



**Summary of Comments, Responses, and
Department of Health's Recommendations
for the October 13, 2021 Public Hearing**

Chapter 246-390 WAC, Drinking Water Laboratory
Certification and Data Reporting (WSR 21-16-094)

Summary of Comments, Responses, and Recommendations

The department received two formal comment letters for chapter 246-390 WAC, Drinking Water Laboratory Certification and Data Reporting Rule (Lab rule). One commenter showed support for the technical changes, but both made comments on the PFAS methods required by rule. There were several comments made for chapter 246-290 WAC, Group A Water Supplies, that asked that we include more PFAS testing methods.

Below are the comments, responses, and Department of Health (DOH) recommendations.

WAC 246-390-010 Definitions.

Comment Summary	Definition of SAL is not consistent in WAC 246-290-010(214) and in WAC 246-290-72004; if a SAL is exceeded, one indicates "actions a purveyor takes", while the other indicates, "actions a water system <i>must</i> take".
Response Summary	This was a comment for the Group A Rule; however, a technical error was found in the Lab Rule definition of SAL. DOH does not use the word "must" because the bill drafting guide states not to use a definition to specify a requirement.
Recommendation	DOH recommends that the word "must" be removed from the definition of SAL in the Lab rule to correct this error.
Comment Summary	One commenter suggested to change the definition of "confirmation" since it does not demonstrate the accuracy of the lab’s analytical result. The commenter also recommended to define "confirmation sample" instead of "confirmation." This comment is in reference to WAC 246-290-010(44) "Confirmation"; the same definition also exists in WAC 246-390-010(9).
Response Summary	DOH agrees that the definition of "confirmation" could use clarity.
Recommendation	DOH recommends the following correction to the definition of "confirmation" to align with WAC 246-290-010(44). <u>WAC 236-290-010 (9)"Confirmation" means to demonstrate that the accuracy of results of a sample accurately represents</u>

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	<p>the original sample result by analyzing another sample from the same location within a reasonable period <u>given period</u> of time, generally not to exceed two weeks. Confirmation occurs when analysis results fall within plus or minus thirty percent of the original sample results. This confirmation analysis is in addition to any analytical method confirmation requirements.</p>
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WAC 246-390-075 Reporting.

Comment Summary	The levels in various drinking water supplies will be monitored and openly published.
Response Summary	All drinking water samples entered into DOH's data base are publicly available.
Recommendation	Adopt as proposed.

Comment Summary	Supports the reporting timeframe change from 45 business days to within 30 calendar days.
Response Summary	Commenter supports the department's proposal to change the laboratory reporting requirement from 45 business days from the day they receive the sample to 30 calendar days from the day that the laboratory receives the sample.
Recommendation	Adopt as proposed.

Comment Summary	Consider ways to require monitoring with analytical methods that capture a broader array of PFAS chemicals such as Total Organic Fluorine (TOF) and the Total Oxidation Precursor (TOP) assay.
Response Summary	The TOP assay and TOF do not have an EPA approved drinking water method at this time. The Lab rule requires that laboratories seek accreditation for an EPA approved drinking water method if the lab is running drinking water compliance

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	<p>samples for the state of Washington. Part of this accreditation process requires that laboratories demonstrate annual proficiency by analyzing blind samples and submit the results to a third-party proficiency provider. The lab must also demonstrate the capability to achieve the state detection reporting limit stated in the Lab rule. As EPA approves new drinking water methods the Department will consider their use for monitoring compliance or supplemental data collection.</p>
Recommendation	Adopt as proposed.

Comment Summary	Supports the current state detection reporting limit reductions to sulfate and chloride.
Response Summary	Commenter supports the department's proposal to lower the state detection reporting limit for chloride and sulfate to 2 milligrams per liter.
Recommendation	Adopt as proposed.