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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

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

Introduced By: Representatives Speakman, Cortvriend, Carson, Bennett, McGaw, Tanzi,  
Kislak, Morales, McEntee, and Knight

Date Introduced: January 28, 2022

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 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 worldwide  
12 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 particularly  
18 vulnerable to PFAS.

1 (3) PFAS enter the environment from numerous industrial and commercial sources,  
2 including, but not limited to, air and wastewater emissions during manufacturing processes, from  
3 the disposal of wastes, goods, and products containing 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. In  
11 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 data  
15 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 or PFAS in excess of the interim drinking water standard level; and

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

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

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

30 (b) On or before December 1, 2022, all public water supply systems in the state as defined  
31 by § 46-13-2 shall conduct monitoring for the presence or PFAS contaminants in drinking water  
32 supplied by the system. Regular monitoring shall be conducted as follows until adoption of  
33 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 or 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 standard  
10 level of twenty parts per trillion (20 ppt), the department of health shall direct the public water  
11 supply system to implement treatment or other remedy to reduce the levels of PFAS contaminants  
12 in the drinking water of the public water supply system below the interim drinking water standard  
13 level.

14 (d) On or before June 1, 2023, if the PFAS contaminants exceed the level of twenty parts  
15 per trillion (20 ppt), the public water supply system shall provide potable water through other means  
16 to all customers or users of the system. The requirement for a public water supply system to provide  
17 potable water to customers and users of the systems through other means shall cease when  
18 monitoring results indicate that the levels of PFAS contaminants in the drinking water of the public  
19 water supply system are below the interim drinking water standard level of twenty parts per trillion  
20 (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 and violations will be subject  
23 to the penalties imposed pursuant to § 46-13-16. A person may contest or appeal a decision of the  
24 director, a penalty imposed for violation or the fact of violation pursuant to the provisions of chapter  
25 35 of title 42 (the "administrative procedures act").

26 **46-32-4. Drinking water standards for PFAS contaminants.**

27 On or before June 1, 2023, the director of the department of health shall, pursuant to this  
28 section, file under § 42-35-4 a final rule with the secretary of state regarding adoption of the  
29 drinking water standard level for perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid  
30 (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA),  
31 perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA) as a maximum contaminant  
32 level (MCL). Upon the effective date of the final rule, the drinking water monitoring provisions of  
33 § 46-32-3 may be suspended, modified, or superseded by the provisions of the final rules.

34 **46-32-5. Standard for per- and polyfluoroalkyl substances as a class or subclass.**

1 (a) On or before February 1, 2024, the director of the department of health shall initiate a  
2 public notice and comment process by publishing a copy of the final rules and an advance notice  
3 of proposed rulemaking pursuant to § 42-35-2.5 regarding the regulation under the rules and  
4 regulations pertaining to public drinking water of per- and polyfluoroalkyl substances (PFAS) as a  
5 class or subclasses.

6 (b) On or before September 1, 2024, the director of the department of health shall either:

7 (1) Publish a notice of proposed rulemaking regarding the regulation of PFAS compounds  
8 under the rules and regulations pertaining to public drinking water as a class or 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, an  
11 identification or all legal, technical, or other impediments to regulating PFAS compounds as a class  
12 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, 2025.

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

18 (a) On or before December 31, 2023, the director or the department of environmental  
19 management shall file under § 42-35-4 a final rule with the secretary of state to adopt groundwater  
20 quality standards for, at a minimum, perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid  
21 (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA),  
22 perfluoroheptanoic acid (PFHxA), and perfluorodecanoic acid (PFDA) consistent with authority  
23 provided by chapter 32 of title 46.

24 **46-32-7. Surface water quality action levels for per- and polyfluoroalkyl substances.**

25 On or before December 31, 2023, the director of the department of environmental  
26 management shall file under § 42-35-4 a final rule with the secretary of state to adopt surface water  
27 quality action levels to address the contamination of Rhode Island waters from releases of, at a  
28 minimum, perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane  
29 sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluoroheptanoic acid (PFHpA), and  
30 perfluorodecanoic acid (PFDA).

31 **46-32-8. Investigation of potential sources of per- and polyfluoroalkyl substances**  
32 **contamination.**

33 (a) On or before November 1, 2023, 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 of

1 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 evaluate  
3 PFAS that are not quantified by standard laboratory methods using a total oxidizable precursor  
4 assay or other applicable analytical method to evaluate total PFAS. The director of the department  
5 of health shall initiate implementation of the plan not later than January 1, 2023.

6 (b) On or before June 1, 2023, all public water systems shall conduct monitoring for the  
7 maximum number of PFAS detectable from standard laboratory methods.

8 **46-32-9. Landfill monitoring.**

9 On or before December 31, 2022, the director of the department of environmental  
10 management shall file under § 42-35-4 a final rule with the secretary of state to adopt standards and  
11 procedures for groundwater and leachate monitoring at and around landfills including, at a  
12 minimum, perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane  
13 sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluoroheptanoic acid (PFHpA), and  
14 perfluorodecanoic acid (PFDA).

15 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

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1           This act would provide for the department of health to take action to establish maximum  
2   contaminant levels for per- and polyfluoroalkyl substances (PFAS) in drinking water and set  
3   interim standards. The act would also provide that the department of environmental management  
4   set standards for PFAS in ground and surface waters, and adopt standards for PFAS monitoring at  
5   landfills.

6           This act would take effect upon passage.

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