



Summary of Draft Rule Changes for PFAS Standards

Updated June 2021

The State Board of Health is drafting changes to the Group A Rule to set a standard for per- and polyfluoroalkyl substances (PFAS). The board and the department are concerned because almost a dozen Group A public water systems and over 200 private wells in five areas of the state are known to have PFAS contamination in their groundwater supplies above EPA and other state’s health advisory levels.

The draft revisions include criteria for setting state action levels (SAL) for contaminants without an established federal maximum contaminant level (MCL), sets criteria for adopting a state MCL, requirements for monitoring and reporting, follow-up actions, and public notification. The draft revisions also make technical corrections and editorial changes to clarify existing state and federal requirements throughout the chapter. See below for a summary of draft rule changes by rule section.

WAC 246-290 Section Number and Title	Summary of Changes
-010 Definitions, abbreviations, and acronyms	<ul style="list-style-type: none"> • Technical changes to make corrections and align with federal regulations. • Consolidated standalone acronyms into the respective definitions • New definitions: <ul style="list-style-type: none"> ○ Adverse effect ○ Bioaccumulative ○ Per- and polyfluoroalkyl substances (PFAS) <ul style="list-style-type: none"> ○ PFBS means perfluorobutane sulfonic acid. ○ PFHxS means perfluorohexane sulfonic acid. ○ PFNA means perfluorononanoic acid. ○ PFOA means perfluorooctanoic acid ○ PFOS means perfluorooctane sulfonic acid. ○ Running annual average (RAA) ○ State “advisory” level is changed to state “action” level (SAL) and redefined. ○ State detection reporting limit (SDRL)
-050 Enforcement	<ul style="list-style-type: none"> • Technical correction to align RCW references from Title 70 to 70A per a legislative change (SHB2246) in 2020.
-100 Water system plan.	<ul style="list-style-type: none"> • Technical correction to align RCW references from Title 70 to 70A per a legislative change (SHB2246) in 2020. • Changed “shall” to “must” per the bill drafting guide.
-107 Place of use expansion	<ul style="list-style-type: none"> • Technical correction to align RCW references from Title 70 to 70A per a legislative change (SHB2246) in 2020.
-130 Source approval	<ul style="list-style-type: none"> • Add five PFAS contaminants (PFOA, PFOS, PFHxS, PFNA, and PFBS) to the list of contaminants for which a Group A water system must provide sampling results to the department prior to source approval. • Clarify that bacterial results must be satisfactory.

WAC 246-290 Section Number and Title	Summary of Changes
-300 Monitoring requirements	<ul style="list-style-type: none"> • Establishes an initial PFAS sample requirement for every active, permanent, or seasonal source to be collected from the entry point to distribution—no later than December 31, 2025—and then once every three years thereafter. • Allows public water systems to sample prior to January 1, 2021 and meet initial monitoring requirements if sample meets the rule requirements. • Directs systems with PFAS detections to WAC 246-290-320 for increased monitoring following confirmed detections. • States that TNC systems that are near known or suspected PFAS contamination must collect PFAS samples for analysis as directed by the department. <ul style="list-style-type: none"> ○ If PFAS is detected in the sample, TNC systems must also comply with the follow-up requirements in WAC 246-290-320(8). • Outlines the criteria considered when determining initial monitoring schedules—source susceptibility, vulnerability to PFAS contamination, and populations served. • Sets requirements for confirmation samples when initial results detect PFAS and explains how the confirmation samples will be used. • Clarify sample analysis is performed using EPA-approved methods or other department-approved methods. • For systems that sample for PFAS under UCMR5 and meet certain criteria, the department shall accept the data to satisfy initial monitoring requirements. • Adds that the department may grant waivers for SAL monitoring requirements. • Removes several outdated monitoring requirements to align with federal regulations. • Changed “shall” to “must” per the bill drafting guide. • Several minor technical and editorial changes to improve clarity.
-310 Maximum contaminant levels (MCL) and maximum residual disinfectant levels	<ul style="list-style-type: none"> • Replaces “state advisory levels” with the term “state action level” (SAL) in the new draft section WAC 246-290-315. • Makes several technical corrections or clarifications, including removing the federally remanded MCL for nickel.

WAC 246-290 Section Number and Title	Summary of Changes
-315 State action levels (SALs) and state maximum contaminant levels (MCLs) New Section	<ul style="list-style-type: none"> • Added SALs for five PFAS, PFOA, PFOS, PFNA, PFHxS, PFBS. • Establishes that exceedances of the PFAS SALs are based on a confirmed detection. • Sets confirmation sample deadlines for contaminants with a SAL. • Establishes processes for setting SALs and state MCLs, including adding the criteria for determining if a federally unregulated contaminant should have a SAL or state MCL. • Clarifies that if a federal MCL is adopted for a contaminant that has a SAL, the federal MCL will supersede the SAL (or a less stringent state MCL) and the associated requirements, including monitoring and public notice— unless the board adopts a more stringent state MCL.
-320 Follow up action	<ul style="list-style-type: none"> • Establishes actions a Group A water system must take if there is an exceedance of a contaminant’s SAL. • Requires additional monitoring and public notification if a water system exceeds a SAL. For example, Group A water systems must: <ul style="list-style-type: none"> ○ Notify the department, notify consumers, and owners and operators of any consecutive systems. ○ Investigate the cause of the contamination, within the purveyor’s control. ○ Take action as directed by the department. • Technical changes to make corrections and align with federal regulations. • Editorial changes to improve clarity.
-415 Operations and maintenance.	<ul style="list-style-type: none"> • Technical correction to align RCW references from Title 70 to 70A per a legislative change (SHB2246) in 2020. • Several editorial changes to clarify requirements. • Technical correction to remove outdated WAC references.
-453 Corrective action under the GWR.	<ul style="list-style-type: none"> • Technical correction to remove outdated WAC references.
-455 Operation of chemical contaminant treatment facilities	<ul style="list-style-type: none"> • Adds a quarterly monitoring requirement for finished drinking water when treating to remove a contaminant or when blending water to reduce a contaminant with a SAL.
-480 Recordkeeping and reporting	<ul style="list-style-type: none"> • Adds recordkeeping and reporting requirements for PFAS contaminants consistent with the recordkeeping and reporting for which monitoring is required. • Changed “shall” to “must” per the bill drafting guide.

WAC 246-290 Section Number and Title	Summary of Changes
WAC 246-290-490 Cross-connection control.	<ul style="list-style-type: none"> • Corrects table numbers to align with changes to other sections. • Several editorial changes to clarify requirements.
-490 Cross-connection control	<ul style="list-style-type: none"> • Corrects table numbers to align with changes to other sections. • Changed "shall" to "must" per the bill drafting guide.
WAC 246-290-630 General requirements.	<ul style="list-style-type: none"> • Technical correction to align RCW references from Title 70 to 70A per a legislative change (SHB2246) in 2020. • Several editorial changes to clarify requirements.
-638 Analytical requirements	<ul style="list-style-type: none"> • Technical changes to align with federal requirements.
-654 Treatment criteria for filtered systems	<ul style="list-style-type: none"> • Corrects table numbers to align with changes in other sections.
-660 Filtration.	<ul style="list-style-type: none"> • Corrects table numbers to align with changes to other sections.
-686 Compliance requirements for unfiltered systems	<ul style="list-style-type: none"> • Corrects table numbers to align with changes to other sections.
WAC 246-290-71002 Public notice content.	<ul style="list-style-type: none"> • Added a reference to 40 C.F.R 141.40 to align with WAC 246-290-71005, Special public notification requirements.
-71004 Public notification mandatory language	<ul style="list-style-type: none"> • Added a reference to 40 C.F.R. 141.40 to align with WAC 246-290-71005.
-71006 Consumer information New section title: Public notice for contaminants with a SAL and other unregulated contaminants	<ul style="list-style-type: none"> • Revised public notice requirements to align with changes in WAC 246-390-315 based on the Tier designation under Table 9. • Added public notice must conform to the requirements in WAC 246-290-71001 through -71004 on the Tier designation under table 17. • Added public notice timeframes for Tier 1 and Tier 2 designation of a SAL exceedance.

WAC 246-290 Section Number and Title	Summary of Changes
-72001 Purpose and applicability of the consumer confidence report requirements	<ul style="list-style-type: none"> Revised the term "detected" to align with the state detection reporting limits under chapter 246-390 WAC.
-72004 Report contents-Definitions	<ul style="list-style-type: none"> Adds definitions to be used for reporting content for SAL detections in the annual Consumer Confidence Report (CCR).
-72005 Report contents – Information on detected contaminants	<ul style="list-style-type: none"> Adds CCR content requirements for detected contaminants. Removes references to federal requirements no longer used.
-72012 Regulated contaminants	<ul style="list-style-type: none"> Technical corrections to align with CCR reporting and to correct errors. Adds PFAS contaminants with a SAL to the table.
WAC 246-290-810 Water use efficiency program.	<ul style="list-style-type: none"> Technical correction to align the table numbers in the chapter and added the effective date of the water use efficiency program.

For detailed information about the draft changes, go to <https://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/RegulationandCompliance/RuleMaking#246-290>.

Contacts

[Jocelyn W. Jones](mailto:jocelyn.jones@doh.wa.gov), Rulemaking Project Manager, Department of Health (360) 236-3020 or jocelyn.jones@doh.wa.gov.

[Stuart Glasoe](mailto:stuart.glasoe@sboh.wa.gov), Policy Advisor, State Board of Health (360) 236-4111 or stuart.glasoe@sboh.wa.gov.

For more information about PFAS visit our [PFAS Webpage](#) and [Timeline](#).



To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email civil.rights@doh.wa.gov.