



Group A Public Water Supplies • Chapter 246-290 WAC Process and Criteria to Adopt State Action Levels and State Maximum Contaminant Levels

Updated November 1, 2021

The newly adopted rule (chapter 246-290 WAC) establishes the process and criteria to set state action levels (SAL) and state maximum contaminant levels (MCL) for federally unregulated contaminants.

A SAL is the concentration of a contaminant or group of contaminants, without an MCL, established to protect public health. If a contaminant with a SAL is detected in a Group A public water system, this triggers additional required monitoring. If a SAL is exceeded, this also triggers additional monitoring and requires public notification of the exceedance.

A state MCL is the concentration of a contaminant or group of contaminants established to protect public health. If exceeded, a state MCL triggers required treatment, monitoring, public notification, and other associated requirements.

New Section—315, State Action Levels **Criteria to select contaminants**

Unregulated contaminants that meet the following criteria can be considered for a SAL:

- ◆ Drinking water contributes to human exposure.
- ◆ The contaminant is known to occur in public water systems at levels of public health concern and has possible adverse effects on the health of persons exposed.
- ◆ A certified lab can measure the concentration of the contaminant accurately at and below the level of public health concern using EPA-approved analytical methods.

The process of developing a SAL includes:

- ◆ Evaluating peer-reviewed scientific literature and government publications on fate, transport, toxicity, exposure, and health effects of the contaminant and relevant metabolites.
- ◆ Assessing the most sensitive adverse effect relevant to humans, and the most sensitive subgroups, such as pregnant females and young children.
- ◆ Consideration of technical limitations to achieving the SAL.

New Section—315, State Maximum Contaminant Levels **Process to consider adopting a state MCL**

The newly adopted rule identifies the process and additional evaluations involved when an unregulated contaminant is considered for possible adoption of a state MCL.

- ◆ Considerations for setting an MCL include the SAL-setting criteria, and whether:
 - Regulating the contaminant presents a meaningful opportunity to reduce exposures of public health concern.

- An enforceable limit is needed to achieve uniform protection of public health.
- An enforceable limit would support source investigation and clean-up of a contaminant in drinking water supplies by responsible parties.

In addition to the SAL process, developing an MCL includes considering the best available treatment technologies, treatment affordability—especially for small watersystems, and the qualitative and quantitative benefits and costs of the rule.

State Board of Health (board) Actions

- ◆ The board will consider the Department’s finding and recommendation to adopt a state MCL. If the board decides to adopt a state MCL, they will follow the rulemaking procedures under the Administrative Procedures Act.
- ◆ A federal MCL supersedes a SAL.
- ◆ A federal MCL supersedes a state MCL if it is more stringent than the state MCL.
- ◆ If EPA adopts a federal MCL for which the board has adopted a SAL or state MCL, the department will evaluate the federal MCL to determine if the standard is protective of human health than the SAL or state MCL.
- ◆ If the federally adopted MCL is less stringent than a SAL or state MCL, the board may take one of the following actions:
 - Adopt the federal MCL; or
 - Adopt a state MCL, at least as stringent as the federal MCL, using the process in subsections 246-290-315(6) and (7).

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