



## Overview of Draft Rule Changes

September 2020

### Background

The State Board of Health (board) is revising chapter 246-290 WAC, Group A Public Water Supplies (Group A rule), to set a standard for Poly- and Perfluoroalkyl Substances (PFAS). The changes made to chapter 246-290 WAC necessitate changes to chapter 246-390 WAC, Drinking Water Laboratory Certification and Data Reporting (Lab rule) so that the requirements are consistent between the two chapters.

The revisions to the Group A rule are intended to improve public health protections by setting a regulatory standard for PFAS chemicals in Washington state. The revisions include requirements for monitoring, recordkeeping and reporting, follow-up actions, and other associated requirements for PFAS and other unregulated contaminants with established state standards. The rule revision also includes technical and editorial changes as needed.

The revisions to the Lab rule include laboratory reporting requirements for unregulated contaminants including PFAS as well as technical and editorial changes. Below is a summary of draft rule changes followed by a limited list of definitions that help explain core features of the rule.

### WAC 246-390 Overview

#### 1. **246-390-010 Definitions**

- a. Added a definition for units of measure for milligrams per liter (mg/L.)
- b. Added definition for bioaccumulative, state action level, and tentatively identified compounds.
- c. Added a definition of “chronic.”
- d. Moved the units of measure definitions from the analyte table keys to the definition section.

#### 2. **246-390-055 Reporting contracted analytical results**

- a. Added the requirement that the lab must let the public water system know when they plan to subcontract a sample to another lab.
- b. Added the requirement that the lab must notate on the final paperwork to the public water system what analysis was subcontracted.
- c. Separated contracted and contracting lab responsibilities for clarity.

#### 3. **246-390-065 Notification requirements**

- a. Added notification for analytes that are included in the unregulated contaminant section of 246-290 WAC.
- b. Added the afterhours contact notification.
- c. Put rule language into a table for clarification/ease of reading.

#### 4. **246-390-075 Reporting**

- a. Changed requirements for chronic reporting timeline from 45 business days to 30 calendar days.
- b. Changed the word “chemicals” to “contaminants” to be consistent with chapter 246-290 WAC.
- c. Added section 17 for PFAS contaminants.
  - i. Added standard reporting language e.g., if there is a detection above the state detection reporting limit then report it to the department.
  - ii. Added a section requiring labs to report tentatively identified compounds.
  - iii. Added the PFAS analytes to the table of analytes.

#### 5. **246-390-085 Enforcement**

- a. Updated language to follow the department's new enforcement guidelines and terminology.

## Definitions

1. **Acute** – means posing an immediate risk to human health.
2. **Chronic** – means posing a risk to human health only when human exposure occurs over many years to a contaminant above the MCL.
3. **Contracted lab** – means a certified lab that receives a drinking water sample from another certified lab for analysis.
4. **Contracting lab** – means a certified lab that sends a drinking water sample to another certified lab to be analyzed.
5. **DL Detection Limit** – defined as the statistically calculated minimum concentration that can be measured with 99% confidence that the reported value is greater than zero. The DL is compound dependent and is dependent on extraction efficiency, sample matrix, fortification concentration, and instrument performance. This is a statistical determination of precision (Sect. 9.2.8), and accurate quantitation (or reporting) is not expected at this level.
6. **Estimated concentration** – means the level of the analyte reported to the department is above a lab's MDL, but below the lab's MRL.
7. **IDL Instrument Detection Limit** – Most analytical instruments produce a signal even when a blank (matrix without analyte) is analyzed. This signal is referred to as the noise level. The IDL is the analyte concentration that is required to produce a signal greater than three times the standard deviation of the noise level.
8. **LCMRL Lowest Concentration Minimum Reporting Limit** – Is the lowest true concentration for which the future recovery is predicted to fall, with high confidence (99%), between 50 and 150% recovery.
9. **MCL Maximum contaminant level** – means the maximum permissible level of a contaminant in water that a public water system delivers to consumers. MCLs are established in chapters 246-290 and 246-291 WAC.
10. **MDL Minimum Detection Limit** – is the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results.
11. **MRL Minimum Reporting Level** – is the minimum concentration that can be reported as a quantitated (value for a method analyte in a sample following analysis)
12. **PQL Practical Quantitation Limit** – is a quantitation limit that represents a practical and routinely achievable quantitation limit with a high degree of certainty (>99.9% confidence) in the results. This is an older term and is slowly being replaced by MRL.
13. **PT Proficiency testing** – means the evaluation of sample analysis results, the true values of which are known to the supplier of the samples, but unknown to the lab conducting the analysis. PT samples are provided by a source external to the certified lab.
14. **QC Quality control** – means a set of measures used during an analytical method to ensure that the process is within specified control parameters.
15. **SDRL State Detection Reporting Limit** – means the minimum reportable detection of an analyte as established by the Washington State Department of Health (DOH).
16. **UCMR Unregulated Contaminant Monitoring Rule** – EPA's set of rules used to collect data for contaminants that are suspected to be present in drinking water and do not have health-based standards set under the Safe Drinking Water Act (SDWA).

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