



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH

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June 10, 2008

TO: Washington State Board of Health Members

FROM: Keith Higman, SBOH Member

**SUBJECT: REQUEST FOR DELEGATION, CHAPTER 246-290 WAC:  
GROUP A PUBLIC WATER SUPPLIES – LEAD AND COPPER RULE**

**Background and Summary**

The Washington State Board of Health has authority under RCW 43.20.050(2) to adopt rules to protect public health concerning public drinking water systems. The Board has adopted requirements for larger public drinking water systems (Group A) under chapter 246-290 WAC. In October 2007, the U.S. Environmental Protection Agency (EPA) published in the *Federal Register* drinking water system requirements called the “Lead and Copper Rule Short-Term Regulatory Revisions and Clarifications.” The purpose of this rule is to increase public health protection by strengthening implementation of provisions for minimizing consumer exposure to lead and copper from drinking water. States must adopt rules equivalent to this federal rule within two years to maintain primacy for enforcement, but may request a time extension.

The Department of Health (DOH) is requesting the Board delegate to it authority to adopt the federal requirements into chapter 246-290 WAC. Delegation to DOH for this rule change would meet the Board’s policy for delegation adopted in 2000: (1) the federal rules would be adopted with limited clarifying changes and without changing the federal provisions; (2) the state has limited discretion in this rule making because new requirements are federally mandated; (3) the regulated community supports state adoption of the requirements to maintain state primacy; (4) policy changes would be limited to federal requirements; and (5) stakeholders will be involved through the Washington Water Utility Council and DOH outreach.

Denise Clifford, Director of the DOH Office of Drinking Water, is here to explain this DOH request for limited delegation of rule making. Please refer to materials under Tab 7.

**Recommended Board Action**

The Board may wish to consider the following motion:

***The Board delegates authority to the Department of Health to adopt a revision to chapter 246-290 WAC, regarding Group A public water supplies, for the sole purpose of incorporating provisions of rules of the EPA published in October 2007 for lead and copper monitoring, control, and consumer information.***