

WASHINGTON STATE BOARD OF HEALTH

Date: October 13, 2021

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

Subject: Public Hearing on Proposed Rulemaking for Chapter 246-290 WAC, Group A Public Water Supplies, and Chapter 246-390 WAC, Drinking Water Laboratory Certification and Data Reporting, for Per- and Polyfluoroalkyl Substances (PFAS)

Background and Summary:

In late 2017, the State Board of Health (Board) accepted a rulemaking petition and filed a CR-101, Preproposal Statement of Inquiry, to consider setting a drinking water standard(s) for per- and polyfluoroalkyl substances (PFAS) in chapter 246-290 WAC, Group A Public Water Supplies (Group A rules). The Board later filed a CR-101 in February 2020 to consider related revisions to chapter 246-390 WAC, Drinking Water Laboratory Certification and Data Reporting (Lab rules). Authority for these rules comes from RCW 43.20.050, RCW 70A.130.010 and 70A.130.020, and RCW 70A.125.080.

Along with numerous technical edits, the proposed rules would establish:

- Criteria and procedures for adopting State Action Levels (SAL) and state Maximum Contaminant Levels (MCL);
- Drinking water standards for five PFAS as SALs;
- Requirements for monitoring, recordkeeping, reporting, and other follow-up actions; and
- Laboratory analytical and reporting requirements that align with revisions to the Group A rules.

Staff from the Washington Department of Health (Department) updated the Board on this rulemaking on several occasions between summer 2018 and June 2021. On August 3, 2021, the Board filed separate CR-102 forms, Proposed Rulemaking, for the two chapters.

Today we will hold a joint hearing on the two rules. We will first receive a presentation on the Group A rules followed by a public hearing on those rules. We will then receive a presentation on the companion Lab rules and hold a public hearing on those rules. We will then close with Board discussion and possible action on the two rules.

In the hearing presentations, Department staff Mike Means and Barb Morrissey will give brief background on the issues and select requirements of the proposed rules. They will

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also highlight key public comments and Department recommendations for your consideration. Recommended revisions to the proposed rule language are summarized at the front of the response to comments for the respective rulemakings—Group A rules (Tab09g, PDF page 4) and Lab rules (Tab09q, PDF page 2). The recommended revisions to the two rules are all technical, clarifying, or editorial language changes and include no significant amendments to the proposed rules.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt one or more of the following motions for the proposed rules. There are separate motions for the two rules.

Motion to adopt the Group A rules:

The Board adopts the proposed amendments to chapter 246-290 WAC, Group A Public Water Supplies, as published in WSR 21-16-095 with the revisions agreed upon at today's meeting, and directs staff to file a CR-103, Order of Adoption, and establish an effective date.

AND

Motion to adopt the Lab rules:

The Board adopts the proposed amendments to chapter 246-390 WAC, Drinking Water Laboratory Certification and Data Reporting, as published in WSR 21-16-094 with the revisions agreed upon at today's meeting, and directs staff to file a CR-103, Order of Adoption, and establish an effective date.

Staff

Stuart Glasoe

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at kelie.kahler@sboh.wa.gov. TTY users can dial 711.

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