



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH

*PO Box 47990 • Olympia, Washington 98504-7990*

April 19, 2013

Ronald D. Chappell  
Barry W. Fairfax, P.E.  
Summerland Community Association  
2124 NW 93<sup>rd</sup> Street  
Seattle, Washington 98117-2737

Dear Mr. Chappell and Mr. Fairfax:

This letter is in response to your March 7, 2013 request for a variance from the Maximum Contaminant Level (MCL) for arsenic for the Summerland Community Association Water System. Based on our review of relevant state and federal laws, we determined that the State Board of Health is unable to consider your request for a variance from the arsenic MCL.

Under WAC 246-290-060(2)(a)(ii), the Board may only grant a variance from an MCL in accordance with 40 CFR Section 141.4 which provides that the State may grant a variance pursuant to Section 1415 of the Federal Safe Drinking Water Act, 42 U.S.C.A. Section 300g-4, and Title 40 of the Code of Federal Regulations (CFR), Part 142, Subpart K. The applicable federal provisions prevent the Board from considering a variance from the arsenic MCL because, instead of identifying small system variance technologies for arsenic, the U.S. Environmental Protection Agency (EPA) has determined that affordable compliance technologies are available for treating the water. Under 40 CFR Section 142.304, a small system MCL variance is allowed only if EPA has identified small system variance technology. Because EPA has not, the Board cannot consider the variance request.

The EPA has identified six treatment technologies for arsenic that it considers effective and affordable for all size categories of water systems. The technologies listed under 40 CFR 141.62(d) are: activated alumina, enhanced coagulation/filtration, enhanced lime softening, ion exchange, oxidation/filtration, and certain reverse osmosis technologies.

The Department of Health has the technical staff with expertise to advise you on appropriate treatment technologies. The Department also has an arsenic treatment optimization program to

help you get the best results from your treatment process. They could also discuss the affordability of the different technologies for your system. Bob James, NW Regional Manager, at (253) 395-6768 or [bob.james@doh.wa.gov](mailto:bob.james@doh.wa.gov), is the best person for you to contact for assistance.

If you have any questions about this response, please contact Ned Therien at (360) 236-4103 or [ned.therien@sboh.wa.gov](mailto:ned.therien@sboh.wa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Michelle Davis".

Michelle Davis  
Executive Director

cc: John Austin, Chair  
Environmental Health Committee Members  
Bob James, Department of Health