

2SSB 6342 - H COMM AMD

By Committee on Environment & Energy

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that ensuring
4 safe drinking water is a primary concern for protecting public
5 health. The federal safe drinking water act was established to
6 protect the quality of drinking water through standards and
7 regulations adopted by the United States environmental protection
8 agency and implemented by the state. The United States has been known
9 for safe and reliable drinking water. However, public health needs to
10 keep pace with evolving science in developing and reevaluating
11 standards to protect drinking water from contaminants.

12 (2) The legislature intends to protect public health, including
13 vulnerable populations, by requiring the department of health to
14 develop maximum contaminant levels or state action levels that take
15 into account the best available science and treatment techniques to
16 ensure safe drinking water.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.142
18 RCW to read as follows:

19 The definitions in this section apply throughout sections 3 and 4
20 of this act unless the context clearly requires otherwise.

21 (1) "Department" means the department of health.

22 (2) "Group A water system" means a system with fifteen or more
23 service connections, regardless of the number of people; or a system
24 serving an average of twenty-five or more people per day for sixty or
25 more days within a calendar year, regardless of the number of service
26 connections.

27 (3) "PFAS chemicals" means a class of fluorinated organic
28 chemicals containing at least one fully fluorinated carbon atom and
29 referred to as perfluoroalkyl and polyfluoroalkyl substances.

30 (4) "Public water system" means any system, excluding a system
31 serving only one single-family residence and a system with four or

1 fewer connections all of which serve residences on the same farm,
2 providing piped water for human consumption, including any
3 collection, treatment, storage, or distribution facilities under
4 control of the purveyor and used primarily in connection with the
5 system; and collection or pretreatment storage facilities not under
6 control of the purveyor but primarily used in connection with the
7 system.

8 (5) "State action level" means the concentration of a contaminant
9 or group of contaminants, without a maximum contaminant level,
10 established by the department to protect public health, and when
11 exceeded, triggers actions water purveyors must take.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.142
13 RCW to read as follows:

14 (1)(a) The state board of health must require public water
15 systems at risk for PFAS chemicals contamination to test drinking
16 water for PFAS chemicals. The state board of health may require other
17 public water systems to test drinking water for PFAS chemicals. Tests
18 must be carried out using an approved United States environmental
19 protection agency method or another method approved by the
20 department.

21 (b) The state board of health and the department may work with
22 local health jurisdictions to determine public water systems at risk
23 for contamination as well as testing and monitoring parameters.

24 (c) The samples must be collected by public water systems and
25 must be transported and submitted for analysis consistent with the
26 United States environmental protection agency methods or other
27 department-approved methods. The test results must include all
28 results from United States environmental protection agency-approved
29 methods or other department-approved methods and must be provided to
30 the department.

31 (2)(a) By July 1, 2022, the department must provide a report to
32 the legislature consistent with RCW 43.01.036 that includes a review
33 of:

34 (i) The test results and the extent to which any PFAS chemicals
35 are found in public water systems, as determined under subsection (1)
36 of this section;

37 (ii) The statewide scope and scale of PFAS chemical contamination
38 in public water systems and group A water systems and effective and

1 efficient mitigation efforts to address sources of PFAS chemical
2 contamination;

3 (iii) Public water and group A water systems needs to address
4 PFAS chemical contamination, including costs and impacts to
5 consumers;

6 (iv) Impacts on vulnerable populations from PFAS chemical
7 contamination;

8 (v) Other unregulated contaminants for which increased monitoring
9 should be required of some or all public water systems; and

10 (vi) Recommendations for whether the state board of health should
11 establish a state action level or maximum contaminant level for PFAS,
12 or whether some or all state board of health actions on PFAS
13 chemicals will be sufficiently addressed by federal standards.

14 (b) When developing the report, the department must consult with
15 group A water systems and endeavor to review efforts by group A water
16 systems that are mitigating for PFAS chemical contamination.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.142
18 RCW to read as follows:

19 (1) The state board of health must establish for group A water
20 systems statewide maximum contaminant levels or state action levels
21 for PFAS chemicals.

22 (2)(a) If there is sufficient evidence that PFAS chemical
23 contamination is likely to occur in Washington waters, but there is
24 not sufficient economic data available or such data does not support
25 the adoption of a maximum contaminant level under subsection (1) of
26 this section, the department may recommend, and the state board of
27 health may approve, a state action level for some or all PFAS
28 chemicals.

29 (b) Upon the establishment of a state action level, the
30 department may require some or all public water supply systems to
31 monitor for the contaminant.

32 (c) When a state action level is exceeded, the department may
33 require that public water supply systems undertake certain follow-up
34 actions, including continued monitoring for the contaminant, and the
35 issuance of timely public notification to water supply system
36 customers regarding:

37 (i) Contaminant specific health information;

38 (ii) Steps consumers may take to protect their health; and

1 (iii) Steps that the water supply system plans to take to address
2 the contaminant.

3 (3) When establishing maximum contaminant levels or state action
4 levels, the state board of health must review maximum contaminant
5 levels or other health advisory levels adopted by other states, the
6 studies and scientific evidence reviewed by those states, material in
7 the agency for toxic substances and disease registry, and the latest
8 peer-reviewed science and independent or government agency studies."

9 Correct the title.

EFFECT: Narrows the requirements for public water systems to test for PFAS chemicals to only those systems at risk for PFAS contamination, but authorizes the Board of Health to require other public water systems to test for PFAS chemicals. Eliminates the specified January 1, 2021, start date for PFAS testing requirements. Requires the 2022 report to the Legislature to assess impacts from PFAS contamination on vulnerable populations and recommendations for how to address PFAS chemical drinking water standards through specified regulatory tools. Directs the Board of Health to adopt either a maximum contaminant level or a state action level, and specifies the circumstances in which a state action level would be the appropriate regulatory tool. Specifies that the Department of Health may require that public water systems undertake certain follow-up actions in the event that a state action level is exceeded, including notification to customers and continued monitoring for the contaminant.

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