



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL PUBLIC HEALTH  
PO Box 47820 • Olympia, Washington 98504-7820  
TDD Relay Service: 1-800-833-6388

May 15, 2013

**TO:** Michelle Davis, Executive Director  
Washington State Board of Health

**FROM:** Maryanne Guichard, Assistant Secretary  
Division of Environmental Public Health

**SUBJECT:** RULEMAKING AUTHORITY DELEGATION REQUEST  
Chapter 246-290 WAC, Group A Public Water Supplies

The Department of Health is requesting the board's delegation of rule-making authority to adopt new federal drinking water requirements into chapter 246-290 WAC, Group A public water systems. Changes to the rule will be limited to the new federal requirements and editorial changes to improve clarity and ensure the state rule is consistent with the federal requirements.

In February 2013, EPA finalized the Revised Total Coliform Rule. The new rule improves upon the original federal Total Coliform Rule (adopted June 1989) in the areas of monitoring, assessments, corrective action, violations, and public notices, and changes the health indicator from fecal coliform to *E. coli* which is a better fecal indicator. The Revised Total Coliform Rule requires systems vulnerable to microbial contamination to identify and fix problems. The intent of these changes is to provide more effective public health protection by reducing exposure to fecal contamination in drinking water. Specifically, the Revised Total Coliform Rule requires systems that have an indication of contamination in the distribution system to assess the problem and take corrective action to reduce possible illnesses due to fecal contamination and waterborne pathogen exposure.

The rule affects about 4,100 community and non-community Group A public water systems that provide drinking water to more than 5.7 million people. The largest impact to these systems will be the new requirements for assessments and corrective actions. Local health jurisdictions are not directly affected though some are under contract with the department to perform sanitary surveys. We may ask them to consider performing some of the newly required water system assessments in addition to the sanitary surveys they conduct on behalf of the department.

**Conformance with the State Board of Health Delegation Criteria:**

The board's "Policy for Considering Delegation of Rule to the Department of Health" provides the following elements for consideration.

*The extent to which the proposed rule revision is expected to include editorial and/or grammatical changes that do not change the substance of the rule:*

- Editorial changes and technical corrections will be necessary to improve clarity and ensure consistency between the federal rule and state requirements. None of these changes will affect the substance of the Group A rule.

*The extent to which the proposed rule seeks to adopt federal requirements in which the state has little or no discretion:*

- Though the majority of the federal rule does not provide discretion, it does allow the state limited discretion in specific areas including monitoring, analytical methods, and public notification. The department will choose from the options provided in the federal rule to determine the most appropriate direction on discretionary items.

*The extent to which the substance and direction of the proposed rule is expected to have broad public and professional consensus:*

- Stakeholders have consistently supported the department in adopting federal requirements and the department is not aware of any controversy over this rule.

*The extent to which the proposed rule may make significant changes to a policy or regulatory program:*

- Changes to the state rule will be limited to those required by the federal Revised Total Coliform Rule and editorial and technical changes necessary for clarity and consistency.

*The extent to which the rule revision process would benefit from the board's role as a convener of interested parties:*

- The department does not expect the rule revision to be controversial. Stakeholders will be involved through the Office of Drinking Water Advisory Group, the Washington Water Utility Council, and through public meetings. The draft rule will be made available through the department's websites, e-mail notification to stakeholders and interested parties, and the quarterly newsletter Water Tap. The department will make the draft rule available for comment to stakeholders upon request, via the department's interested parties email list and rule comment website, and at the public hearing.

*Contact: Denise Clifford; Office of Drinking Water at (360) 236-3110*

*denise.clifford@doh.wa.gov*