 people out of 23 who responded, favored these new regulations. Quoting this summary: "Many commentators complained of the expense, redundancy, and inefficient uses of the subdivision plan review process." also, "Many commentators thought that the deletion of the isolated subdivision exemption from the subdivision plan review process would put an additional cost and strain on the workload of the Department."

In several instances in the report, "many commentators" who were opposed to the new regulations were lumped together, whereas any one favoring the new regulations were quoted in detail with a separate paragraph outlining his/her concerns.

THE REGULATIONS WERE APPROVED REGARDLESS OF THE OVERWHELMING TESTIMONY AGAINST THEM.

The Department went on to say that people were buying lots that were incapable of on-site sewage disposal. But, the Department did not say how many times this happened. Nor did they consider alternatives to solving the problem other than more regulations.

DEC pompously concluded that "Until local government does assume these health-related responsibilities, this service must be provided...". It strikes me odd that "...this service must be provided..." when the overwhelming majority of us have been getting along just fine without it. A few people who are not cognizant of all considerations when buying real estate should not bind us all to the tyranny of DEC's approval.

Private market alternatives are available, but we must let people know that they are responsible for their actions-- not the government. If we continue to request these services from the State, the State will in turn, continuously usurp our own individual freedoms in a futile attempt to provide some unattainable, mystical security.

These services are, in effect, a State subsidy to home-buyers and financiers that can be provided by the private sector.

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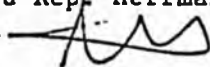


Andre Marrou
Representative

District 5

Kenai	Sterling
Sewardna	Anchorage Point
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February 20, 1986

To: Rep. Schultz & Rep. Herrmann; Co-Chairs House Resources Committee
From: Rep. Marrou 

Subject: HB 417; Annul DEC's Subdivision Regulations, 18 AAC 72.065

Please read the attached regulations that I propose be annulled. As you can see, they are anything but simple and easily complied with.

Prior to March of last year, isolated subdivisions (of 5 lots or less in remote areas) were exempt from these regulations. Imposing these regulations upon rural Alaskans strongly discourages free enterprise and competitive land trading plus, they cost the State a lot of money.

These regulations usurp the platting and zoning authority of municipalities. They are currently being challenged in court.

Commissioner Ross apparently feels that these regulations are necessary to protect the environment. It is my opinion that the Commissioner does not fully understand how free market forces work to do what regulations cannot do. I would be delighted to testify on how free market forces protect the environment in the real estate business, if given the opportunity.

Would you please schedule a hearing for this bill?

Attachments:

°18 ACC 72.065

°HB 417

°The repealed definition of an isolated subdivision.

18 AAC 72.065. SUBDIVISION PLAN REVIEW. (a) A person proposing a subdivision shall submit the following information to the department within five days after the submission of a proposed subdivision plat to a

ENVIRONMENTAL CONSERVATION

18 AAC 72.06

18 AAC 72.06

[THESE REGS. ADOPTED MARCH 1975.]

platting authority or, where no plat is filed, 60 days before subdividing:

(1) a drawing and written description showing proposed sewers, domestic wastewater treatment works and disposal systems, and potential or existing drinking water sources for each typical set of on-site conditions existing within the subdivision; the department will, in its discretion, waive the requirements of this paragraph when it finds the information is not needed for plan review;

(2) a plot plan showing spacial relationships between wastewater disposal and drinking water systems on nearby lots; the department will, in its discretion, waive the requirements of this paragraph when it finds the information is not needed for plan review;

(3) soil information sufficient to determine suitability for a domestic wastewater disposal system, if a soil absorption system is proposed, including soil tests, borings, test holes, or percolation tests required by 18 AAC 72.026, approved and signed by a registered engineer;

(4) a map of the proposed subdivision showing

(A) lot and street layout with lot dimensions and areas;

(B) contours which show topography, drainage, muskeg, and marshy or wet areas;

(C) existing or proposed improvements;

(D) waters located within and 200 feet around the proposed subdivision;

(E) waters suitable for drinking water sources; and

(F) nearest road or highway accesses;

(5) a statement and timetable concerning the possible development of future community drinking water or sewer systems to the extent known;

(6) a statement identifying persons who will own, operate, and maintain water supply systems, sewers, treatment works, and disposal systems in the proposed subdivision;

(7) types and amounts of sewage, graywater or other wastes that would be generated on typical lot in the subdivision;

(8) information, including a timetable, for domestic wastewater disposal systems which require electrical service or road access, including electrical service needed for domestic wastewater treatment and pumping equipment, transportation access for material and equipment needed to construct the proposed domestic wastewater treatment works, disposal system, holding tank, and septic tank pumpin service; and

(9) location of storm sewers, drainage ditches, their ultimate discharges, and treatment, if required to protect receiving water

(b) The department will issue a decision to the applicant within 30 days after receipt of complete subdivision plans.

(c) The department will, in its discretion attach terms and conditions to subdivision plans needed to ensure compliance with this chapter

(d) The subdivider shall include the terms and conditions of the department's subdivision plan approval for domestic wastewater treatment and disposal systems on the subdivision's plat and instruments.

(e) The department will place its approval on the plans on the subdivision's final plat before recording. Department approval must appear on the plat of record and recorded instruments.

(f) A person creating a subdivision may sell contract to sell, lease, or otherwise convey an interest in any lot within that subdivision only with plan approval for that subdivision under this section. (Eff. 2/3/77, Reg. 61; am 3/4/78, Reg. 65; am 12/30/82, Reg. 84; am 3/30/85, Reg. 93)

Authority: AS 46.03.02C

AS 46.03.05C

AS 46.03.09D

FARMER REGS.
[REPLACED MARCH 1985.]

The changes are shown below. Additions are underlined and deletions are bracketed and capitalized.

18 AAC 72.065. SUBDIVISION PLAN REVIEW. (a) A person proposing a subdivision [EXCEPT AN ISOLATED SUBDIVISION,] shall submit the following information to the department within five days after the submission of a proposed subdivision plat to a platting authority or, where no plat is filed, 60 days before subdividing:

(f) A person creating a subdivision after February 3, 1977, [EXCEPT AN ISOLATED SUBDIVISION,] may sell, contract to sell, lease, or otherwise convey an interest in any lot within that subdivision only with plan approval for that subdivision under this section. (Eff. 2/3/77, Reg. 61; am 3/4/78, Reg. 65; am 12/30/82, Register 84; am / /85, Register)

18 AAC 72.990(27) ["ISOLATED SUBDIVISION" MEANS THE SUBDIVISION OF A PARCEL OF LAND INTO FIVE OR FEWER LOTS WHICH IS NOT PART OF A SUBDIVISION PLAN OR SCHEME INVOLVING MORE THAN FIVE LOTS; A SUBDIVISION IS NOT AN ISOLATED SUBDIVISION IF THE SUBDIVIDER, OR PERSONS ACTING IN CONCERT WITH THE SUBDIVIDER, HAVE, WITHIN THE PRECEDING FIVE YEARS, SUBDIVIDED LAND SO THAT THE TOTAL NUMBER OF LOTS CREATED BY THE SUBDIVISION AND WITHIN TWO MILES OF THE SUBDIVISION EXCEEDS FIVE.] (Repealed).

SEARCH - QUERY
00002 '46.03.020'

AJ46.03.020 DOCUMENT= 1 OF 2
CITATION SEC. 46.03.020.
CATCH LINE

POWERS OF THE DEPARTMENT.
TEXT THE DEPARTMENT MAY

(1) ENTER INTO CONTRACTS NECESSARY OR CONVENIENT TO CARRY OUT THE FUNCTIONS, POWERS AND DUTIES OF THE DEPARTMENT;

(2) REVIEW AND APPRAISE PROGRAMS AND ACTIVITIES OF STATE DEPARTMENTS AND AGENCIES IN LIGHT OF THE POLICY SET OUT IN AS 46.03.010 FOR THE PURPOSE OF DETERMINING THE EXTENT TO WHICH THE PROGRAMS AND ACTIVITIES ARE CONTRIBUTING TO THE ACHIEVEMENT OF THAT POLICY AND TO MAKE RECOMMENDATIONS TO THE DEPARTMENTS AND AGENCIES, INCLUDING BUT NOT LIMITED TO, ENVIRONMENTAL GUIDELINES;

(3) CONSULT WITH AND COOPERATE WITH

(A) OFFICIALS AND REPRESENTATIVES OF ANY NONPROFIT CORPORATION OR ORGANIZATION IN THE STATE;

(B) PERSONS, ORGANIZATIONS AND GROUPS, PUBLIC AND PRIVATE, USING, SERVED BY, INTERESTED IN OR CONCERNED WITH THE ENVIRONMENT OF THE STATE;

(4) APPEAR AND PARTICIPATE IN PROCEEDINGS BEFORE ANY STATE OR FEDERAL REGULATORY AGENCY INVOLVING OR AFFECTING THE PURPOSES OF THE DEPARTMENT;

(5) UNDERTAKE STUDIES, INQUIRIES, SURVEYS OR ANALYSES IT MAY CONSIDER ESSENTIAL TO THE ACCOMPLISHMENT OF THE PURPOSES OF THE DEPARTMENT; THESE ACTIVITIES MAY BE CARRIED OUT BY THE PERSONNEL OF THE DEPARTMENT OR IN COOPERATION WITH PUBLIC OR PRIVATE AGENCIES, INCLUDING EDUCATIONAL, CIVIC AND RESEARCH ORGANIZATIONS, COLLEGES, UNIVERSITIES, INSTITUTES AND FOUNDATIONS;

(6) AT REASONABLE TIMES ENTER AND INSPECT WITH THE CONSENT OF THE OWNER OR OCCUPIER ANY PROPERTY OR PREMISES TO INVESTIGATE EITHER ACTUAL OR SUSPECTED SOURCES OF POLLUTION OR CONTAMINATION OR TO ASCERTAIN COMPLIANCE OR NONCOMPLIANCE WITH A REGULATION WHICH MAY BE PROMULGATED UNDER AS 46.03.020 - 46.03.040; INFORMATION RELATING TO SECRET PROCESSES OR METHODS OF MANUFACTURE DISCOVERED DURING INVESTIGATION IS CONFIDENTIAL;

(7) CONDUCT INVESTIGATIONS AND HOLD HEARINGS AND COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ACCOUNTS, BOOKS AND DOCUMENTS BY THE ISSUANCE OF A SUBPOENA;

(8) ADVISE AND COOPERATE WITH MUNICIPAL, REGIONAL AND OTHER LOCAL AGENCIES AND OFFICIALS IN THE STATE, TO CARRY OUT THE PURPOSES OF THIS CHAPTER;

(9) ACT AS THE OFFICIAL AGENCY OF THE STATE IN ALL MATTERS AFFECTING THE PURPOSES OF THE DEPARTMENT UNDER FEDERAL LAWS NOW OR HEREAFTER ENACTED;

(10) ADOPT REGULATIONS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS CHAPTER, INCLUDING, BY WAY OF EXAMPLE AND NOT LIMITATION, REGULATIONS PROVIDING FOR

(A) CONTROL, PREVENTION AND ABATEMENT OF AIR, WATER, OR LAND OR SUBSURFACE LAND POLLUTION;

(B) SAFEGUARD STANDARDS FOR PETROLEUM AND NATURAL

GAS PIPELINE CONSTRUCTION, OPERATION, MODIFICATION OR ALTERATION;

(C) PROTECTION OF PUBLIC WATER SUPPLIES BY ESTABLISHING MINIMUM DRINKING WATER STANDARDS, AND STANDARDS FOR THE CONSTRUCTION, IMPROVEMENT, AND MAINTENANCE OF PUBLIC WATER SUPPLY SYSTEMS;

(D) COLLECTION AND DISPOSAL OF SEWAGE AND INDUSTRIAL WASTE;

(E) COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, AND OTHER DISCARDED SOLID MATERIALS FROM INDUSTRIAL, COMMERCIAL, AGRICULTURAL AND COMMUNITY ACTIVITIES OR OPERATIONS;

(F) REPEALED BY SEC. 12 CH 172 SLA 1976.

(G) CONTROL OF PESTICIDES;

(H) SUCH OTHER PURPOSES AS MAY BE REQUIRED FOR THE IMPLEMENTATION OF THE POLICY DECLARED IN AS 46.03.010;

(I) HANDLING, TRANSPORTATION, TREATMENT, STORAGE, AND DISPOSAL OF HAZARDOUS WASTES;

(ii) AFTER CONSULTATION WITH OTHER STATE AGENCIES AND LOCAL GOVERNMENT OFFICIALS, IDENTIFY AND PROPOSE FOR ADDITIONAL OR DELETION, BY REGULATION, OTHER LICENSES, PERMITS OR AUTHORIZATIONS FOR WHICH THE PROVISIONS OF AS 46.35 ARE APPLICABLE, AND REPORT ANNUALLY TO THE LEGISLATURE THE PERMITS WHICH HAVE BEEN INCLUDED OR DELETED.

DOCUMENTS 1 TO 1 PAGE = 1 OF 1
AS46.03.090 DOCUMENT= 1 OF 1
CITATION SEC. 46.03.090.
CATCH LINE

PLANS FOR POLLUTION DISPOSAL.

TEXT THE DEPARTMENT MAY REQUIRE THE SUBMISSION OF PLANS FOR SEWAGE AND INDUSTRIAL WASTE DISPOSAL OR TREATMENT OR BOTH FOR A PUBLICLY OR PRIVATELY OWNED OR OPERATED INDUSTRIAL ESTABLISHMENT, COMMUNITY, PUBLIC OR PRIVATE PROPERTY SUBDIVISION OR DEVELOPMENT.

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

DOCUMENTS 1 TO 1 PAGE = 1 OF 1
AS46.03.050 DOCUMENT= 1 OF 1
CITATION SEC. 46.03.050.
CATCH LINE

AUTHORITY.

TEXT THE DEPARTMENT HAS JURISDICTION TO PREVENT AND ABATE THE POLLUTION OF THE WATERS OF THE STATE.

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

COMMITTEE REPORT

HOUSE

4/4

Rule

(9)

FURTHER:

5/1/85

Date: April 4, 1986

The Committee on RESOURCES has had HB 417

"An Act annulling a regulation requiring a person proposing a subdivision to submit certain information to the Department of Environmental Conservation."

under consideration and recommends:

- [XX] do pass [] do not pass
- [] do pass with attached amendments(s)
- [] replace with CS for _____ [] same title [] new title
- and recommends _____
- [] AND attaches a "Letter of Intent" [] New Fiscal Note [✓] Zero Fiscal Note Attached
- [] reports it back without recommendation *W/ Analysis Sup 108*
- [] referred to the _____ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

Herrmann *[Signature]*

Miller(NP) *M.W. Miller*

Thompson *David W. Thompson*

Jenkins *[Signature]*

Cato *Bette Cato*

[Signature]

Pearce

[Signature]
CO-CHAIRMAN Herrmann

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 417
 Title : Annulling regulation requiring person to submit subdivision information to ADEC
 Sponsor : Marrou
 Requestor : ---
 Date of Request : ---

FISCAL DETAIL

Agency Affected : ADEC
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS : None

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This zero fiscal note should be entered into the record with the attached analysis which addresses the impossibility to accurately assess the cost of repairing the damage caused by failed systems statewide in years to come

Prepared by : Dan Easton Phone : 465-2600
 Division : Environmental Quality Date : 4/3/86

Approved by Commissioner : Bill Ross *Amy D. Kyle / for* Date : 4/3/86
 Agency : Environmental Conservation

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 417

It is impossible to accurately assess the fiscal impact of passage of this bill. While the four positions currently devoted to reviewing subdivision plans would no longer be required to do that, they would undoubtedly be needed to respond to the increased complaints resulting from failed wastewater disposal systems.

While the net fiscal impact will probably be to increase departmental costs related to residential wastewater treatment and disposal, the zero fiscal note is mandated by the fact that those additional costs cannot be quantified at this time, but it is believed they would be substantial.

POSITION PAPER

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BILL No. HB 417

DATE April 3, 1986

TITLE: Annuling a regulation requiring a person proposing a subdivision to submit certain information to the Department of Environmental Conservation

The Department of Environmental Conservation opposes this legislation. The main reasons for this opposition are:

- (1) its enactment would threaten the health, safety, and welfare of Alaska's citizens;
- (2) very positive support for department review of subdivision plans has been received from municipalities statewide;
- (3) the Administrative Regulation Review Committee of the 1977 Legislature convened public hearings to evaluate the necessity of 18 AAC 72.065, and determined that there was a valid need for it;
- (4) while on the surface, this legislation would appear to reduce fiscal impact, the attached fiscal note explains the impossibility of forecasting the cost to the State to repair the damage done by failing systems statewide;
- (5) most of the other states have the same or a very similar provision as that proposed for annulment; and
- (6) there may be a separation of powers issue here that needs to be addressed by the Attorney General.

A more comprehensive analysis of our position follows.

* * * * *

AS 44.46.020(4) mandates that this department take "primary responsibility for the promulgation and enforcement of regulations setting standards for the prevention and abatement of all water, land, sub-surface land and air pollution, and other sources or potential sources of pollution of the environment." (Emphasis added)

That law further prescribes that the department shall "take such actions as are necessary and proper to further the policy declared in AS 46.03.010," which is the legislature's declaration of environmental policy:

(a) It is the policy of the state to conserve, improve and protect its natural resources and environment and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being.

(b) It is the policy of the state to improve and coordinate the environmental plans, functions, powers and programs of the state, in cooperation with the federal government, regions, local governments, other public and private organizations and concerned individuals, and to develop and manage the basic resources of water, land and air to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations. (Emphasis added)

AS 46.03.090 provides:

The department may require the submission of plans for sewage and industrial waste disposal or treatment or both for a publicly or privately owned or operated industrial establishment, community, public or private property subdivision or development. (Emphasis added)

Our mandate to protect the environment and public health includes AS 46.03.090; and 18 AAC 72 is the vehicle we use to prevent serious diseases that are spread either by contamination of drinking water systems with sewage, or by sewage surfacing in a yard. It is also our responsibility, as "trustee of the environment for . . . future generations," to guard against the need for the State of Alaska to have to address the need for expensive remedial construction of subdivision wastewater disposal systems which were improperly designed.

Our review also provides some assurance that potential property buyers are given proper and sufficient notice before their decision to buy of the suitability of the property for on-site waste disposal. Soils testing serves at least two purposes: (1) it determines whether soil absorption wastewater disposal systems can be used on a proposed lot; and (2) it determines whether the proposed lot is large enough to properly dispose of wastewater.

When septic systems are to be used to dispose of sewage on individual lots, the review entails an examination of the soil types, terrain, locations of water bodies, locations of sources of drinking water, etc. -- factors vitally important to the success or failure of such systems.

In many areas, typical septic systems simply will not work. For example, areas with permafrost, high water tables, or limited soil cover are not suitable for conventional septic systems. When the department finds that a subdivision--or a certain lot within a subdivision--is not suitable for a conventional septic system, we may require that this fact be noted on the plat or in the covenants, require that alternative methods of on-lot disposal be designed by a professional engineer and approved by the department, or stipulate other necessary conditions.

If this legislation were to become law, we would be placed in a restorative role rather than a preventative one, as systems begin to fail statewide. For that reason, in order to fulfill our mandate to protect Alaskan's health, safety, and welfare, we would need to amend 18 AAC 72.060 to require each individual landowner to perform the tests now required of the developer. The cost to the landowner to perform individual analyses would be substantially greater than the cost to the developer to perform a single, comprehensive analysis. Another problem is timing: it is not until a person has purchased the lot (and perhaps constructed a house) that the feasibility of disposing of generated wastewater is evaluated. The result would be that a substantial number of landowners could end up with undevelopable lots.

A legal Opinion dated November 13, 1975, states that:

Certainly, no broader mandate to protect the . . . environment and abate . . . pollution can be found than that contained in Title 46, Chapter 3.

. . . .

Section 010 makes it abundantly clear that the purpose of Title 46 is not to merely control certain types of polluting activities, but to control and abate pollution.

. . . .

[P]rivately-created residential subdivisions have caused, and will continue to cause, often catastrophic impacts on marshland and wetland areas. (November 13, 1975, Op. Att'y Gen., citations omitted, emphasis added)

That Opinion concludes that residential subdivisions fall within the definition of "commercial" development, and that there was, therefore

a greater need for supervision . . . where the dominant factor is the hope for profit than in a non-commercial development where land is being prepared for public enjoyment or divided for family distribution or for some other purpose than profit. In other words, commercial residential developments have a propensity for being big, concentrated and exhausting the resources of the environment. (November 13, 1975, Op. Att'y Gen., quoting In re Spring Valley Development, 300 A.2d 736, 742 (Me. 1973) (Emphasis added)

And, in an Opinion dated May 11, 1983, the Department of Law stated:

Development restrictions resulting from DEC approval . . . are a necessary result of protecting the purity of the water to be consumed by the people of the state. The regulation in question reflects a determination that in order to protect the health of the people of the state, a buffer zone must be placed around drinking water sources. In fact, if DEC chose not to enforce the regulation in favor of lessening development restrictions, there would be significant likelihood of liability if a disease then spread because of water system contamination. A consequence of the regulation may be that certain small lots will not be easily developed. If that is the case, then it is because the health of the people of the state so requires. (May 11, 1983, Op. Att'y Gen., emphasis added)

ADEC review of subdivision plans helps ensure that subdivisions formed in Alaska will not harm the environment or threaten public health. A mere submission of plans to ADEC, without authority to evaluate and rule on the quality of those plans, would surely give unfortunate or clearly unintended results to the various laws in question.

It should be kept in mind that our review can also benefit the developer. Through discussion, plans can be modified to overcome various problems with terrain, location of water bodies, or other factors that might mitigate against approval of the original plan.

We are formulating plans to improve our regulations by, among other things, clarifying requirements for subdivision plan review. By so doing, we should be able to reduce the burden on the developer while continuing to fulfill our legislative mandate. A draft should be ready this summer.

Finally, the regulation in question is now the subject of judicial review, and many of the issues which may have prompted this legislation are before both the Superior Court and the Alaska Supreme Court. We believe it would be in the public interest to have the benefit of those judicial findings before such a drastic change is made in a very important public health regulation.

Amy D. Kyle / fn

Bill Ross (Commissioner)