



DATE: October 31, 2016
TO: Washington State Board of Health Members
FROM: Keith Grellner, Chair
SUBJECT: WAIVER HEARING PROCESS – WAC 246-290-060

Background and Summary:

Chapter 246-290 WAC, Group A Public Water Supplies, includes a provision for water systems to request relief from certain requirements of the rule. The process to request a variance, exemption, or waiver is set forth in WAC 246-290-060. The State Board of Health (Board) may grant a variance, exemption, or waiver if:

1. Due to compelling factors, it finds that the water system is unable to comply with requirements, and,
2. It will not result in unreasonable risk to the health of consumers.

If a purveyor requests relief from a rule requirement that is also a requirement of the Federal Safe Drinking Water Act (SDWA), the process must comply with 40 C.F.R. 141.4. Relief from the rule requirements not required in the SDWA must follow the “waiver” process in WAC 246-290-060. Metering requirements are not SDWA requirements.

The waiver process includes these steps:

1. The purveyor must apply in writing to the Department.
2. The purveyor must provide notice of the application to consumers.
3. The Department must prepare a recommendation to the Board.
4. The Board conducts a public hearing to grant or deny the request.

The expectation for today’s waiver hearing is that the water purveyor will provide a brief statement to the Board that describes their need for the requested waiver and any compelling factors the purveyor wishes the Board to consider. The purveyor may include another person or persons to testify about the request as appropriate. The Board will then hear the Department’s recommendation. Board members may ask questions of the presenters and may, at their discretion, allow an opportunity for the purveyor and the Department to ask questions of each other to clarify, for the Board, any information germane to this decision.

The Board will deliberate before determining an outcome based on the merits of the request.

Staff Contact: David DeLong
