

RHODE ISLAND GOVERNMENT REGISTER
AMENDED ADVANCE NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

Title of Rule: Public Drinking Water (216-RICR-50-05-1)

Rule Identifier: 216-RICR-50-05-1

Rulemaking Action: Advance Notice of Proposed Rulemaking

Important Dates:

Date of Public Notice: November 20, 2023

Hearing Date: December 13, 2023

End of Public Comment: December 22, 2023

Rulemaking Authority:

R.I. Gen. Laws § 46-32-1 et seq.

Advance Notice Details:

In accordance with R.I. Gen. Laws § 42-35-2.5 and the PFAS in Drinking Water, Groundwater, and Surface Waters Act, R.I. Gen. Laws § 46-32-1 et seq. (PFAS Act), as amended in June 2023, advance notice is hereby given that the Rhode Island Department of Health (RIDOH) proposes amendments to the rules and regulations for Public Drinking Water (216-RICR-50-05-1) for the regulation of per- and polyfluoroalkyl substances (PFAS) in drinking water.

The PFAS Act contemplates the filing of two different rules—(1) a rule regarding adoption of the interim drinking water standard of 20ppt as an MCL (a final version of which must be filed by June 1, 2024), and (2) a rule regarding the regulation of PFAS as a class or subclass (initial public review for which must begin by February 1, 2024 and a final rule which must be published by June 30, 2025).

RIDOH is proposing to file one rule that satisfies both of those requirements. Specifically, CDWQ is proposing to establish a final MCL of 20ppt for the total of the 6 PFAS contaminants identified in the PFAS Act: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), and perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA). RIDOH believes that regulating these 6 PFAS constitutes regulating PFAS as a class/subclass based on the data and information RIDOH has collected from water systems in the State to date and the analysis it developed a few years ago to support draft regulations that were never published. RIDOH's data indicate that those 6 PFAS are the only PFAS detected in Rhode Island drinking water at levels that are expected to significantly impact human health. RIDOH believes that regulating the 6 PFAS named in the statute is the best approach to reduce human health risks from PFAS.

RIDOH chose an approach to regulating PFAS that extends the interim drinking water standard for PFAS of 20ppt established in PFAS Act because public water systems have had to work to come into compliance with the interim standard and it does not make sense to make them meet a new set of rules at this time. EPA is expected to publish a final rule for PFAS by the end of 2023 or early 2024, which RIDOH will need to adopt within three years after publication.

A community review of the proposed regulation will be held. Members of the public are welcome to attend and provide comments and time will be allotted during the meeting to hear concerns and answer questions pertaining to the proposed regulation.

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until December 22, 2023 by contacting the appropriate party at the address listed below:

Sonia Frias
Department of Health
3 Capitol Hill
Providence, RI 02908
Sonia.frias@health.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.5, to consider the proposed amendment shall be held at which time and place all persons interested therein will be heard. This hearing is subject to R.I. Gen. Laws Chapter 42-46, Open Meetings.

Public Hearing Information:

Date: December 13, 2023

Time: 9:00 A.M.

Location: 3 Capitol Hill

Room 401

<https://us06web.zoom.us/j/85296367653?pwd=NEaxmotdaJK1zugdQc>
Providence, RI, 02908

The seating capacity of the room will be enforced and, therefore, the number of persons participating in the hearing may be limited at any given time by the hearing officer in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals with disabilities. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-408-2747 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting. For questions regarding available parking, please contact the agency staffperson listed above.