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**SENATE BILL 6342**

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

**By** Senators Dhingra, Das, Lovelett, Mullet, Stanford, and Wilson, C.

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

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

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 2 through 5 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 substances" means perfluorooctanoic acid, chemical abstract number 335-67-1 (PFOA), perfluorooctanesulfonic acid, chemical abstract number 1763-23-1 (PFOS), perfluorohexyl sulfonate, chemical abstract number 335-46-4 (PFHxS), perfluorononanoic acid, chemical abstract number 375-95-1 (PFNA), and perfluorobutane sulfonate, chemical abstract number 375-73-5 (PFBS).

(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) By December 31, 2020, all group A water systems must provide results from testing conducted after January 1, 2017, for PFAS substances to the department. The samples must be collected, transported, and submitted for analysis consistent with the United States environmental protection agency methods or other department-approved methods.

(2) The department must make recommendations regarding state action levels and treatment or other remedies to reduce PFAS substances in the drinking water systems.

(3) By January 1, 2021, the state board of health must adopt rules to implement recommendations for state action levels and treatment or other remedies to reduce PFAS substances, as developed under subsection (2) of this section. The rules may include waivers for testing and frequency of testing. Minimum requirements for water systems with PFAS substances at or above the state action level must include:

(a) Ongoing monitoring of the water system; and

(b) Notification to water system consumers.

(4) When a maximum contaminant level for PFAS substances has been established by the state board of health or the United States environmental protection agency, if determined by the department to be adequate to protect public health, the state board of health must repeal the rules implementing the PFAS substances state action levels.

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

(1)(a) By January 1, 2021, public water systems, as determined by the department through sampling results or identified as known or potential sources of contaminants, must test drinking water for PFAS substances.

(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 be provided to the department.

(2) The department must review the test results and provide a report, consistent with RCW 43.01.036, to the legislature regarding the extent to which any PFAS substances are found in public water systems, sources of contamination, clean-up requirements or mitigation, impacts to consumers and the water systems, including costs, and any necessary legislative actions.

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 substances, chromium 6, and 1,4 dioxane.

(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 subpopulations such as pregnant and nursing mothers, infants, and children, and at least as restrictive as the maximum contaminant levels or health advisory 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) By January 1, 2025, the department must provide to the state board of health recommendations to implement requirements for maximum contaminant levels for PFAS substances in group A water systems.

(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 substances are detected at or above the maximum contaminant level.

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

(1) By December 31, 2025, every group A water system must provide results from testing conducted after January 1, 2020, for chromium 6 and 1,4 dioxane.

(2) The state board of health must adopt rules to specify actions to be taken by water system purveyors when chromium 6 or 1,4 dioxane are detected at or above the maximum contaminant level established by the department, as required under section 4 of this act. When developing the rules, the state board of health may determine water systems at risk for contamination to prioritize monitoring requirements and treatment or other remedies to reduce the levels of chromium 6 and 1,4 dioxane in the drinking water system to below the maximum contaminant level. Minimum requirements for water systems contaminated with chromium 6 and 1,4 dioxane must include:

(a) Ongoing monitoring of the water system; and

(b) Notification to water system consumers.

**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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