

2019 -- H 6064

LC002482

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO WATERS AND NAVIGATION -- PFAS IN DRINKING AND SURFACE WATERS

Introduced By: Representatives Speakman, Cortvriend, Knight, Donovan, and McEntee

Date Introduced: May 03, 2019

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 46 of the General Laws entitled "WATERS AND NAVIGATION" is
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 32

4 PFAS IN DRINKING AND SURFACE WATERS

5 **46-32-1. Short title.**

6 This chapter shall be known and may be cited as the "PFAS in Drinking and Surface
7 Waters Act."

8 **46-32-2. Legislative findings.**

9 It is recognized and acknowledged by the general assembly that:

10 (1) Perfluoroalkyl, polyfluoroalkyl substances (PFAS), and other perfluorochemicals are
11 a large group of human-made chemicals that have been used in industry and consumer products
12 worldwide since the 1950s.

13 (2) PFAS are potentially toxic to humans even in very small concentrations and pose a
14 wide range of health threats. They are suspected to cause cancer and have been linked to growth,
15 learning, and behavioral problems in infants and children. They can also cause problems with
16 fertility and pregnancy; compromise immune systems; and interfere with natural hormones and
17 with liver, thyroid, and pancreatic function. Developing fetuses and newborn babies are
18 particularly vulnerable to PFAS.

1 (3) PFAS enter the environment from numerous industrial and commercial sources,
2 including from emissions during manufacturing processes, from the disposal of goods containing
3 PFAS, and from leachate from landfills.

4 (4) Many PFAS do not break down and persist in the environment for a very long time,
5 especially in water, and, consequently, PFAS can be found in many bodies of water and in the
6 blood of humans and wildlife.

7 (5) United States manufacturers have voluntarily worked to reduce releases of long-chain
8 PFAS due to their toxic effects on human health. The PFAS with fewer than eight (8) carbon-
9 fluorine bonds currently being used as alternatives to perfluorooctanoic acid (PFOA) and
10 perfluorooctane sulfonate (PFOS) are also highly persistent and subject to long-range transport.
11 In addition, the alternative PFAS have similar potential for harm as the long-chain PFAS.

12 (6) Over two hundred (200) scientists from all over the world have signed a statement
13 calling for governments to limit the use of PFAS while studies determine the safety of these
14 chemicals, given their persistence in the environment, potential for harm, and lack of adequate
15 data proving safety.

16 (7) To prevent further contamination of state water, and to reduce the potential harmful
17 effects of PFAS on human health and the environment, the objectives of this chapter are:

18 (i) Authorize the department of health, in consultation with the water resources board, to
19 adopt by rule maximum contaminant level or levels for PFAS to protect the quality and safety of
20 the public drinking water supply in compliance with the provisions of chapter 15.3 of title 46;

21 (ii) Prior to adoption by rule of maximum contaminant level or levels for PFAS, require
22 public water supply systems to monitor for certain PFAS chemicals and respond appropriately
23 when results indicate levels of PFAS in excess of the interim drinking water standard level; and

24 (iii) Require the department of environmental management to adopt surface water quality
25 standards for certain PFAS chemicals.

26 **46-32-3. Interim drinking water standard and testing requirements.**

27 (a) As used in this chapter, “Per- and PFAS contaminants” means perfluorooctanoic acid
28 (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS),
29 perfluorononanoic acid (PFNA), and perfluoroheptanoic acid (PFHpA).

30 (b) On or before December 1, 2019, all public water supply systems in the state as
31 defined by § 46-13-2 shall conduct monitoring for the presence of PFAS contaminants in
32 drinking water supplied by the system. Regular monitoring shall be conducted as follows until
33 adoption of maximum contaminant level rules pursuant to § 46-32-4:

34 (1) If monitoring results detect the presence of any PFAS contaminants individually or in

1 combination in excess of the interim drinking water standard level of twenty parts per trillion (20
2 ppt), the public water supply system shall conduct continued quarterly monitoring.

3 (2) If monitoring results detect the presence of any PFAS contaminants individually or in
4 combination at a level equal to or below the interim drinking water standard level of twenty parts
5 per trillion (20 ppt), the public water supply system shall conduct continued monitoring annually.

6 (3) If monitoring results do not detect the presence of any PFAS contaminants, the public
7 water supply system shall conduct continued monitoring every two (2) years.

8 (c) If monitoring results under subsection (b) of this section confirm the presence of any
9 PFAS contaminants individually or in combination in excess of the interim drinking water
10 standard level of twenty parts per trillion (20 ppt), the department of health shall direct the public
11 water supply system to implement treatment or other remedy to reduce the levels of PFAS
12 contaminants in the drinking water of the public water supply system below the interim drinking
13 water standard level.

14 (d) On or before August 1, 2020, if the PFAS contaminants exceed the level of twenty
15 parts per trillion (20 ppt), the public water supply system shall provide potable water through
16 other means to all customers or users of the system. The requirement for a public water supply
17 system to provide potable water to customers and users of the systems through other means shall
18 cease when monitoring results indicate that the levels of PFAS contaminants in the drinking
19 water of the public water supply system are below the interim drinking water standard level of
20 twenty parts per trillion (20 ppt).

21 (e) The director of the department of health is authorized to enforce the requirements of
22 this chapter in accordance with the provisions of chapter 13 of title 46. A person may contest or
23 appeal a decision of the director, a penalty imposed for violation or the fact of violation pursuant
24 to the provisions of § 46-13-16.

25 **46-32-4. Interim final rules (IFRs).**

26 On or before August 1, 2020, the director of the department of health shall pursuant to
27 this section adopt and publish interim final rules (IFRs) with the secretary of state regarding
28 adoption of the interim drinking water standard level for perfluorooctanoic acid (PFOA),
29 perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic
30 acid (PFNA), and perfluoroheptanoic acid (PFHpA) as a maximum contaminant level (MCL).
31 Upon the effective date of the interim final rule, the drinking water monitoring provisions of §
32 46-32-3 may be suspended, modified or superseded by the provisions of the interim final rules.

33 **46-32-5. Standard for per- and polyfluoroalkyl substances as a class or subclass.**

34 (a) On or before February 1, 2021, the director of the department of health shall initiate a

1 public notice and comment process by publishing a copy of the IFRs and an advance notice of
2 proposed rulemaking pursuant to § 42-35-2.5 regarding the regulation under the rules and
3 regulations pertaining to public drinking water of per- and polyfluoroalkyl (PFAS) compounds as
4 a class or subclasses.

5 (b) On or before September 1, 2021, the director of the department of health shall either:

6 (1) Publish a notice of proposed rulemaking regarding the regulation of PFAS
7 compounds under the rules and regulations pertaining to public drinking water as a class or
8 subclasses; or

9 (2) Publish a notice of decision not to regulate PFAS compounds as a class or subclasses
10 under the rules and regulations pertaining to public drinking water that includes, at a minimum,
11 an identification of all legal, technical, or other impediments to regulating PFAS compounds as a
12 class or subclasses and a detailed response to all public comments received.

13 (c) If the director of the department of health proposes a rule pursuant to subsection (b) of
14 this section, the director of the department of health shall file under § 42-35-4 a final rule with the
15 secretary of state regarding the regulation of PFAS compounds as a class or subclasses under the
16 rules and regulations pertaining to public drinking water on or before June 30, 2022.

17 **46-32-6. Surface water quality standards for per- and polyfluoroalkyl substances.**

18 (a) On or before July 15, 2020, the director of the department of environmental
19 management shall publish a plan for public review and comment for adoption of surface water
20 quality standards for per- and polyfluoroalkyl substances (PFAS) that shall include, at a
21 minimum, a proposal for standards for:

22 (1) Perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS),
23 perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), and perfluoroheptanoic
24 acid (PFHpA); and

25 (2) The PFAS class of compounds or subgroups of the PFAS class of compounds.

26 (b) On or before July 1, 2022, the director of the department of environmental
27 management shall file under § 42-35-4 a final rule with the secretary of state to adopt surface
28 water quality standards for, at a minimum, perfluorooctanoic acid (PFOA), perfluorooctane
29 sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA),
30 and perfluoroheptanoic acid (PFHpA).

31 **46-32-7. Investigation of potential sources of per- and polyfluoroalkyl substances**
32 **contamination.**

33 (a) On or before November 1, 2019, the director of the department of health shall publish
34 a plan for public review and comment to complete a statewide investigation of potential sources

1 of per- and polyfluoroalkyl substances (PFAS) contamination. As part of this investigation, the
2 director of the department of health shall conduct a pilot project at public water systems to
3 evaluate PFAS that are not quantified by standard laboratory methods using a total oxidizable
4 precursor assay or other applicable analytical method to evaluate total PFAS. The director of the
5 department of health shall initiate implementation of the plan not later than January 1, 2020.

6 (b) On or before June 1, 2020, all public water systems shall conduct monitoring for the
7 maximum number of PFAS detectable from standard laboratory methods.

8 **46-32-8. Contaminants of emerging concern pilot project.**

9 On or before July 15, 2020, the department of environmental management shall submit to
10 the house committee on environment and natural resources, the house committee on health,
11 education and welfare, the senate committee on environment and agriculture, and the senate
12 committee on health and human services a report regarding the management at landfills of
13 leachate containing contaminants of emerging concern chlorofluorocarbons (CECs). The report
14 shall include:

15 (1) The findings of the leachate treatment evaluation conducted at any landfill located in
16 the state;

17 (2) The department of environmental management's assessment of the results of landfill
18 leachate evaluations; and

19 (3) The department of environmental management's recommendations for treatment of
20 CECs in leachate from landfills, including whether the state should establish a pilot project to test
21 methods for testing or managing CECs in landfill leachate.

22 SECTION 2. This act shall take effect upon passage.

=====
LC002482
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO WATERS AND NAVIGATION -- PFAS IN DRINKING AND SURFACE
WATERS

1 This act would provide for the department of health and the department of environmental
2 management to take action to establish maximum contaminate levels of polyfluoroalkyl
3 substances (PFAS) and set interim standards.

4 This act would take effect upon passage.

=====
LC002482
=====