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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.)

READ FIRST TIME 02/11/20.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (c) The samples must be collected by public water systems and  
38 must be transported and submitted for analysis consistent with the  
39 United States environmental protection agency methods or other

1 department-approved methods. The test results must include all  
2 results from United States environmental protection agency approved  
3 methods or other department approved methods and must be provided to  
4 the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **Sec. 5.** RCW 70.142.050 and 1991 c 3 s 375 are each amended to  
23 read as follows:

24 Public water supply systems as defined by RCW 70.119.020 that the  
25 state board of health or local health department determines do not  
26 comply with the water quality standards applicable to the system  
27 shall immediately initiate preparation of a corrective plan designed  
28 to meet or exceed the minimum standards for submission to the  
29 department of health. The owner of such system shall within one year,  
30 or as determined by the department of health, take any action  
31 required to bring the water into full compliance with the standards.  
32 The department of health may require compliance as promptly as  
33 necessary to abate an immediate public health threat or may extend  
34 the period of compliance if substantial new construction is required:  
35 PROVIDED FURTHER, That the extension shall be granted only upon a  
36 determination by the department of health, after a public hearing,  
37 that the extension will not pose an imminent threat to public health.  
38 Each such system shall include a notice identifying the water quality  
39 standards exceeded, and the amount by which the water tested exceeded

1 the standards, in all customer bills mailed after such determination.  
2 The notification shall continue until water quality tests conducted  
3 in accordance with this chapter establish that the system meets or  
4 exceeds the minimum standards.

--- **END** ---