



DATE: November 13, 2013

TO: Washington State Board of Health Members

FROM: Environmental Health Committee
Keith Grellner, Chair

SUBJECT: **RESCINDING DELEGATION OF RULE MAKING TO DEPARTMENT OF HEALTH REGARDING CHAPTER 246-290 WAC, GROUP A PUBLIC WATER SUPPLIES**

Background and Summary:

At its June 13, 2013 meeting, the Washington State Board of Health delegated its rule making authority to the Department of Health for chapter 246-290 WAC, Group A Public Water Supplies, in order to adopt some federal requirements called the “Revised Total Coliform Rule.” The Board’s delegation included all of chapter 246-290 WAC.

The Department has become aware that the rule making will be delayed while waiting for guidelines from the U.S. Environmental Protection Agency. Also, since June, the Department identified other requirements it recommends the Board consider changing in the chapter. However, these additional changes would not fit with the Board’s rule delegation policy. Maryanne Guichard, Assistant Secretary for Environmental Public Health, sent a memo to the Board dated October 1 requesting the Board rescind the delegation of rule making authority granted in June and begin rule making to include the newly identified changes as well as the federal revised total coliform requirements. Department staff presented the proposal to the Board’s Environmental Health Committee on October 9, 2013. The Committee agreed with the recommendations. Because Board rule making cannot proceed while its authority for rule making for a chapter is delegated to the Department, the Committee is recommending the Board rescind delegation for chapter 246-290 WAC made in June.

Board Policy 2000-001, Considering Delegation of Rules to the Department of Health, specifies the Board may rescind its delegation at any time. Please refer to materials behind Tab 14 in your packets for a copy of the Board’s delegation policy and a copy of the memo from Ms. Guichard.

Ned Therien, Board Staff, will answer any questions you have about this recommendation. Vicki Bouvier, Department of Health, is in the audience and could be called on to help.

Recommended Board Action:

The Board may wish to consider the following motion:

The Board rescinds its delegation of authority for rule making to the Department of Health made on June 13, 2013 to adopt revisions to chapter 246-290 WAC, Group A Public Water Supplies.

Staff Contact: Ned Therien
