



Summary of Draft Rule Changes— PFAS and State Action Levels

August 2019

The State Board of Health is drafting changes to the Group A rule to set a standard for Poly- and Perfluoroalkyl Substances (PFAS). The draft revisions include criteria for setting state action levels (SAL) for contaminants that do not have an established maximum contaminant level (MCL), requirements for monitoring and reporting, follow-up actions, and public notice. The draft revisions also makes technical corrections, and editorial changes to clarify existing state and federal requirements throughout the chapter.

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 to align with federal regulations. • Revised and new definitions to align with changes : <ul style="list-style-type: none"> ○ Bioaccumulative ○ Running annual average ○ State action level ○ State detection reporting limit
-130 Source approval	<ul style="list-style-type: none"> • Adds initial water quality analysis for PFAS contaminants for source approval except where waived or not applicable.
-300 Monitoring requirements	<ul style="list-style-type: none"> • Technical change to clarify sample analysis is performed using EPA-approved methods or other department-approved methods. • Editorial change to move a note into the subsection paragraph. • Deleted several outdated monitoring requirements to align with federal regulations. • Clarified averaging of samples is based on either locational running annual average or running annual average. • Added monitoring requirements for several contaminants with state action levels including PFAS. • Added monitoring waivers options for contaminants with a SAL. • Clarified monitoring requirements for other contaminants based on public health concern.
-310 Maximum contaminant levels (MCL) and maximum residual disinfectant levels	<ul style="list-style-type: none"> • Moved public notification requirements for an <i>E. coli</i> MCL violation from a “note” into the subsection. • Removed nickel from the list of contaminants to align with federal regulations. • Moved requirements for “other contaminants” into a new section -315, State action levels (SALs).

WAC 246-290 Section Number and Title	Summary of Changes
-315 State action levels (SALs)	<ul style="list-style-type: none"> • Added criteria the department uses to select an unregulated contaminant for developing a SAL. • Added requirements for the State Board of Health to consider the department’s findings when considering adoption of a SAL. • Added previously Board approved SALs for several contaminants and added new SALs for PFAS. • Added a requirement that if a system fails to submit a confirmation sample, the initial sample results will be used to determine compliance with the SAL.
-320 Follow up action	<ul style="list-style-type: none"> • Technical changes to make corrections and to align with federal regulations. • Added follow-up actions a purveyor takes if a SAL level is exceeded. • Added specific monitoring requirements for organic and inorganic contaminants with a SAL for increased monitoring and for reduced monitoring.
-455 Operation of chemical contaminant treatment facilities	<ul style="list-style-type: none"> • Added requirements for purveyors that use treatment to remove a contaminant with a SAL.
-480 Recordkeeping and reporting	<ul style="list-style-type: none"> • Added recordkeeping requirements of SAL exceedances.
-490 Cross-connection control	<ul style="list-style-type: none"> • Corrected table numbers to align with changes to other sections.
-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"> • Corrected table numbers to align with changes in other sections.
-660 Filtration.	<ul style="list-style-type: none"> • Corrected table numbers to align with changes to other sections.
-686 Compliance requirements for unfiltered systems	<ul style="list-style-type: none"> • Corrected table numbers to align with changes to other sections.
-71006 Consumer information New section title: Public notice for contaminants with a SAL	<ul style="list-style-type: none"> • Revised public notice requirements to align with changes in section -315 based on the Tier designation under table 9. • Added public notice must conform to the requirements in sections -71001 through -71004 on the Tier designation under table 16. • Added public notice timeframes for Tier 1 and Tier 2 designation for 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 the reporting content for SAL detections.
-72005 Report contents – Information on detected contaminants	<ul style="list-style-type: none"> Adds report 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 SAL changes. Adds contaminants with an SAL to the table.

For more detailed information about the draft changes, go to doh.wa.gov/ODWRulemaking.