



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

DIVISION OF ENVIRONMENTAL PUBLIC HEALTH

PO Box 47820 O Olympia, Washington 98504-7820
(360) 236-3000 O TTY Relay Service: (800) 833-6388

November 8, 2023

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

FROM: Lauren Jenks, Assistant Secretary
Division of Environmental Public Health

SUBJECT: State Board of Health Rule Making Authority Delegation Request-
Chapter 246-290 WAC, Group A Public Water Supplies, Climate Resilience in Water
System Planning.

The Department of Health (department) is requesting delegation of rule-making authority from the State Board of Health (board) to adopt amendments into chapter 246-290 WAC, Group A public water supplies in accordance with Engrossed Second Substitute House Bill (E2SHB) 1181, codified as Chapter 228, Laws of 2023.

E2SHB 1181 added a new section to chapter 43.20 RCW. The new law requires Group A community public water systems with 1,000 or more connections to include a climate resilience element in their water system plans. Additionally, it requires the department to update the [Water System Planning Guidebook -DOH Pub 331-068](#) (Guidebook) and provide technical assistance to these water systems in developing their climate resilience element. The new law also requires the University of Washington climate impacts group to assist the department in developing tools and resources for technical assistance to water systems, subject to the availability of funding.

Changes to the chapter under this delegation request, if approved, will be limited to adding the climate resilience element to WAC 246-290-100, Water system plan, and reference the new section of statute, [RCW 43.20.310](#). Minor editorial and organizational changes, which will not materially change the statutory language, may be considered and included, if needed for clarity.

Details of the climate resilience element will be added to the Guidebook update as required by the new law. The Guidebook updates will also include tools and resources developed in partnership with the University of Washington. The department anticipates completing this ahead of the compliance date of June 30, 2025.

Conformance with the State Board of Health Delegation Criteria:

The board's policy (Policy Number 2000-001) 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 may be necessary to improve clarity and align the statutory language with the structure and organization of the chapter. None of these changes will affect the substance of the statutory language being incorporated into the chapter.

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

- Changes to the chapter will be necessarily limited to the statutory language if using the Expedited Rulemaking process.
- The different elements of water system plans are detailed in the Guidebook. The Guidebook is the standard operating procedure and does not change the regulatory program or process.

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 anticipate any controversy or opposition to the rule change as this is already a statutory requirement. It is being adopted into rule to maintain all the required water system planning elements in WAC 246-290-100. This is where water systems expect to find the required elements for their water system plans.
- The department will keep water systems informed throughout the process using existing GovDelivery accounts of interested and regulated parties, as well as during regularly scheduled meetings like the Drinking Water Advisory Group. After rule adoption, the department will continue working with water systems as guidance is being developed to ensure a smooth implementation by June 30, 2025.

For additional information, please contact Holly Myers, Director of the Office of Drinking Water, holly.myers@doh.wa.gov