
SUBSTITUTE SENATE BILL 6342

State of Washington

66th Legislature

2020 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Dhingra, Das, Lovelett, Mullet, Stanford, and Wilson, C.)

READ FIRST TIME 01/31/20.

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 and 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.

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

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

1 (2) By June 1, 2022, the department must review the test results
2 and provide a report, consistent with RCW 43.01.036, to the
3 legislature regarding the extent to which any PFAS chemicals are
4 found in public water systems, sources of contamination, clean-up
5 requirements or mitigation, impacts to consumers and the water
6 systems, including costs, and any necessary legislative actions.

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

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

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

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

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

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

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

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

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

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