Group A Public Water Supplies • Chapter 246-290 WAC

PFAS and State Action Levels

Overview of Draft Rule Changes

September 2020

The State Board of Health (board) initiated rulemaking December 15, 2017, to set a standard for Poly- and Perfluoroalkyl Substances (PFAS). Between 2013 and 2015, the U.S. Environmental Protection Agency (EPA) required some public water systems to monitor for PFAS. To date, EPA has not set an MCL for PFAS. PFAS are chemicals used in industrial and consumer products, such as carpeting, apparel, upholstery, food paper wrappings, fire-fighting foams, and metal plating worldwide since the 1950s.

Studies show that PFAS may cause liver toxicity and tumors, alter hormones and timing of sexual maturation, suppress immune response, and cause reproductive and developmental effects in laboratory animals. Evidence from some, but not all, epidemiological studies in people suggest that exposure to PFAS increases cholesterol levels, reduces birth weight, reduces immune antibody response to childhood vaccines, and may increase rates of some types of cancers, such as kidney and testicular cancer.

The board determined that a state action level (SAL) is the best way to set a standard for PFAS. A SAL is the concentration of a contaminant or group of contaminants without a maximum contaminant level (MCL) established to protect public health. If exceeded, a SAL triggers required monitoring, follow-up actions, and public notification.

Currently, the Department of Health determines follow up actions for SALs and other federal unregulated contaminant monitoring requirements on a case-by-case basis.

What is in the draft rule?

For Group A water systems, where the Board finds that an unregulated contaminant is a significant risk to human health—and there is no federal rule—the draft rule establishes the process and the criteria for setting SALs and state MCLs. The draft rule establishes SALs for five PFAS compounds and six other organic chemicals. In addition, the draft rule puts in place monitoring, reporting, public notice and follow-up action requirements.

How did the department determine PFAS SAL values?

The Department of health (department) evaluated scientific literature and reviewed recent assessments by federal agencies and several U.S. states. We found sufficient information to recommend SALs for five PFAS. The SALs were developed from health protective values from peer reviewed studies. The SAL levels are comparable to a maximum contaminant level goal in the federal Safe Drinking Water Act. For more information, see the DOH Approach to Developing PFAS State Action Levels factsheet.

Criteria to Set SALs

The draft rules establishes a process and criteria to set SALs for unregulated contaminants. A SAL is the concentration of a contaminant or group of contaminants, without an MCL, established to

protect public health. If exceeded, a SAL triggers required monitoring and public notification. For more information about this part of the draft rule, see the Criteria to set SAL fact sheet.

Criteria to Set state MCLs

The draft rule establishes a process and criteria to set state MCLs for unregulated contaminants. If a state MCL is exceeded, a water system will be required to provide treatment, monitoring, public notice, and other associated requirements. For more information about this part of the draft rule, see the Process to Set State MCLs fact sheet.

Monitoring, Follow-up Actions, and Public Notice

The draft rule would require community and nontransient noncommunity water systems to monitor for PFAS. It would require transient noncommunity water systems to monitor only if the department directs them to do so because they are located near known or suspected sites of PFAS contamination.

Monitoring requirements include source approval, initial and ongoing monitoring, and an option for waivers. Requirements for follow-up actions after a confirmed detection include quarterly monitoring. On-going quarterly monitoring will be based on the level of the contaminant detected in each source.

Water systems required to monitor must inform customers about the PFAS detection, health effects of the contaminant, what they are doing to address the issue, and what consumers can do to protect themselves.

The timing and content of the public notice will depend on the health risks of the contaminant. For more information, see the Monitoring, Follow-Up Actions, and Public Notice fact sheet.

The draft rule establishes that systems must take action as directed by the department if SALs are exceeded for PFAS.

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