

1 Sec. 1. FINDINGS

2 The General Assembly finds that:

3 (1) Perfluoroalkyl, polyfluoroalkyl substances (PFAS), and other
4 perfluorochemicals are a large group of human-made chemicals that have been
5 used in industry and consumer products worldwide since the 1950s.

6 (2) PFAS may enter the environment when emitted during a
7 manufacturing process, from the disposal of goods containing PFAS, or from
8 leachate from landfills.

9 (3) Many PFAS do not break down and persist in the environment for a
10 very long time, especially in water, and, consequently, PFAS can be found in
11 many bodies of water and in the blood of humans and wildlife.

12 (4) More research is needed to determine the health effects to humans
13 from exposure to low levels of environmental exposure to PFAS, but some
14 studies in people have shown that certain PFAS may affect infant weight,
15 affect human growth, affect the learning and behavior of babies and older
16 children, lower a woman's chance of getting pregnant, interfere with the
17 body's natural hormones, increase cholesterol levels, affect the immune
18 system, and increase the risk of cancer.

19 (5) The Vermont Department of Health has adopted a health advisory
20 level for certain PFAS of 20 parts per trillion.

1 (6) The Vermont Water Supply Rule provides that the Secretary of
2 Natural Resources may adopt a Vermont Department of Health advisory level
3 as a maximum contaminant level for a substance.

4 (7) The Agency of Natural Resources (ANR) has adopted the 20 parts
5 per trillion level as part of ANR’s Remediation of Contaminated Properties
6 Rule and Groundwater Protection Rule and Strategy, but not as part of the
7 Vermont Water Supply Rule or the Vermont Water Quality Standards.

8 (8) To adopt a precautionary approach to the regulation of PFAS, to
9 prevent further contamination of State water, and to reduce the potential
10 harmful effects of PFAS on human health and the environment, the State of
11 Vermont should:

12 (A) require the Agency of Natural Resources to adopt by rule
13 maximum contaminant level or levels for PFAS under the Vermont Water
14 Supply Rule;

15 (B) prior to adoption by rule of maximum contaminant level or levels
16 for PFAS, require public water systems to monitor for certain PFAS chemicals
17 and respond appropriately when results indicate levels of PFAS in excess of
18 the Vermont Department of Health advisory level;

19 (C) the Agency of Natural Resource to adopt surface water quality
20 standards for certain PFAS chemicals; and

1 (D) authorize the Agency of Natural Resources to require any
2 permitted facility to monitor for any release of chemical that exceeds a health
3 advisory issued by the Vermont Department of Health.

4 Sec. 2. INTERIM DRINKING WATER STANDARD; TESTING; PER AND
5 POLYFLUOROALKYL SUBSTANCES

6 (a) As used in this section, “PFAS contaminants” means perfluorooctanoic
7 acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid,
8 perfluorononanoic acid, and perfluoroheptanoic acid.

9 (b) Beginning September 1, 2019, and every six months until adoption of
10 the rules under Sec. 3 of this act, all public water systems in the State shall
11 conduct monitoring for the presence PFAS contaminants in drinking water
12 supplied by the system.

13 (c) If monitoring results under subsection (b) of this section indicates the
14 presence of any PFAS contaminants individually or in combination in excess
15 of the Vermont Department of Health advisory level of 20 parts per trillion, the
16 public water system shall notify the Agency of Natural Resources of the
17 results. The Agency shall direct the public water system to implement
18 treatment or other remedy to reduce the levels of PFAS contaminants in the
19 drinking water of the public water system below the Vermont Department of
20 Health advisory level.

1 (d) During treatment or implementation of another remedy under this
2 section to reduce PFAS contaminants in drinking water, the public water
3 system shall provide potable water through other means to all customers or
4 users of the system.

5 Sec 3. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

6 WATER SUPPLY RULE; MAXIMUM CONTAMINANT LEVEL
7 FOR PER AND POLYFLUOROALKYL SUBSTANCES;
8 STANDARD FOR PER AND POLYFLUOROALKYL
9 SUBSTANCES; CLASS OR SUBCLASSES

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

18 (b) On or before August 1, 2020, the Secretary of Natural Resources shall
19 initiate a public notice and comment process by publishing an advance notice
20 of proposed rulemaking regarding the regulation under the Department of

1 Environmental Conservation’s Water Supply Rule of per and polyfluoroalkyl
2 (PFAS) compounds as a class or subclasses.

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

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

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

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

18 Sec. 4. REPEAL; INTERIM DRINKING WATER MONITORING; PFAS
19 CONTAMINANTS

20 Sec. 2 (interim drinking water monitoring; PFAS contaminants) shall be
21 repealed on the effective date of the rules required under Sec. 3 of this act.

1 Sec 5. VERMONT WATER QUALITY STANDARDS; PER AND
2 POLYFLUOROALKYL SUBSTANCES

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

7 (1) perfluorooctanoic acid; perfluorooctane sulfonic acid;
8 perfluorohexane sulfonic acid; perfluorononanoic acid; and perfluoroheptanoic
9 acid; and

10 (2) the PFAS class of compounds or subgroups of the PFAS class of
11 compounds.

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

17 Sec 6. INVESTIGATION OF POTENTIAL SOURCES OF PER AND
18 POLYFLUOROALKYL SUBSTANCES CONTAMINATION

19 (a) On or before May 1, 2019, the Secretary of Natural Resources shall
20 publish a plan for public review and comment to complete a statewide
21 investigation of potential sources of per and polyfluoroalkyl substances

1 (PFAS) contamination. As part of this investigation, the Secretary shall
2 evaluate a representative portion of public water systems for total oxidizable
3 PFAS concentrations. The Secretary of Agency of Natural Resources shall
4 initiate implementation of the plan no later than July 1, 2019.

5 Sec 7. INTERIM ENVIRONMENTAL MEDIA STANDARDS

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

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

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

1 Sec. 8. AGENCY OF NATURAL RESOURCES CONTAMINANTS OF
2 EMERGING CONCERN PILOT PROJECT

3 On or before January 15, 2020, the Agency of Natural Resources shall
4 submit to the House Committees on Natural Resources, Fish, and Wildlife and
5 on Commerce and the Senate Committees on Natural Resources and Energy
6 and on Economic Development, Housing and General Affairs a report
7 regarding the management at landfills of leachate containing contaminants of
8 emerging concern (CECs). The report shall include:

9 (1) the findings of the leachate treatment evaluation conducted at any
10 landfill in Vermont;

11 (2) the Agency of Natural Resources assessment of the results of landfill
12 leachate evaluations; and

13 (3) the Agency of Natural Resources' recommendations for treatment of
14 CECs in leachate from landfills, including whether the State should establish a
15 pilot project to test methods for testing or managing CECs in landfill leachate.

16 Sec. 9. EFFECTIVE DATE

17 This act shall take effect on passage.