

WASHINGTON STATE BOARD OF HEALTH

Date: November 8, 2023

To: Washington State Board of Health Members

From: Patty Hayes, Chair

Subject: Request for Delegated Rulemaking Authority – E2SHB 1181, Climate Resilience Element in Water System Plans, Group A Public Water Supplies, Chapter 246-290 WAC

Background and Summary:

The Department of Health (Department) is requesting delegation of rulemaking authority from the State Board of Health (Board) to update and align public water system planning requirements in chapter 246-290 WAC, Group A Public Water Supplies, with new state law. RCW 43.20.050(2)(a)(iv) authorizes the Board to adopt rules concerning water system planning for Group A public water systems. WAC 246-290-100 lists the core regulatory requirements for Group A water system plans.

In the 2023 session, the legislature passed Engrossed Second Substitute House Bill (E2SHB) 1181 to improve the state's climate response planning framework. The comprehensive bill includes a section requiring Group A public water systems with 1,000 or more connections to include a climate resilience element in their water system plans beginning with plans initiated after June 30, 2025. The bill includes additional details of the required climate resilience element and is codified in state law as RCW 43.20.310.

The Board may delegate any of its rulemaking authority to the Department under RCW 43.20.050(4). Board Policy number 2000-001 further outlines conditions and circumstances for "Considering Delegation of Rules to Department of Health." If delegated, this rulemaking authority would allow the Department to revise WAC 246-290-100 to incorporate the new law on climate resilience elements in Group A water system plans.

Joining us today from the Department's Office of Drinking Water are Mike Means, Capacity Development and Policy Manager, and Brad Burnham, Policy and Planning Section Manager. They will discuss the new state law and the Department's request for delegated rulemaking authority.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

(continued on the next page)

The Board delegates to the Washington Department of Health rulemaking authority to amend WAC 246-290-100 to incorporate the requirements of RCW 43.20.310, requiring Group A public water systems to include climate resilience elements in their water system plans.

Or

The Board does not delegate to the Washington Department of Health rulemaking authority to amend WAC 246-290-100 to incorporate the requirements of RCW 43.20.310, requiring Group A public water systems to include climate resilience elements in their water system plans.

Staff

Stuart Glasoe

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