

1 Sec 1. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
2 WATER SUPPLY RULE; MAXIMUM CONTAMINANT LEVEL
3 FOR PER AND POLYFLUOROALKYL SUBSTANCES;
4 STANDARD FOR PER AND POLYFLUOROALKYL
5 SUBSTANCES; CLASS OR SUBCLASSES

6 (a) On or before February 1, 2020, the Secretary of Natural Resources shall
7 file under 3 V.S.A. § 841 a final proposed rule with the Secretary of State and
8 the Legislative Committee on Administrative Rules regarding adoption of the
9 Vermont Department of Health’s health advisory for perfluorooctanoic acid,
10 perfluorooctane sulfonic acid, perfluorohexane sulfonic acid,
11 perfluorononanoic acid, and perfluoroheptanoic acid as a maximum
12 contaminant level (MCL) under the Department of Environmental
13 Conservation’s Water Supply rule.

14 (b) On or before August 1, 2020, the Secretary of Natural Resources shall
15 initiate a public notice and comment process by publishing an advance notice
16 of proposed rulemaking regarding the regulation under the Department of
17 Environmental Conservation’s Water Supply Rule of per and polyfluoroalkyl
18 (PFAS) compounds as a class or subclasses.

19 (c) On or before March 1, 2021, the Secretary of Natural Resources shall
20 either:

1 (1) file a proposed rule with the Secretary of State regarding the
2 regulation of PFAS compounds under the Department of Environmental
3 Conservation’s Water Supply Rule as a class or subclasses; or

4 (2) publish a notice of decision not to regulate PFAS compounds as a
5 class or subclasses under the Department of Environmental Conservation’s
6 Water Supply Rule that includes, at a minimum, an identification of all legal,
7 technical, or other impediments to regulating PFAS compounds as a class or
8 subclasses and a detailed response to all public comments received.

9 (d) If the Secretary of Natural Resources proposes a rule pursuant to
10 subsection (c), on or before December 31, 2021, the Secretary of Natural
11 Resources shall file a final rule with the Secretary of State regarding the
12 regulation of PFAS compounds as a class or subclasses under the Department
13 of Environmental Conservation’s Water Supply Rule.

14 Sec 2. VERMONT WATER QUALITY STANDARDS; PER AND
15 POLYFLUOROALKYL SUBSTANCES

16 (a) On or before January 15, 2020, the Secretary of Natural Resources shall
17 publish a plan for public review and comment for adoption of surface water
18 quality standards for per and polyfluoroalkyl substances (PFAS) that shall
19 include, at a minimum, a proposal for standards for:

1 (1) perfluorooctanoic acid; perfluorooctane sulfonic acid;
2 perfluorohexane sulfonic acid; perfluorononanoic acid; and perfluoroheptanoic
3 acid; and

4 (2) the PFAS class of compounds or subgroups of the PFAS class of
5 compounds.

6 (b) On or before, January 1, 2024, the Secretary of Natural Resources shall
7 file a final rule with the Secretary of State to adopt surface water quality
8 standards for, at a minimum, perfluorooctanoic acid; perfluorooctane sulfonic
9 acid; perfluorohexane sulfonic acid; perfluorononanoic acid; and
10 perfluoroheptanoic acid.

11 Sec 3. INVESTIGATION OF POTENTIAL SOURCES OF PER AND
12 POLYFLUOROALKYL SUBSTANCES CONTAMINATION

13 (a) On or before May 1, 2019, the Secretary of Natural Resources shall
14 publish a plan for public review and comment to complete a statewide
15 investigation of potential sources of per and polyfluoroalkyl substances
16 (PFAS) contamination. As part of this investigation, the Secretary shall
17 evaluate a representative portion of public water systems for total oxidizable
18 PFAS concentrations. The Secretary of Agency of Natural Resources shall
19 initiate implementation of the plan no later than July 1, 2019.

1 (b) On or before July 1, 2020, all public water systems shall conduct
2 monitoring for the maximum number of PFAS detectable from standard
3 laboratory methods or list specific PFAS.

4 Sec 4. INTERIM ENVIRONMENTAL MEDIA STANDARDS

5 (a) The Secretary of Natural Resources may require any permitted entity to
6 monitor the operation of a facility, discharge, emission, or release for any
7 constituent for which a health advisory has been established. The Secretary
8 may impose conditions on a permitted entity based on the health advisory if the
9 Secretary determines that the operation of the facility, discharge, emission, or
10 release may result in an imminent and substantial endangerment to human
11 health or the natural environment. The authority granted to the Secretary under
12 this section shall last no longer than two years from the date the health
13 advisory was adopted.

14 (b) On or before January 1, 2020, the Secretary of Natural Resources shall
15 publish a guidance document for public review and comment that sets forth
16 detailed practices for implementation of subsection (a).

17 (c) On or before January 1, 2020, the Secretary of Natural Resources shall
18 publish for public review and comment a plan to collect data for contaminants
19 in drinking water for which a health advisory has been established but no
20 maximum contaminant level has been adopted.

21 Sec. 5. EFFECTIVE DATE

1 This act shall take effect on passage.