



Overview of Draft Rule Changes

September 2020

The State Board of Health (board) is revising the Group A rule (chapter 246-290 WAC) to address concerns about Per- and Polyfluoroalkyl Substances (PFAS), contaminants that do not have a maximum contaminant level (MCL). The board and the department are concerned because almost a dozen public water systems and dozens of private wells in five areas of the state have PFAS contamination in their groundwater supplies above EPA and other states health advisory levels. These 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 Section Number and Title	Summary of Changes
-010 Definitions, abbreviations, and acronyms	<ul style="list-style-type: none">• Added a definition for:<ul style="list-style-type: none">○ All units of measure○ Bioaccumulative○ Contaminant○ State action level○ Tentatively identified compounds• Updated definition for:<ul style="list-style-type: none">○ Chronic○ Confirmation
-050 Reporting contracted analytical results	<ul style="list-style-type: none">• Added:<ul style="list-style-type: none">○ Labs must let the public water system know when they plan to subcontract a sample to another lab○ Lab must notate on the final paperwork to the public water system what analysis was subcontracted• Separated contracted and contracting lab responsibilities for clarity
-065 Notification requirements	<ul style="list-style-type: none">• Added<ul style="list-style-type: none">○ PFAS notification requirements○ After-hours contact notification• Replaced text with an easy to read chart

-075 Reporting

- Changed:
 - Chronic reporting timeline from 45 business days to 30 calendar days
- Added:
 - Sub-section 17 for PFAS contaminants
 - "Standard" reporting language e.g., if there is a detection above the state detection reporting limit then report it to the department
 - Section requiring labs to report tentatively identified compounds when technologically feasible
 - PFAS contaminants to the table of contaminants

-085 Enforcement

- Updated:
 - Language to follow the department's new enforcement guidelines and terminology

For detailed information about the draft changes, go to doh.wa.gov/ODWRulemaking.

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For more information visit our [PFAS Webpage](#) and [Timeline](#).



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