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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO WATERS AND NAVIGATION -- PFAS IN DRINKING WATER,
GROUNDWATER AND SURFACE WATERS

Introduced By: Senators Lynch Prata, Satchell, Euer, Sosnowski, and Miller

Date Introduced: February 04, 2020

Referred To: Senate Health & Human Services

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 WATER, GROUNDWATER, AND SURFACE WATERS

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

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

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

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

10 (1) Per- and polyfluoroalkyl substances (PFAS), and other perfluorochemicals are a large
11 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 health to adopt groundwater and 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), and perfluorodecanoic
30 acid (PFDA).

31 (b) On or before December 1, 2020, all public water supply systems in the state as
32 defined by § 46-13-2 shall conduct monitoring for the presence of PFAS contaminants in drinking
33 water supplied by the system. Regular monitoring shall be conducted as follows until adoption of
34 maximum contaminant level rules pursuant to § 46-32-4:

1 (1) If monitoring results detect the presence of any PFAS contaminants individually or in
2 combination in excess of the interim drinking water standard level of twenty parts per trillion (20
3 ppt), the public water supply system shall conduct continued quarterly monitoring.

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

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

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

15 (d) On or before August 1, 2021, if the PFAS contaminants exceed the level of twenty
16 parts per trillion (20 ppt), the public water supply system shall provide potable water through
17 other means to all customers or users of the system. The requirement for a public water supply
18 system to provide potable water to customers and users of the systems through other means shall
19 cease when monitoring results indicate that the levels of PFAS contaminants in the drinking water
20 of the public water supply system are below the interim drinking water standard level of twenty
21 parts per trillion (20 ppt).

22 (e) The director of the department of health is authorized to enforce the requirements of
23 this chapter in accordance with the provisions of chapter 13 of title 46 and violations will be
24 subject to the penalties imposed pursuant to § 46-13-16. A person may contest or appeal a
25 decision of the director, a penalty imposed for violation or the fact of violation pursuant to the
26 provisions of chapter 35 of title 42, (the "administrative procedures act").

27 **46-32-4. Interim final rules (IFRs).**

28 On or before August 1, 2021, the director of the department of health shall pursuant to
29 this section adopt and publish interim final rules (IFRs) with the secretary of state regarding
30 adoption of the interim drinking water standard level for perfluorooctanoic acid (PFOA),
31 perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic
32 acid (PFNA), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA) as a
33 maximum contaminant level (MCL). Upon the effective date of the interim final rule, the
34 drinking water monitoring provisions of § 46-32-3 may be suspended, modified or superseded by

1 [the provisions of the interim final rules.](#)

2 **46-32-5. Standard for per- and polyfluoroalkyl substances as a class or subclass.**

3 [\(a\) On or before February 1, 2022, the director of the department of health shall initiate a](#)
4 [public notice and comment process by publishing a copy of the IFRs and an advance notice of](#)
5 [proposed rulemaking pursuant to § 42-35-2.5 regarding the regulation under the rules and](#)
6 [regulations pertaining to public drinking water of per- and polyfluoroalkyl \(PFAS\) compounds as](#)
7 [a class or subclasses.](#)

8 [\(b\) On or before September 1, 2022, the director of the department of health shall either:](#)

9 [\(1\) Publish a notice of proposed rulemaking regarding the regulation of PFAS](#)
10 [compounds under the rules and regulations pertaining to public drinking water as a class or](#)
11 [subclasses; or](#)

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

16 [\(c\) If the director of the department of health proposes a rule pursuant to subsection \(b\) of](#)
17 [this section, the director of the department of health shall file under § 42-35-4 a final rule with the](#)
18 [secretary of state regarding the regulation of PFAS compounds as a class or subclasses under the](#)
19 [rules and regulations pertaining to public drinking water on or before June 30, 2023.](#)

20 **46-32-6. Groundwater quality standards for per- and polyfluoroalkyl substances.**

21 [\(a\) On or before July 15, 2021, the director of the department of health shall publish a](#)
22 [plan for public review and comment for adoption of groundwater quality standards for per- and](#)
23 [polyfluoroalkyl substances \(PFAS\) that shall include, at a minimum, a proposal for standards for:](#)

24 [\(1\) Perfluorooctanoic acid \(PFOA\), perfluorooctane sulfonic acid \(PFOS\),](#)
25 [perfluorohexane sulfonic acid \(PFHxS\), perfluorononanoic acid \(PFNA\), perfluoroheptanoic acid](#)
26 [\(PFHpA\) and perfluorodecanoic acid \(PFDA\); and](#)

27 [\(2\) The PFAS class of compounds or subgroups of the PFAS class of compounds.](#)

28 [\(b\) On or before July 1, 2023, the director of the department of health shall file under §](#)
29 [42-35-4 a final rule with the secretary of state to adopt groundwater quality standards for, at a](#)
30 [minimum, perfluorooctanoic acid \(PFOA\), perfluorooctane sulfonic acid \(PFOS\),](#)
31 [perfluorohexane sulfonic acid \(PFHxS\), perfluorononanoic acid \(PFNA\), perfluoroheptanoic acid](#)
32 [\(PFHpA\) and perfluorodecanoic acid \(PFDA\).](#)

33 **46-32-7. Surface water quality standards for per- and polyfluoroalkyl substances.**

34 [\(a\) On or before July 15, 2021, the director of the department of health shall publish a](#)

1 plan for public review and comment for adoption of groundwater quality standards for per- and
2 polyfluoroalkyl substances (PFAS) that shall include, at a minimum, a proposal for standards for:

3 (1) Perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS),
4 perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluoroheptanoic acid
5 (PFHpA), and perfluorodecanoic acid (PFDA); and

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

7 (b) On or before July 1, 2023, the director of the department of health shall file under §
8 42-35-4 a final rule with the secretary of state to adopt groundwater quality standards for, at a
9 minimum, perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS),
10 perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluoroheptanoic acid
11 (PFHpA), and perfluorodecanoic acid (PFDA).

12 **46-32-8. Investigation of potential sources of per- and polyfluoroalkyl substances**
13 **contamination.**

14 (a) On or before November 1, 2020, the director of the department of health shall publish
15 a plan for public review and comment to complete a statewide investigation of potential sources
16 of per- and polyfluoroalkyl substances (PFAS) contamination. As part of this investigation, the
17 director of the department of health shall conduct a pilot project at public water systems to
18 evaluate PFAS that are not quantified by standard laboratory methods using a total oxidizable
19 precursor assay or other applicable analytical method to evaluate total PFAS. The director of the
20 department of health shall initiate implementation of the plan not later than January 1, 2021.

21 (b) On or before June 1, 2021, all public water systems shall conduct monitoring for the
22 maximum number of PFAS detectable from standard laboratory methods.

23 **46-32-9. Contaminants of emerging concern pilot project.**

24 On or before July 15, 2021, the department of environmental management shall submit to
25 the house committee on environment and natural resources, the house committee on health,
26 education and welfare, the senate committee on environment and agriculture, and the senate
27 committee on health and human services a report regarding the management at landfills of
28 leachate containing contaminants of emerging concern chlorofluorocarbons (CECs). The report
29 shall include:

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

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

34 (3) The department of environmental management's recommendations for treatment of

- 1 [CECs in leachate from landfills, including whether the state should establish a pilot project to test](#)
- 2 [methods for testing or managing CECs in landfill leachate.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO WATERS AND NAVIGATION -- PFAS IN DRINKING WATER,
GROUNDWATER AND SURFACE WATERS

1 This act would provide for the department of health to take action to establish maximum
2 contaminate levels of polyfluoroalkyl substances (PFAS) and set interim standards. The act
3 would also provide that the department of environmental management provide a report regarding
4 leachate contaminants from landfills concerning chlorofluorocarbons (CECs).

5 This act would take effect upon passage.

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