
HOUSE BILL 1831

State of Washington

66th Legislature

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By Representatives Hudgins, Doglio, Fitzgibbon, Stanford, and Pollet

Read first time 01/31/19. Referred to Committee on Environment & Energy.

1 AN ACT Relating to improving the testing of drinking water for
2 emerging contaminants; and amending RCW 70.142.010, 70.142.020, and
3 70.142.030.

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

5 **Sec. 1.** RCW 70.142.010 and 1984 c 187 s 1 are each amended to
6 read as follows:

7 (1) In order to protect public health from ~~((chemical))~~ health-
8 affecting contaminants in drinking water, the state board of health
9 shall conduct public hearings and, where technical data allow,
10 establish by rule standards for allowable concentrations. For
11 purposes of this chapter, the ~~((words—"chemical"))~~ term "health-
12 affecting contaminants" ~~((are limited to synthetic organic chemical~~
13 ~~contaminants and to))~~ includes, but is not limited to, contaminants
14 identified on a contaminant candidate list developed by the United
15 States environmental protection agency for purposes of implementation
16 of the federal safe drinking water act, contaminants identified for
17 monitoring by drinking water programs in other states, and any other
18 contaminants which in the opinion of the state board of health
19 constitute a threat to public health. In determining monitoring
20 requirements for public water supply systems, the state board of

1 health shall take into consideration economic impacts as well as
2 public health risks.

3 (a) If adequate data to support setting of a standard is
4 available, and the health-affecting contaminant has been found to
5 occur in Washington waters with sufficient regularity to warrant
6 regulation, the state board of health shall adopt by rule a maximum
7 contaminant level for water provided to consumers' taps. Standards
8 set for contaminants known to be toxic shall consider both short-term
9 and chronic toxicity. Standards set for contaminants known to be
10 carcinogenic shall be consistent with risk levels established by the
11 state board of health.

12 (b) (i) If there is sufficient evidence that a health-affecting
13 contaminant is likely to occur in Washington waters, but there is not
14 sufficient economic data available or such data does not support the
15 adoption of a maximum contaminant level under (a) of this subsection,
16 the department of health may recommend, and the state board of health
17 may approve, a state action level.

18 (ii) Upon the establishment of a state action level, the
19 department of health may require some or all public water supply
20 systems to monitor for the contaminant.

21 (iii) When a state action level is exceeded, the department of
22 health may require that public water supply systems undertake certain
23 follow-up actions, including continued monitoring for the
24 contaminant, and the issuance of timely public notification to water
25 supply system customers regarding:

26 (A) Contaminant specific health information;

27 (B) Steps consumers may take to protect their health; and

28 (C) Steps that the water supply system plans to take to address
29 the contaminant.

30 (c) Upon a determination by the secretary of health that such an
31 action is necessary to protect public health, the state board of
32 health may approve, and the department of health may implement, a
33 state action level without the adoption of a rule, the completion of
34 economic analysis, or the supplemental or novel collection of water
35 quality data.

36 (2) The state board of health shall consider the best available
37 scientific information in establishing the standards. The state board
38 of health may review and revise the standards. State and local
39 standards for chemical contaminants may be more strict than the
40 federal standards.

1 (3) At a minimum, the emerging contaminants addressed by the rule
2 adopted under this section must address monitoring by public water
3 supply systems for:

4 (a) Algae or cyanotoxins produced from cyanobacteria; and

5 (b) Perfluoroalkyl and polyfluoroalkyl (PFAS) substances.

6 (4) With respect to emerging contaminants listed in subsection
7 (3)(a) of this section, the state board of health:

8 (a) Must initiate rule making within six months of the completion
9 of cyanotoxin monitoring by the environmental protection agency under
10 the agency's fourth unregulated contaminant monitoring rule (81 Fed.
11 Reg. 92666 (December 20, 2016)); and

12 (b) May not require the universal, ongoing monitoring by all
13 public water supply systems unless required under the federal safe
14 drinking water act or related regulations adopted by the United
15 States environmental protection agency.

16 (5) For purposes of this section, "public water supply system"
17 has the same meaning as "public water system" as defined in RCW
18 70.119.020.

19 **Sec. 2.** RCW 70.142.020 and 1991 c 3 s 374 are each amended to
20 read as follows:

21 The state board of health shall conduct public hearings and
22 establish by rule monitoring requirements for ~~((chemical))~~ health-
23 affecting contaminants in public water supplies. Results of tests
24 conducted pursuant to such requirements shall be submitted to the
25 department of health and to the local health department. The state
26 board of health may review and revise monitoring requirements for
27 ~~((chemical))~~ health-affecting contaminants.

28 **Sec. 3.** RCW 70.142.030 and 1984 c 187 s 5 are each amended to
29 read as follows:

30 (1) The state board of health ~~((in determining monitoring~~
31 requirements for public water supply systems shall take into
32 consideration economic impacts as well as public health risks)) must
33 prioritize monitoring of the highest risk public water systems, which
34 may include systems that:

35 (a) Have exceeded federal health advisory levels or other
36 standards for an emerging health-affecting contaminant during the
37 past five years; or

1 (b) Are identified as likely to be at high risk of contamination
2 by an emerging health-affecting contaminant due to environmental
3 circumstances specific to the public water supply system, including
4 hydrologic connection or geographic proximity to a known or suspected
5 source of the contaminant.

6 (2) The state board of health may require either ongoing or one-
7 time monitoring requirements, as appropriate, to identify and address
8 risks to public health posed by an emerging health-affecting
9 contaminant.

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