



# WAC 246-290-315(8) – PFAS Emergency Rulemaking

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WASHINGTON STATE   
**BOARD OF HEALTH**



# Previous Rule

**WAC 246-290-315(8): State action levels (SALs) and state maximum contaminant levels (MCLs).**

(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.



# Current rule expires on February 19, 2025

**Emergency Rules expire 120 days after they go into effect.**

- Second Emergency Rule adopted and effective on October 22, 2024, and expires Wednesday, February 19, 2025

## **Recommendation:**

- Initiate a third emergency rulemaking to continue to clearly maintain the SALs and associated requirements.
  - Anticipated effective date February 19, 2025.
  - Rule would expire June 19, 2025

Federal Rule Provisions	Effective Date
<ul style="list-style-type: none"><li>• Analytical Requirements*</li></ul>	June 25, 2024
<ul style="list-style-type: none"><li>• Consumer confidence reporting*</li><li>• Ongoing compliance monitoring*</li><li>• Reporting and recordkeeping*</li><li>• Initial monitoring results reporting</li><li>• Public notification for testing and procedure violations</li></ul>	April 26, 2027
<ul style="list-style-type: none"><li>• PFAS MCL violations</li><li>• MCL compliance requirements</li><li>• 30-day Public Notification for MCL violations*</li></ul>	April 26, 2029

# Proposed Language

~~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.

## Action Item:

**Proceed with emergency rulemaking?**





# Future Actions

## Permanent Rulemaking

- Language is being finalized with the Office of Drinking Water (DOH)
- Met with Ecology regarding potential changes
- Informal comment period
- Environmental Justice Assessment Scoping

## Abbreviated Rulemaking

- Section-by-section review



Questions?

# THANK YOU

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