
SENATE BILL 6342

State of Washington

66th Legislature

2020 Regular Session

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

Read first time 01/15/20. Referred to Committee on Environment, Energy & Technology.

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.142
6 RCW to read as follows:

7 The definitions in this section apply throughout sections 2
8 through 5 of this act unless the context clearly requires otherwise.

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

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

15 (3) "PFAS substances" means perfluorooctanoic acid, chemical
16 abstract number 335-67-1 (PFOA), perfluorooctanesulfonic acid,
17 chemical abstract number 1763-23-1 (PFOS), perfluorohexyl sulfonate,
18 chemical abstract number 335-46-4 (PFHxS), perfluorononanoic acid,
19 chemical abstract number 375-95-1 (PFNA), and perfluorobutane
20 sulfonate, chemical abstract number 375-73-5 (PFBS).

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

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

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

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

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

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

32 (a) Ongoing monitoring of the water system; and

33 (b) Notification to water system consumers.

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

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

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

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

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

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

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 substances, chromium 6,
25 and 1,4 dioxane.

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

36 (3) The department may adopt maximum contaminant levels more
37 stringent than federal maximum contaminant levels or health
38 advisories if, accounting for an adequate margin of safety to protect
39 human health at all life stages including, but not limited to,

1 prenatal development, the department determines federal standards do
2 not provide adequate protection of human health.

3 (4) By January 1, 2025, the department must provide to the state
4 board of health recommendations to implement requirements for maximum
5 contaminant levels for PFAS substances in group A water systems.

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

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.142
10 RCW to read as follows:

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

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

24 (a) Ongoing monitoring of the water system; and

25 (b) Notification to water system consumers.

26 **Sec. 6.** RCW 70.142.050 and 1991 c 3 s 375 are each amended to
27 read as follows:

28 Public water supply systems as defined by RCW 70.119.020 that the
29 state board of health or local health department determines do not
30 comply with the water quality standards applicable to the system
31 shall immediately initiate preparation of a corrective plan designed
32 to meet or exceed the minimum standards for submission to the
33 department of health. The owner of such system shall within one year,
34 or as determined by the department of health, take any action
35 required to bring the water into full compliance with the standards.
36 The department of health may require compliance as promptly as
37 necessary to abate an immediate public health threat or may extend
38 the period of compliance if substantial new construction is required:

1 PROVIDED FURTHER, That the extension shall be granted only upon a
2 determination by the department of health, after a public hearing,
3 that the extension will not pose an imminent threat to public health.
4 Each such system shall include a notice identifying the water quality
5 standards exceeded, and the amount by which the water tested exceeded
6 the standards, in all customer bills mailed after such determination.
7 The notification shall continue until water quality tests conducted
8 in accordance with this chapter establish that the system meets or
9 exceeds the minimum standards.

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