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2024 Assessment of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Contamination in Maine Drinking Waters Annual Report

Spring 2024

Required by:

Resolve 2021, Chapter 82

Submitted to the joint standing Committee on Health and Human Services

Prepared by the Department of Health and Human Services
Maine Center for Disease Prevention and Control

EXECUTIVE SUMMARY

This report to the Legislature includes the number of water systems tested for perfluoroalkyl and polyfluoroalkyl substances (PFAS), what levels were indicated upon testing, and the status of the Department's rulemaking as it relates to PFAS, pursuant to Resolve 2021, chapter 82, introduced to the 130th Maine Legislature as L.D. 129, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants*. The bill was enacted as emergency legislation.

INTRODUCTION AND BACKGROUND

On June 21, 2021, Governor Janet Mills signed *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants*, requiring all community (C) public water systems and non-transient, non-community (NTNC) schools and childcare facilities in Maine to sample finished (i.e., water ready for consumption) drinking water for PFAS by December 31, 2022. The legislation includes an interim standard of 20 parts per trillion (ppt) for perfluoro heptanoic acid (PFHpA), perfluorohexanesulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluorooctanesulfonic acid (PFOS), perfluorooctanoic acid (PFOA), and perfluorodecanoic acid (PFDA), alone or in combination. It also requires that, on or before June 1, 2024, the Department file a final rule with the Secretary of State regarding the regulation of PFAS contaminants. Beginning January 1, 2022, and annually thereafter until the rules are adopted, the Department is required to report to the Legislature on the number of water systems tested, what levels of PFAS were indicated upon testing, and the status of the rule-making process. This report has been prepared by DHHS Maine Center for Disease Control and Prevention Drinking Water Program (DWP) in accordance with these specifications.

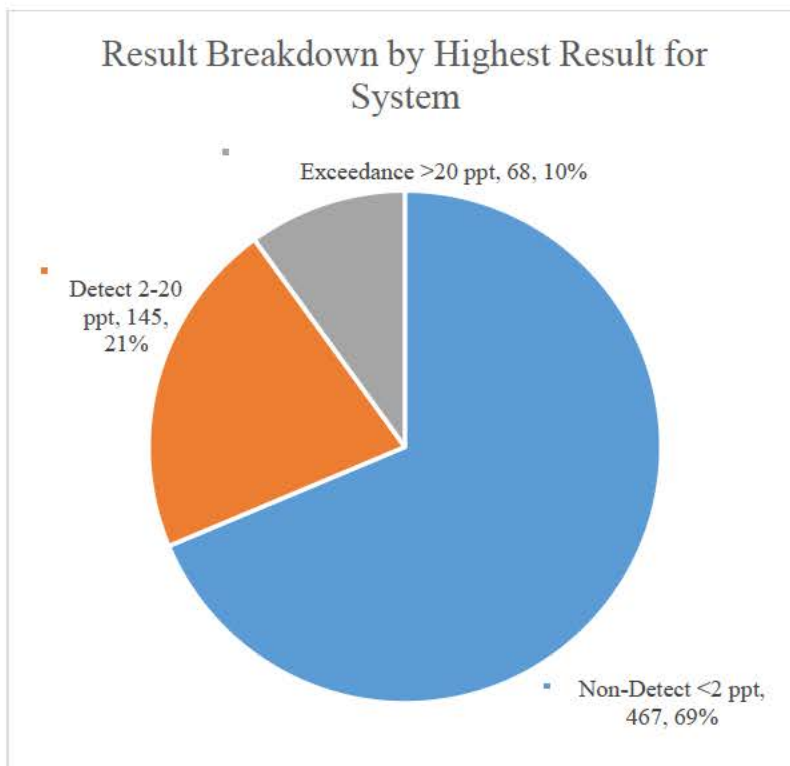
RELATED ACTIVITIES

The Maine DHHS CDC Drinking Water Program (DWP) has developed PFAS sampling guidance and distributed it to all applicable public water suppliers. DWP posted the guidance and other information on a dedicated DWP PFAS webpage. Beginning in October 2022, systems that had not yet reported results were contacted, both via a mass mailing and individual phone calls by a partner organization, Maine Rural Water Association (MRWA).

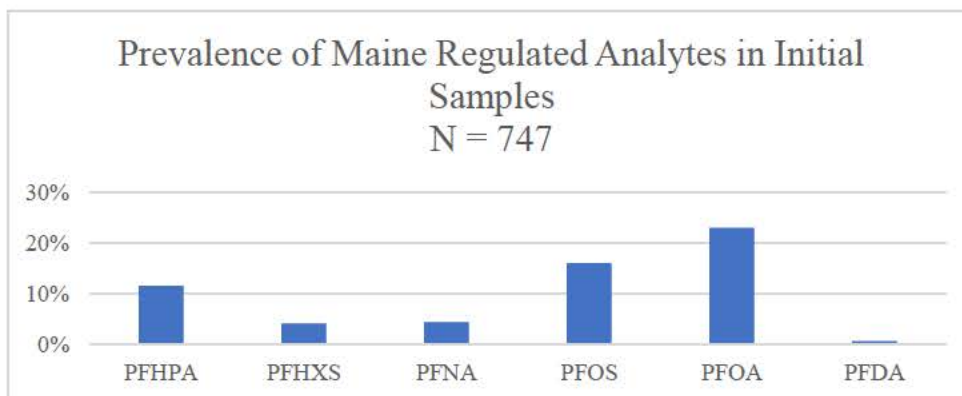
As of November 15, 2024, the DWP has received water testing results from all 680 systems required to conduct PFAS testing. The preliminary data received and processed to date indicates that 469 of the tested systems or 69 percent were non-detect for the six regulated PFAS compounds.

One hundred forty-five (145) systems or 21 percent of the showed PFAS levels for at least one of the six regulated compounds above the detection limit (approximately 2.0 parts per trillion (ppt)), but the combined concentrations of the six compounds were below the interim standard of 20 ppt.

Sixty-eight systems or 10 percent were identified that had combined PFAS levels which exceeded the interim standard of 20 ppt.



PFOA was found in 23 percent of all initial samples, PFOS was found in 16 percent, and PFHPA was found in 12 percent. PFHXS and PFNA were both found in 4 percent of all initial samples, while PFDA was only found in 1 percent.



Results show a discrepancy in the type of system to exceed Maine's interim standard – 5 percent of community water systems exceeded, 5 percent of childcare facilities exceeded, but 18 percent of schools exceeded. There is still research to be done to determine the sources of PFAS contamination.

All public water systems that submitted results above the interim standard were contacted by the DWP and informed of the requirements regarding mitigation, public notice, and future sampling frequency. These public water systems were also encouraged to provide an alternate source of water to their customers until the PFAS levels could be reduced below the interim standard. To date, the DWP has reimbursed public water systems at least \$4,126,225 in grant funds to address PFAS, and more applications continue to be received and processed. Pursuant to the Bipartisan Infrastructure Law¹, there is approximately \$7.5M available annually from 2022 to 2026 for the purposes of addressing emerging contaminants including PFAS in Maine's public water systems. An additional federal funding source, the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant², is providing approximately \$9M annually from 2022 to 2026. All of these funds are being used to address PFAS in Maine's Public Water Systems.

Out of the 68 confirmed systems that exceeded the PFAS interim standard, 66 systems have addressed the contamination by installing treatment, receiving funding grant approval for treatment installation, connecting to another system, or abandoning their contaminated well. Only two systems are still assessing remedy options or are pursuing a solution without grant funding. Also, eight systems with concentrations of PFAS below Maine's interim standard of 20 ppt have voluntarily installed treatment.

On April 26, 2024, the EPA published a federal PFAS drinking water regulation that set maximum contaminant levels (MCLs) for six PFAS compounds. Individual MCLs for PFOS and PFOA were set at 4.0 ppt, as well as 10 ppt for PFNA, PFHxS and HFPO-DA (commonly known as GenX). A Hazard Index calculation with a limit of 1 (unitless) was set for four additional chemicals: PFNA, PFHxS, HFPO-DA, and PFBS.

The federal MCLs do not include two of the PFAS chemicals that were included in the Maine interim standard, PFDA and PFHpA, but neither of those chemicals are present in concentrations that cause any water system to exceed MCLs; PFOS and PFOA at levels above 4 ppt are the dominant drivers in triggering a PFAS MCL, due to their prevalence in Maine.

¹ Bipartisan Infrastructure Law provides \$550 billion over fiscal years 2022 through 2026 in new Federal investment in infrastructure, including in roads, bridges, and mass transit, water infrastructure, resilience, and broadband; <https://www.congress.gov/117/bills/hr3684/BILLS-117hr3684enr.pdf>

² The Emerging Contaminants in Small or Disadvantaged Communities grant program provides states and territories with grants to public water systems in small or disadvantaged communities to address emerging contaminants, including PFAS. <https://www.epa.gov/dwcapacity/emerging-contaminants-ec-small-or-disadvantaged-communities-grant-sdc>

Under the Final PFAS National Primary Drinking Water Regulation³, water systems must take action to reduce the levels of these PFAS in drinking water if the level of PFAS in their drinking water exceeds regulatory standards. Regulated public water systems have three years to complete their initial monitoring for these chemicals. Systems must include their results in their Annual Water Quality reports to their customers. Systems that detect PFAS above the new standards will have five years to implement solutions that reduce PFAS in their drinking water. Water systems must also notify the public if levels of regulated PFAS exceed these new standards.

Using current data, approximately 62 PWS may exceed the new federal MCL in addition to the 68 PWS that already exceed the Maine interim standard. Also, there are approximately 80 additional PWS that were not required to sample under the Maine regulations that must sample for PFAS by 2027. These are the Non-Transient, Noncommunity systems that are not schools or childcare facilities. Letters to all Maine PWS subject to the federal rule have been sent, explaining the requirements.

Rulemaking performed by the Maine CDC is done in accordance with 5 MRSA Chapter 375. In July, Maine CDC requested a legal prereview by the Office of the Attorney General prior to publishing proposed rulemaking. The DWP anticipates promulgation of the new rule in 2025.

³ National Primary Drinking Water Regulation (NPDWR): To reduce the level of PFAS in drinking water across the United States, EPA set limits for five individual PFAS: PFOA, PFOS, PFNA, PFHxS, and HFPO-DA (known as GenX Chemicals) and a hazard index level for two or more of four PFAS as a mixture: PFNA, PFHxS, HFPO-DA, and PFBS; Per- and Polyfluoroalkyl Substances (PFAS) | US EPA