



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-290-72010 (3), Report contents - - Required additional health information; to incorporate the federal Lead and Copper Rule - Short-term Revisions.

Hearing location(s): Department of Health
 Point Plaza East
 310 Israel Road SE
 Tumwater, Washington 98504

Date: March 8, 2012 Time: 10:00 a.m.

Submit written comments to:

Name: Theresa Phillips
 Address: Department of Health
 P O Box 47822
 Olympia, Washington 98504-7822
 Website: <http://www3.doh.wa.gov/policyreview/>
 fax (360) 236-2253 by (date) 03/08/2012

Assistance for persons with disabilities: Contact

Theresa Phillips by 02/23/2012

TTY (800) 833-6388 or () 711

Date of intended adoption: 03/14/2012

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This proposal revises the requirement for Group A public water systems to report lead-specific information in the annual consumer confidence report (CCR) to be consistent with federal rule. The current rule requires lead-specific information be included in the CCR only if the system monitored for lead during the reporting year. The federal rule requires lead-specific information be included every year whether or not the system has monitored for lead during the reporting year.

Reasons supporting proposal:

RCW 70.119A.080 establishes the Department of Health (department) as the state primacy agency for implementation and enforcement of the federal Safe Drinking Water Act. The primacy agreement between the department and U.S. Environmental Protection Agency outlines a number of activities that the department must do in order to maintain primacy for Group A public water systems. One activity involves adoption of regulations consistent with federal requirements. This proposed rule revision is necessary to be consistent with federal requirements and maintain primacy for Group A public water systems.

Statutory authority for adoption:

RCW 43.20.050 (2)

Statute being implemented:

RCW 70.119A.080

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:
 40 CFR Parts 141 and 142

DATE 01/30/12

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: **January 30, 2012**

TIME: **9:51 AM**

WSR **12-04-052**

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Department of Health

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Theresa Phillips	243 Israel Road SE, Tumwater, WA 98501	(360) 236-3147
Implementation.... Derrick Dennis	243 Israel Road SE, Tumwater, WA 98501	(360) 236-3122
Enforcement..... Derrick Dennis	243 Israel Road SE, Tumwater, WA 98501	(360) 236-3122

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(c), a SBEIS is not required for proposed rules that adopt or incorporate by reference - without material change - federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(iii)

exempts rules that adopt or incorporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

AMENDATORY SECTION (Amending WSR 11-17-062, filed 8/15/11, effective 10/1/11)

WAC 246-290-72010 Report contents--Required additional health information. All reports must prominently display the following language: Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. Environmental Protection Agency/Centers for Disease Control guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

(1) Beginning in the report due by July 1, 2002, a system which detects arsenic levels above 0.005 mg/L and up to and including 0.010 mg/L:

(a) Must include in its report a short informational statement about arsenic, using language such as: While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the cost of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.

(b) May write its own educational statement, but only in consultation with the department.

(2) A system which detects nitrate at levels above 5 mg/l, but below the MCL:

(a) Must include a short informational statement about the impacts of nitrate on children using language such as: Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue-baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant, you should ask for advice from your health care provider.

(b) May write its own educational statement, but only in consultation with the department.

(3) ~~((Systems that monitor for lead within the reporting period:))~~ All reports must include a short informational statement about lead in drinking water and its effects on children.

(a) ~~((Must include short informational statement about the special impact of lead on children.))~~ The statement must include

the following information: If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. (NAME OF UTILITY) is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for thirty seconds to two minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

(b) A system may write its own educational statement, but only in consultation with the department.