

Rhode Island DEM Update on PFAS



<https://www.wateronline.com/doc/the-microplastics-and-pfas-connection-0001>

Rhode Island Society of Environmental Professionals
Tuesday March 28 10 - 11AM



PFAS Groundwater Quality Standard

"PFAS in Drinking Water, Groundwater, and Surface Waters Act"

- **§ 46-32-5** Requires the Department to promulgate a PFAS groundwater standard by December 31, 2023:

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



PFAS Groundwater Quality Standard

- Same state law establishes a drinking water standard of 20 ppt for the sum of six compounds (PFOS, PFOA, PFNA, PFDA, PFHxS, and PFHpA).
- Class GAA and GA groundwater is suitable for drinking water use without treatment so the groundwater standard will match the drinking water standard.



PFAS Groundwater Quality Standard

- Groundwater Quality Rule 3.11(2) already includes a 70 ppt standard for PFOA, PFOS, or the sum of both compounds if found together.
- The plan: delete existing PFAS standard in 3.11(2) and replace with new language consistent with the law.
- A new wrinkle! EPA proposed PFAS MCL includes different compounds, standards, and Hazard Index approach.



Surface Water Quality Action Level

- On or before December 31, 2023, the Director of the Department of Environmental Management shall file under § 42-35-4 a final rule with the Secretary of State to adopt surface water action levels to address the contamination of Rhode Island waters from releases of, at a minimum, perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA).



Surface Water Quality Regulations

- 250 – RICR – 150 – 05 – 1 Water Quality Regulations
- Serve as Rhode Island’s Water Quality Standards for federal Clean Water Act purposes
 - In order to be applicable, WQS must be approved by U.S. EPA
- Adopting two new definitions
 - Per- and polyfluoroalkyl substances (PFAS)
 - Surface water quality action level
- New section § 1.30
 - Includes who is required to report
 - What should be included in the notification



Surface Water Quality Action Levels

- Entities regulated under a list of DEM Regulations will be required to report to DEM within 15 days
- Either regular mail or setting up a PFAS website with a shared group email
- Notification contents
 - Name of person and facility
 - Date/time
 - Description of the location
 - Copies of laboratory report
 - As applicable, known concentrations in discharge/release
 - Where known, initial determination of source
 - Measures taken or proposed to be taken



PFAS Action Levels

- Compiled available PFAS data from RI and MA
- Two other PFAS compounds are frequently found
 - PFHxA = perfluorohexanoic acid
 - PFPeA = perfluoropentanoic acid
- PFAS Action Level
 - Sum of 8 PFAS compounds

$[PFOA] + [PFOS] + [PFHxS] + [PFNA] + [PFHpA] + [PFDA] + [PFHxA] + [PFPeA]$



PFAS Action Levels

- Water is not generally the source of PFAS
 - Related to some land-based program
 - Discharge, other DEM programs
- If it is determined that PFAS pollution is affecting a waterbody, DEM can require to stop pollution
- Direct future monitoring and response



Tentative Timeline and Next Steps

- **April 2023** – Finish internal review and discuss with EPA
- **May 2023** – ORR and SOS review
- **June 2023** – Initiate public process
- **December 31, 2023** – Final adoption