

Date:

(Filing No. H- )

## HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

### STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 861, L.D. 1326, “An Act to Protect the Drinking Water for Consumers of Certain Water Systems by Establishing Maximum Contaminant Levels for Certain Perfluoroalkyl and Polyfluoroalkyl Substances”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §2650-A is enacted to read:

#### **§2650-A. Drinking water standards, monitoring and treatment for perfluoroalkyl and polyfluoroalkyl substances**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Community water system" has the same meaning as in section 2660-B, subsection 2.

B. "Nontransient, noncommunity water system" has the same meaning as described in section 2660-B, subsection 5, paragraph A.

C. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in section 2660-AA, subsection 3, including a regulated PFAS contaminant under subsection 2, that is detectable in drinking water using standard analytical methods established by the United States Environmental Protection Agency.

**2. Maximum contaminant levels for regulated PFAS contaminants.** The maximum contaminant levels for regulated PFAS contaminants allowed for a community water system or nontransient, noncommunity water system must be at or below the maximum contaminant levels contained in 40 Code of Federal Regulations, Section 141.61(c)(2), as promulgated on April 26, 2024, and not as superseded by subsequent versions of that federal rule.

By rule, the commissioner may decrease the maximum level of a contaminant included in this subsection or add a regulated PFAS contaminant other than those specified in this

subsection as the commissioner determines necessary to maintain an adequate margin of safety to protect human health at all stages, including prenatal development.

**3. PFAS monitoring.** PFAS monitoring of all community water systems and nontransient, noncommunity water systems must be conducted in accordance with 40 Code of Federal Regulations, Section 141.902, as promulgated on April 26, 2024, and not as superseded by subsequent versions of that federal rule. By rule, the commissioner may adopt more stringent monitoring requirements as the commissioner determines necessary to maintain an adequate margin of safety to protect human health at all stages, including prenatal development.

**4. Submission of drinking water samples; reporting.** Submission of PFAS drinking water sample results from all community water systems and nontransient, noncommunity water systems must be conducted in accordance with 40 Code of Federal Regulations, Section 141.901 and 40 Code of Federal Regulations, Section 141.904, as promulgated on April 26, 2024, and not as superseded by subsequent versions of that federal rule. By rule, the commissioner may adopt more stringent analysis and reporting requirements as the commissioner determines necessary to maintain an adequate margin of safety to protect human health at all stages, including prenatal development.

**5. Treatment; notice.** Treatment, or implementation of another remedy to reduce PFAS levels, and public notice, in the event of an exceedance of the maximum contaminant level in the drinking water of a community water system or nontransient, noncommunity water system, must take place in accordance with the provisions contained in 40 Code of Federal Regulations, Section 141.905, as promulgated on April 26, 2024, and 40 Code of Federal Regulations, Section 141.201-211 and not as superseded by subsequent versions of that federal rule. Public notice of an exceedance must include information identifying each type of PFAS detected in the drinking water, the levels of each type of PFAS detected and the total level of PFAS detected.

**6. Enforcement; appeal.** The department may enforce this section pursuant to section 2605, subsection 5. A person may appeal an act or decision of the department under this section pursuant to section 2620-A.

**7. Notification of suspected tampering.** A community water system or nontransient, noncommunity water system shall notify the department and law enforcement officials immediately of any act of potential or suspected tampering of the community water system or nontransient, noncommunity water system.

**8. Rules.** The department may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to carry out the purposes of this section.

**Sec. 2. 22 MRSA §2660-AA, sub-§4,** as enacted by PL 2023, c. 330, §1, is amended to read:

**4. Regulated PFAS contaminants.** "Regulated PFAS contaminants" means ~~perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, perfluoroheptanoic acid and perfluorodecanoic acid~~ those contaminants regulated under 40 Code of Federal Regulations, Section 141.61(c)(2), as promulgated on April 26, 2024, and not as superseded by subsequent versions of that federal rule.

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
2 number to read consecutively.

3 **SUMMARY**

4 This amendment replaces language in the bill with language providing that monitoring  
5 and reporting of PFAS compounds and treatment to address maximum contaminant level  
6 exceedances must take place in accordance with the version of 40 Code of Federal  
7 Regulations, Section 141, as promulgated on April 26, 2024. It also adds language requiring  
8 that public notice of an exceedance must include information identifying each type of PFAS  
9 detected in the drinking water, the levels of each type of PFAS detected and the total level  
10 of PFAS detected. It changes the definition of "regulated PFAS contaminants" to mean  
11 those contaminants regulated under 40 Code of Federal Regulations, Section 141.61(c)(2),  
12 as promulgated on April 26, 2024, and not as superseded by subsequent versions of that  
13 federal rule.

14 **FISCAL NOTE REQUIRED**

15 **(See attached)**