



Fact Sheet

Frequently Asked Questions:

What Does AB 756 Require For Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

Introduction

This document is intended to provide answers to questions that may arise regarding Assembly Bill 756 (codified as Health and Safety Code section 116378). Nothing in this document supersedes any statutory or regulatory requirements or permit provisions for public water systems.

What are the new requirements in Health and Safety Code section 116378?

Authority to order testing: Section 116378 of the Health and Safety Code authorizes the State Water Resources Control Board (State Water Board) to order a public water system to monitor for perfluoroalkyl substances and polyfluoroalkyl substances (collectively, PFAS). The order may apply to an individual public water system, a specific groups of public water systems, or to all public water systems.

Authority to require electronic submittals: Section 116378(b) requires all PFAS monitoring results to be submitted to the State Water Board electronically as directed by the State Water Board in its order. The State Water Board will provide specific instruction on how to submit data within its order.

Public notification requirements: Additional public notification requirements for any PFAS detections, notification levels exceedances and response levels exceedances are described below.

If a Community Water System (CWS) or Nontransient Noncommunity (NTNC) water system previously sampled for PFAS pursuant to an order by DDW (2019) or sampled voluntarily, what is required under the new Health and Safety Code section 116378?

DDW previously issued monitoring orders in 2019 for PFAS under the authority of Health and Safety Code section 116400. Monitoring conducted under those orders or voluntary monitoring of PFAS are not required to comply with section 116378 as described in this document. Only monitoring conducted pursuant to an order issued under the authority of section 116378 shall establish data and results that triggers the reporting requirements within section 116378.



What is considered a PFAS for the purposes Health and Safety Code section 116378?

For the purposes and requirement set forth in Health and Safety Code section 116378, “PFAS” will be defined as the analytes a water system is required to test for under an order by the State Water Board issue pursuant to authority of Section 116378. Currently PFAS are defined as those analytes included in EPA Method 537.1.

What is considered a PFAS detection for the purposes Health and Safety Code section 116378?

A PFAS detection is a positive finding of a quantifiable amount above an established detection level requirement for any PFAS analyte tested for pursuant to an order issued under Health and Safety Code section 116378. The detection level requirement for each PFAS constituent for which monitoring is required in an order will be identified by the State Water Board at the time the monitoring orders are issued. For the purposes of meeting the requirements in Health and Safety Code section 116378, this will be identified as the Consumer Confidence Report Detection Level (CCRD L)

What is a confirmed PFAS detection?

If a laboratory reports the detection of PFAS in any sample at a concentration greater than the DDW-established detection level, the water system will have an option to collect one or two confirmation samples within 30 days of being notified of the initial detected result by the laboratory.

If a PFAS detection is followed by confirmation sample with a result less than the detection level, a second confirmation sample may be taken by the water system. Both the first and second confirmation samples must be collected within 30 days of the notification by the laboratory of the initial detected sample result. An initial detected result will be disregarded if two confirmation samples do not show the detection of the PFAS contaminant. If a confirmation sample is not collected, the initial detection shall be presumed to be confirmed.

If the PFAS detection is confirmed, all results of the initial and confirmation samples will be averaged within that quarter to determine if the confirmed detection is greater than the notification level or response level. A result below the DDW-established detection level will be assigned a value of zero when averaging.

What are the potential health concerns caused by PFOA and PFOS in drinking water?

PFOA and PFOS are readily absorbed but not readily eliminated from the human body. Health effects associated with long-term exposure include harmful effects to a developing fetus or infant; harmful effects to the immune system, thyroid and liver; and cancer. The notification levels and response levels are based on recommendations that provide a margin of protection against these health effects in sensitive populations. They are also established at concentrations associated with a low cancer risk over a

lifetime of exposure. The risk would be lower once the contaminant is eliminated or reduced in the water supply. In addition to water, humans can be exposed to PFOA and PFOS through a variety of sources, including food, dust in homes and imported consumer products.

Which PFAS analytes have notification levels or response levels?

A notification level and corresponding response level have been established for PFOA and PFOS. The current levels are noted below:

PFAS Compound	Notification Level (ng/L)	Response Level (ng/L)
Perfluorooctanoic acid (PFOA)	5.1 ng/L	10 ng/L
Perfluorooctanesulfonic acid (PFOS)	6.5 ng/L	40 ng/L

ng/L – nanograms per liter. Parts per trillion is an equivalent unit of measure.

If a CWS or NTNC water system has a confirmed detection for PFAS, what is required for public notification?

If any monitoring undertaken pursuant to an order issued under section 116378 results in a confirmed detection of PFAS for any analyte tested for per order, the CWS or NTNC water system shall report the detection in the water system’s annual consumer confidence report.

If a CWS or NTNC water system detects a PFAS level greater than the notification level, what is required for public notification?

If monitoring of water delivered to the consumer, undertaken pursuant to an order issued under section 116378, results a confirmed detection of PFOA or PFOS in exceedance of a notification level, the CWS or NTNC water system shall report the detection as required by Health and Safety Code section 116455. The section 116455 notification is required within 30 days after the water system is first informed by the laboratory of a confirmed detection of the contaminant that exceeds the notification level. Voluntary or previously ordered monitoring that exceeds a notification level shall comply with section 116455.

As required by section 116455, if the public water system is a retail water system, then the person operating the retail water system shall notify the retail water system’s governing body and the governing body of any local agency whose jurisdiction includes areas supplied with drinking water by the retail water system. If the public water system is a wholesale water system, then the person operating the wholesale water system shall notify the wholesale water system’s governing body and the water systems that are directly supplied with that drinking water.

How is an exceedance of a response level determined?

A response level is established by the State Water Board's Division of Drinking Water (DDW) and is an advisory level at which DDW recommends the source be taken out of service. The response level established for any PFAS analyte will be posted on the Division of Drinking Water's webpage. To determine whether monitoring shows an exceedance of a response level, the water system must calculate a quarterly running annual average (QRAA). The QRAA means the average of sample results taken at an individual source or entry point location during the previous four calendar quarters. If sampling has just begun, such as the in the first quarter, then the other quarters will be considered to have a zero value, and the first quarter results would be divided by four. The QRAA is re-calculated each quarter using the most recent four quarters of results.

If any sample would cause the QRAA to exceed a response level, the water source would exceed the response level. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

If a CWS or NTNC water system has a QRAA of a PFAS greater than a response level, what is required for public notification?

If any monitoring undertaken pursuant to an order issued under section 116378 results in a QRAA of PFAS in the water entering the distribution system that exceeds a response level, the water system shall either (1) take the source out of service immediately; (2) utilize treatment or blending (see question below for details); or (3) provide public notification of the response level exceedance within 30 days of being notified by the laboratory of the exceedance (see below for notification requirements). The response level is determined by calculating the QRAA. Additionally, the exceedance of the response level must be reported in the annual consumer confidence report.

If a CWS or NTNC water system provides treatment or blending to the water source prior to delivering the water to the customers, what can the water system do?

Public water systems that provide treatment (example, blending, granular activated carbon, ion exchange or reverse osmosis treatment) can also sample the treated or delivered water to determine notification requirements. Sources listed in the water system order must be sampled. Treated water sampling is an option to each water system in conjunction with the source water sampling. If treated water samples are collected, the local DDW district office should be contacted for additional instructions.

How does a CWS provide public notification to their consumers following a confirmed detection exceeding the response level and the water source continues to be used?

Public notification for a CWS that is delivering water exceeding a response level shall meet the requirements of Health and Safety Code section 116378 and include the following:

- Mail or directly deliver notice to each customer receiving a bill, including those that provide drinking water to others, and to other service connections to which water is delivered by the water system.
- Email notice to each customer of the water system with an email address known by the water system.
- Post the notice on the internet website of the water system.
- Use one or more of the following methods to reach persons not likely to be reached by mail or direct delivery:
 - Publish notice in a local newspaper for at least seven days.
 - Post notice in conspicuous public places served by the water system for at least seven days.
 - Post notice on an appropriate social media site for at least seven days.
 - Deliver notice to community organizations.

How does a NTNC water system provide public notification to their consumers following a confirmed detection exceeding the response level and the water source continues to be used?

A NTNC water system shall do both of the following:

- Post notice in conspicuous locations throughout the area served by the water system.
- Use one or more of the following methods to reach persons not likely to be reached by the notice:
 - Publish notice in a local newspaper for at least seven days.
 - Publish notice in a newsletter distributed to customers.
 - Send notice by email to employees or students.
 - Post notice on the internet website of the water system and an appropriate social media site for at least seven days.
 - Deliver notice directly to each customer.

How should the public notification notice be displayed?

- The notice shall be displayed so that it catches people's attention when printed or posted.
- The message in the notice should be understandable at the eighth grade reading level.

- The notice shall not contain technical language beyond an eighth grade reading level or print smaller than 12-point type.
- The notice shall not contain language that minimizes or contradicts the information provided in the notice.

What information is required to be included in the public notification?

The requirements from Section 116378 are listed below. A template complying with the requirements is provided on the DDW webpage.

- A statement that there was a confirmed detection above the response level, the numeric level of the applicable response level, and the level of the confirmed detection.
- A description of the potential adverse health effects as identified by the state board in establishing the notification level or response level.
- The population at risk, including subpopulations particularly vulnerable from exposure.
- The name, business address, and phone number of the water system owner, operator, or designee, as a source of additional information concerning the notice.
- A statement to encourage the notice recipient to distribute the notice to other persons served, using the following standard language: "Please share this information with all of the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail."

If a non-English speaking group other than Spanish exists in the water system service area, what is required in the public notification?

If the non-English speaking group exceeds 1,000 residents or 10 percent of the residents serviced by the water system, either of the following is required:

- Information in the appropriate language regarding the importance of the notice.
- A telephone number or address where a resident may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Additional Resources

More information on this Project can be found on the [PFOS PFOA resources page](#).

(This Fact Sheet was last updated on February 6, 2020)