

# SENATE BILL REPORT

## SB 6619

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As of February 3, 2020

**Title:** An act relating to chemicals in drinking water.

**Brief Description:** Concerning chemicals in drinking water.

**Sponsors:** Senators Wellman, Nguyen, Lovelett, Stanford and Das.

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 2/04/20.

**Brief Summary of Bill**

- Requires a municipal or public corporation operating an underground injection control well to provide a water utility the opportunity to review and comment on new or modified wells, when notified the drinking water system finds perfluorinated alkylated substances chemicals in its drinking water supply.

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Staff:** Jan Odano (786-7486)

**Background:** The federal Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate discharges from point sources to surface waters. NPDES permits are required for stormwater discharges from certain industries, construction sites of specified sizes, and municipalities operating municipal separate storm sewer systems meeting specified criteria. The Department of Ecology (Ecology) administers permits, including municipal stormwater general permits, under the CWA.

The federal Safe Drinking Water Act establishes requirements and provisions for the Underground Injection Control (UIC) program. The purpose of the UIC program is to protect underground sources of drinking water from UIC well discharges. The U.S. Environmental Protection Agency granted Ecology authority to regulate UIC wells in Washington State, except for wells on tribal land.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

All UIC wells receiving stormwater must be registered with and authorized by Ecology or covered by a state waste discharge permit to operate. UIC wells receiving stormwater runoff may be authorized by the UIC program without requiring individual permits, as long as the well is operated in a way as to not endanger underground sources of drinking water. Ecology may rescind authorization if discharges from a UIC well no longer meet ground water quality standards.

Most class V UIC wells are shallow disposal systems depending on gravity to drain fluids directly in the ground. These wells are subsurface infiltration systems including drywells, drain fields, infiltration trenches with perforated pipe, storm chamber systems with the intent to infiltrate, bioretention systems intended to distribute water to the subsurface by means of perforated pipe installed below the treatment soil, and other similar devices discharging to the ground.

Perfluorinated alkylated substances (PFAS) are a large and complex group of synthetic chemicals used for a variety of purposes, including preventing cookware from sticking, making clothing and carpeting stain resistant, and making fire fighting foam more effective. Concerns about the public health impacts of PFAS substances have arisen due to their widespread occurrence in the environment, people, and consumer products. PFAS substances do not readily degrade and the remaining amount in the environment and human body is currently unknown. Findings from research conducted by the National Institutes of Environmental Health show possible links to adverse human health effects such as altered metabolism, reduced fetal growth, increased risk for obesity, and impacts to the immune system.

**Summary of Bill:** When a water utility finds PFAS chemicals in its drinking water, it may notify the municipal or public corporation operating or proposing to operate a well located above its groundwater source.

A municipal or public corporation, upon request, must provide a water utility the opportunity to review and comment on plans for new or modified wells used to discharge fluids to the subsurface.

A well used to discharge fluids to the subsurface is: a drilled, bored, or driven shaft, or dug hole, whose depth is greater than the largest surface dimension, an improved sinkhole, or a subsurface fluid distribution system.

PFAS chemicals are defined.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.