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**SECOND SUBSTITUTE SENATE BILL 6342**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Dhingra, Das, Lovelett, Mullet, Stanford, and Wilson, C.)

AN ACT Relating to chemical contaminants in drinking water; amending RCW 70.142.050; adding new sections to chapter 70.142 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

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

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

(4) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

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

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

(1)(a) Beginning January 1, 2021, public water systems, as determined by the department through sampling results or identified as known or potential sources of contaminants with proximity to group A water systems that have levels of PFAS chemicals above the state action level, must test drinking water for PFAS chemicals using an approved United States environmental protection agency method or another method approved by the department.

(b) The department may work with local health jurisdictions to determine public water systems at risk for contamination as well as testing and monitoring parameters.

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

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

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

(ii) The statewide scope and scale of PFAS chemical contamination in public water systems and group A water systems and effective and efficient mitigation efforts to address sources of PFAS chemical contamination; and

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

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

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

(1) The department must establish for group A water systems statewide maximum contaminant levels for PFAS chemicals.

(2) When establishing maximum contaminant levels, the department must review maximum contaminant levels adopted by other states, the studies and scientific evidence reviewed by those states, material in the agency for toxic substances and disease registry, and the latest peer-reviewed science and independent or government agency studies. The maximum contaminant levels must be protective of public health, including vulnerable populations, and must be at least as restrictive as the maximum contaminant levels or health advisories promulgated by the United States environmental protection agency.

(3) The department may adopt maximum contaminant levels more stringent than federal maximum contaminant levels or health advisories if, accounting for an adequate margin of safety to protect human health at all life stages including, but not limited to, prenatal development, the department determines federal standards do not provide adequate protection of human health.

(4)(a) By January 1, 2025, the department must provide to the state board of health recommendations for maximum contaminant levels for PFAS chemicals in group A water systems. However, where the department finds there is insufficient information to develop a maximum contaminant level for a specific PFAS chemical found in group A water systems, the department must establish a state action level and provide recommendations for the best available treatment technology necessary to protect public health and to assist group A water systems to achieve the state action level.

(b) The department may develop a single or several maximum contaminant levels or state action levels, as established in (a) of this subsection, for PFAS chemicals that the department determines can serve as proxies for the remaining PFAS chemicals found in drinking water.

(5) By July 1, 2026, the state board of health must adopt rules to specify actions to be taken by group A water systems when PFAS chemicals are detected at or above the maximum contaminant level or a state action level.

(6) The state board of health must require a group A water system that exceeds a state action level, as adopted by rule, to recommend consumers use an alternate source of drinking water.

**Sec.**  RCW 70.142.050 and 1991 c 3 s 375 are each amended to read as follows:

Public water supply systems as defined by RCW 70.119.020 that the state board of health or local health department determines do not comply with the water quality standards applicable to the system shall immediately initiate preparation of a corrective plan designed to meet or exceed the minimum standards for submission to the department of health. The owner of such system shall within one year, or as determined by the department of health, take any action required to bring the water into full compliance with the standards. The department of health may require compliance as promptly as necessary to abate an immediate public health threat or may extend the period of compliance if substantial new construction is required: PROVIDED FURTHER, That the extension shall be granted only upon a determination by the department of health, after a public hearing, that the extension will not pose an imminent threat to public health. Each such system shall include a notice identifying the water quality standards exceeded, and the amount by which the water tested exceeded the standards, in all customer bills mailed after such determination. The notification shall continue until water quality tests conducted in accordance with this chapter establish that the system meets or exceeds the minimum standards.

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