



STATE OF WASHINGTON

**DEPARTMENT OF HEALTH**

DIVISION OF ENVIRONMENTAL PUBLIC HEALTH

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**December 27, 2013**

**TO: Washington State Board of Health  
Environmental Health Committee  
Keith Grellner, Chair**

*(Signature)*

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

**SUBJECT: UPDATE – DRINKING WATER LABORATORY CERTIFICATION AND DATA  
REPORTING RULE, CHAPTER 246-390 WAC**

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The Department of Health recommends moving forward with requiring written data reporting only at this time, and address electronic data reporting when the national Safe Drinking Water Information System (SDWIS) and state software and hardware challenges are resolved.

**Background:**

In November 2002, the Department of Health (Department) and Department of Ecology (Ecology) established a cooperative program for certifying Labs under a Memorandum of Understanding (MOU). Under the MOU, Ecology carries out the evaluation and certification of drinking water Labs, while the Department maintains an oversight role per our primacy agreement with the U.S. Environmental Protection Agency (EPA).

Ecology adopted rules in October 2002 for certifying Labs under chapter 173-50 WAC. The rules do not contain provisions specifying reporting requirements for drinking water sample results to the Department. Reporting of the results in an efficient and timely manner improves our ability to assure public health protection.

The State Board of Health (Board) initiated rulemaking in November 2006 to be consistent with the functional changes brought by the MOU, and to add reporting requirements to chapter 246-390 WAC. The rule making will address:

- Removing duplicative certification requirements in Ecology's rule with the Board's rule; and
- Consistent and reliable reporting of data (written & electronic).

The SDWIS to which we report our water quality information is undergoing significant changes. The development phase of the national conversion process is expected to continue through late 2015 with actual implementation at the state level extending into 2016-2017. At the state level, the Department made a decision to update our hardware and software and convert our data system to a nationally compatible structure (.NET) that will help us align with the federal changes in the future.

The on-going development process and extended timeline for both the State's data system and SDWIS makes it difficult to clearly define the electronic data reporting structure and expectations of the Labs. For this reason, it is our recommendation to move forward with requiring written data reporting only at this time, and address electronic data reporting when the SDWIS and state software and hardware challenges are resolved.

If the Board concurs with our recommendation, the Department will inform stakeholders that the Board intends to consider adopting electronic data submittal requirements at a later date in a separate rulemaking. The Department will continue working on the data conversion process and assisting EPA with the SDWIS conversion project. When available, we will test electronic data reporting with the Labs on a trial basis and report back to the Board well before we recommend the Board begin rulemaking.

#### Rulemaking Timeline

| ACTIVITY   | ANTICIPATED COMPLETION DATE | DATE COMPLETED |
|--|-----------------------------|----------------|
| State Board of Health decision to consider rule making | June 2006                   | June 2006      |
| File CR-101  | November 2006               | November 2006  |
| Draft Rule   | Summer 2009                 | Summer 2009    |
| Stakeholder Comment Period                             | Summer 2009                 | Summer 2009    |
| 2nd Stakeholder Comment Period                         | Fall 2010                   | Fall 2010      |
| Rule Moratorium  | November 2010               | January 2012   |
| Finalize draft rule                                    | January 2014                |                |
| 3 <sup>rd</sup> Stakeholder Comment Period             | Early 2014                  |                |
| Revise rules and draft analysis                        | Spring 2014                 |                |
| SBOH Briefing  | Summer 2014                 |                |
| File CR-102  | Fall 2014                   |                |
| Public Hearing   | Fall 2014                   |                |
| Prepare Concise Explanatory Statement                  | Fall 2014                   |                |
| File CR-103  | Winter 2014                 |                |
| Rule Effective   | Winter 2014                 |                |

For additional information, contact Clark Halvorson, Director, Office of Drinking Water at [clark.halvorson@doh.wa.gov](mailto:clark.halvorson@doh.wa.gov) or (360) 236-3110.