



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: State Board of Health

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: WAC 246-290-460, Fluoridation of drinking water. The rule adopts a single optimal fluoridation concentration level, reduces the operating range tolerance, requires Group A public water systems that fluoridate to notify the Department of Health before they stop fluoridating, and makes clarifying changes.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 246-290-460
Suspended: None

Statutory authority for adoption: RCW 43.20.050

Other authority : RCW 70.119A.080

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 16-03-084 on 01/20/2016 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Date adopted: 03/09/2016

NAME (TYPE OR PRINT)

Michelle A. Davis

SIGNATURE

TITLE

Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 08, 2016

TIME: 10:23 AM

WSR 16-09-008

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

WAC 246-290-460 Fluoridation of drinking water. (1) Purveyors shall obtain written department approval of fluoridation treatment facilities before placing them in service and shall notify the department before discontinuing fluoridation.

(2) Where fluoridation is practiced, ~~((purveyors shall maintain fluoride concentrations in the range 0.8 through 1.3 mg/L throughout the distribution system))~~ the optimal fluoride concentration is 0.7 mg/L.

(3) ~~((Where fluoridation is practiced))~~ To ensure concentrations remain as close as possible to the optimal fluoride concentration throughout the entire distribution system and fluoridation facilities and monitoring equipment are operating properly, purveyors shall take the following actions ((to ensure that concentrations remain at optimal levels and that fluoridation facilities and monitoring equipment are operating properly)):

(a) ~~((Daily))~~ Monitoring.

(i) ~~((Take daily))~~ Each business day, collect routine monitoring samples ((for each point of fluoride addition and analyze the fluoride concentration. Samples must be taken downstream from each fluoride injection point at the first sample tap where adequate mixing has occurred.

~~(ii) Record the results of daily analyses in a monthly report format acceptable to the department. A report must be made for each point of fluoride addition.~~

~~(iii))~~ downstream from each fluoride injection point at the first sample tap where adequate mixing has occurred.

(ii) Analyze samples in accordance with procedures identified in the 22nd edition of *Standard Methods for the Examination of Water and Wastewater*, January 2012, or other department-approved procedures.

(iii) Once per month, collect a split sample at the same location routine monitoring samples are collected and process as follows:

(A) Analyze half the sample and record the results on the chain of custody document; and

(B) Submit the other half of the sample for analysis to a drinking water certified laboratory with the chain of custody document.

(b) Reporting.

(i) Record routine analysis results on a monthly report form provided by the department.

(ii) If more than one routine monitoring sample is collected on any given day, average sample results and record the average.

(iii) Submit monthly monitoring reports to the department within the first ten days of the month following the month in which the samples were collected.

~~((b) Monthly split sampling.~~

~~(i) Take a monthly split sample at the same location where routine daily monitoring samples are taken. A monthly split sample must be taken for each point of fluoride addition.~~

~~(ii) Analyze a portion of the sample and record the results on the lab sample submittal form and on the monthly report form.~~

~~(iii) Forward the remainder of the sample, along with the completed sample form to the state public health laboratory, or other state-certified laboratory, for fluoride analysis.~~

~~(iv) If a split sample is found by the certified lab to be:~~

~~(A) Not within the range of 0.8 to 1.3 mg/l, the purveyor's fluoridation process shall be considered out of compliance.~~

~~(B) Differing by more than 0.30 mg/l from the purveyor's analytical result, the purveyor's fluoride testing shall be considered out of control.~~

~~(4) Purveyors shall conduct analyses prescribed in subsection (3) of this section in accordance with procedures listed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.~~

~~(5) The purveyor may be required by the department))~~ (4) If any sample or measurement in subsection (3) of this section is found to be out of operating tolerance or off measure, the purveyor shall take appropriate action to meet the requirements of this section.

(a) Operating tolerance means within the range of 0.5 to 0.9 mg/L.

(b) Off measure means the drinking water certified laboratory result differs by more than 0.2 mg/L from the purveyor's analytical result.

(5) The department may require the purveyor to increase the frequency, ((and/)) or change the location of sampling prescribed in subsection (3) of this section to ensure ((the)) adequacy and consistency of fluoridation.