



Implementing EPA's PFAS Standards

Rulemaking

Recommendations

Shay Bauman, Policy Advisor

WASHINGTON STATE 
BOARD OF HEALTH

WAC 246-290-315(8)

Upon federal **adoption** of an MCL, the federal MCL will supersede a SAL or a less stringent state MCL, and the associated requirements, **including for monitoring and public notice.** If the federally adopted MCL is less stringent than a SAL or state MCL, the board may take one of the following actions:

- (a) Adopt the federal MCL; or
- (b) Adopt a state MCL, at least as stringent as the federal MCL, using the process in subsections (6) and (7) of this section.



EPA Effective Dates

Effective
June 25, 2024

Analytical
requirements*

Effective
April 26, 2027

Consumer Confidence
Reporting*

Ongoing compliance
monitoring*

Reporting and recordkeeping*

Initial monitoring results
reporting

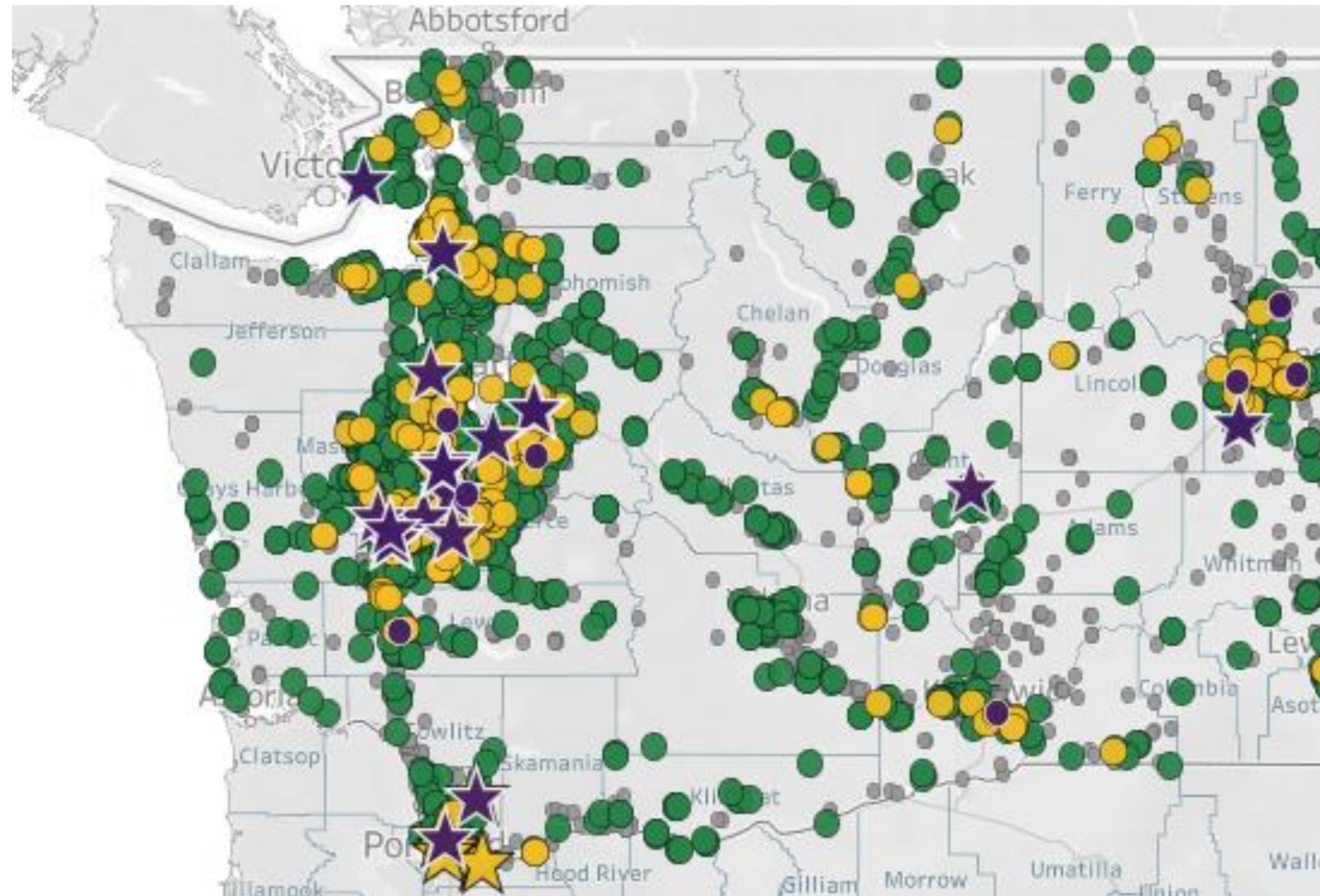
Public notification for testing
and procedure violations

Effective
April 26, 2029

PFAS MCL Violations

MCL Compliance
Requirements

30-day Public Notification for
MCL violations*



Recommendation 1: Clearly define rule language to maintain current protections

~~Upon federal adoption of an MCL, the federal~~ When a federal MCL becomes effective, the MCL will supersede a SAL or a less stringent state MCL, and the associated requirements, including for monitoring and public notice. If the federally adopted MCL is less stringent than a SAL or state MCL, the board may take one of the following actions:

- (a) Adopt the federal MCL; or
- (b) Adopt a state MCL, at least as stringent as the federal MCL, using the process in subsections (6) and (7) of this section.

Options:

- Initiate an emergency rulemaking – *recommended, OR*
- Issue an interpretive statement
 - Delays timeline, issued due to emergency

Timeline:

- CR-103E filed after this meeting, every 120 days until permanent
- CR-101 to permanently fix rule language file along with 103E



Recommendation 2: Adopt the federal standards and effective dates into rule

- Necessary for the Department to maintain primacy, rule to comply with federal requirements
- SALs and associated requirements stay in effect until the federal effective dates supersede them. Customers are still notified of detections above the SALs within 30 days and systems continue frequency of monitoring for SALs

Options:

1. Initiate an exception rulemaking for each 246-290 and 246-390 – *recommended*
2. Adopt by reference
 - Tables with new MCLs would be located outside of WAC 246-290-310, creates inconsistency

Timeline:

- CR-102s filed after June 25
- Rules hearing in October or November 2024
- Effective 30 days after hearing

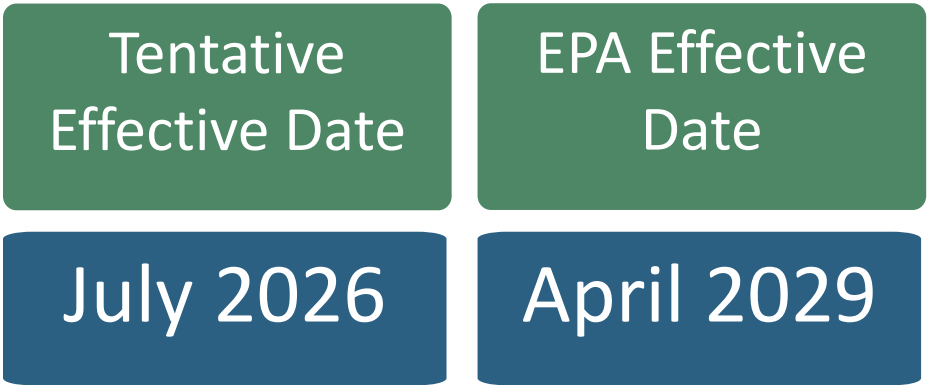
Recommendation 3: Explore adopting the MCL values as SALs until the federal effective date

Provides 30-day notification to those served by systems with detections between the current SAL and MCL sooner than the EPA's effective date

- Current testing procedure can detect to the level of the MCLs
- Public Notification system is already active
- When the MCL effective date comes, these adopted SALs will turn into MCLs
- Procedure to adopt new SALs remains in rule to adapt as needed

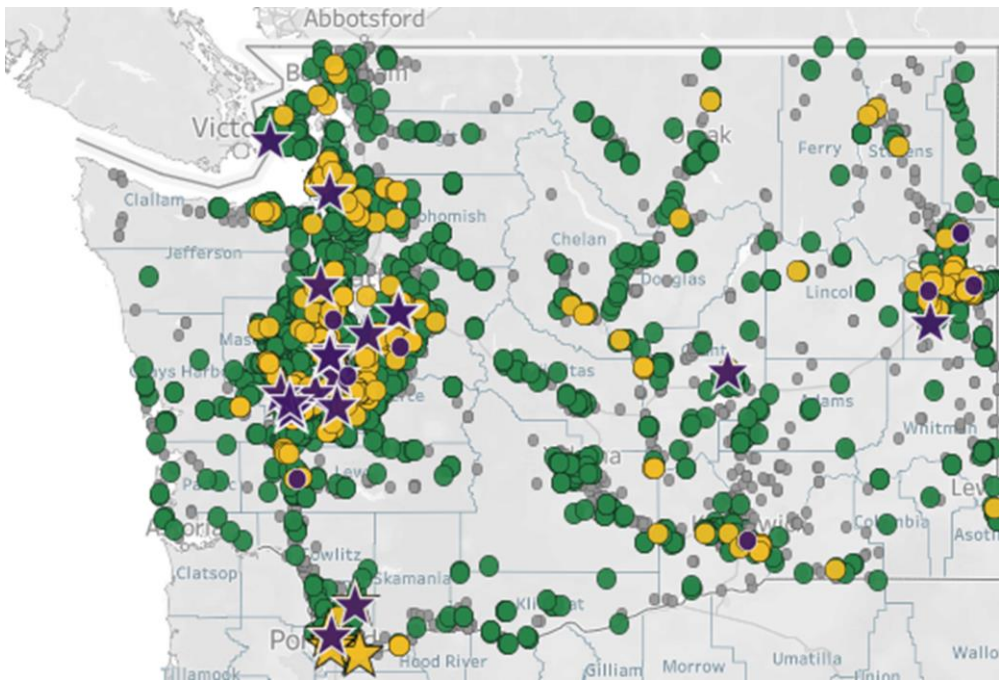
Timeline:

- Significant change according to the APA
- CR-101 filed after this meeting
- Interested party engagement, significant analysis, small business economic analysis, environmental justice assessment
 - Regular briefings



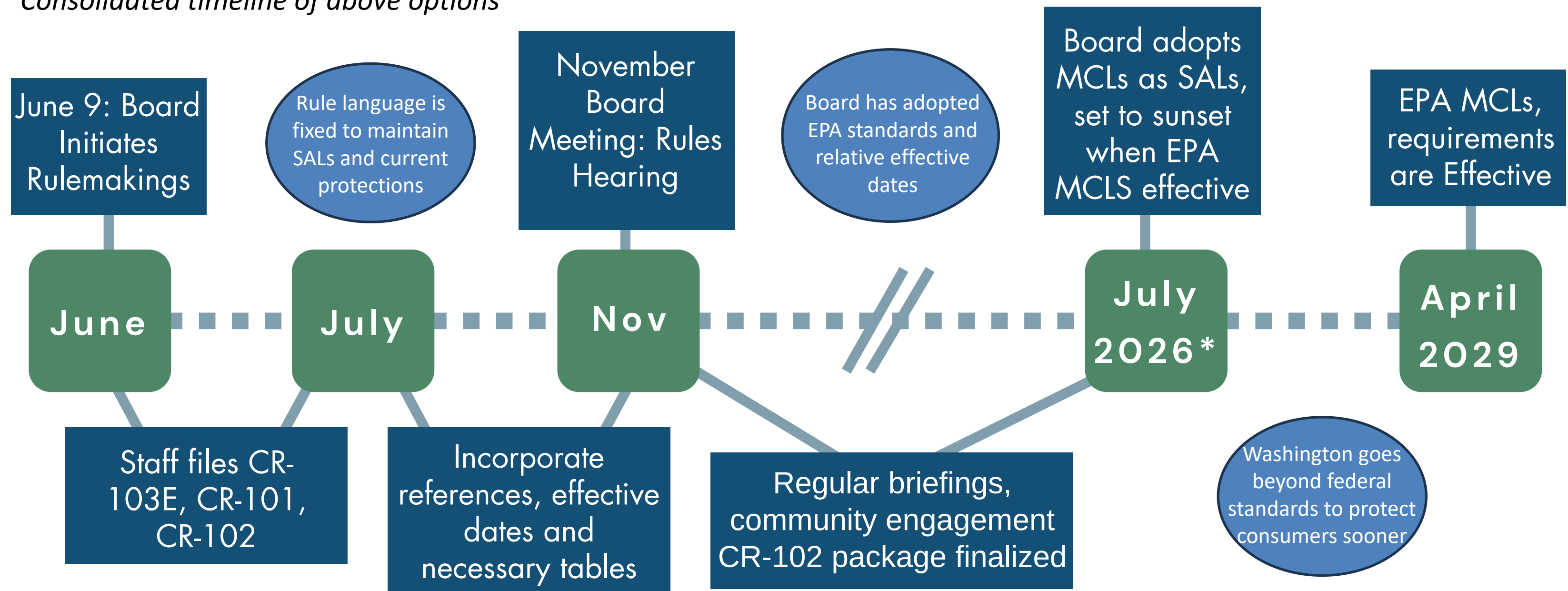
Example

Contaminant	MCL Value (ng/L)	Detection Level (ng/L)	SAL (ng/L)
PFOA	4	6	10
PFOS	4	10	15



1. Initiate an emergency rulemaking to fix rule language and maintain current standards
2. Initiate an exception rulemaking to adopt federal standards and effective dates into WAC 246-290
3. Initiate an exception rulemaking to update guidance references in WAC 246-390
4. Initiate permanent rulemaking to permanently fix rule language and adopt the MCL values as SALs

Consolidated timeline of above options



*Tentative

THANK YOU

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