



MAINE CDC DRINKING WATER PROGRAM

Department of Health & Human Services

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PFAS in Drinking Water: Advance Notice of Proposed Rulemaking and Request for Stakeholder Input

July 28, 2023

The State of Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention, Drinking Water Program (Department) is planning on proposing rules regulating per- and polyfluoroalkyl substances (PFAS) in drinking water served to Maine residents and visitors by Community and Non-Transient Non-Community (NTNC) [Public Water Systems \(PWS\)](#), and drinking water provided by Maine-based bottled water producers.

On June 21, 2021, Governor Mills approved an emergency resolve entitled *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants* (Resolves 2021, ch. 82), which established an interim standard for six PFAS in drinking water, individually or combined, of 20 parts-per-trillion (ppt) for Community PWS (i.e., municipal water districts or other residential PWS) and NTNC PWS that are schools and child care facilities. This Maine Resolve also required these PWS to test for PFAS by December 31, 2022, and address PFAS levels exceeding the Maine interim standard. Additionally, this Resolve requires the Department to publish an Advance Notice of Proposed Rulemaking by August 1, 2023. **This notice shall serve as the Advance Notice of Proposed Rulemaking.**

In March 2023, the U.S. Environmental Protection Agency (EPA) proposed new federal PFAS drinking water regulations, including Maximum Contaminant Levels (MCLs) for six PFAS chemicals (four of which are also regulated by Maine). These EPA regulations and MCLs are projected to be finalized in late 2023. In order to maintain primacy under the *Safe Drinking Water Act*, and in accordance with Maine law (22 MRS Ch. 601, Subch. 2 and 2-A), Maine must demonstrate that its regulations are at least as protective of public health as the federal regulations once they are promulgated.

Based upon existing data, the Department has determined that the proposed EPA MCLs are more protective of public health than Maine's current interim standard. All PWSs with PFAS levels in exceedance of Maine's interim standard, as well as numerous others, would exceed EPA's proposed MCLs and require treatment or other mitigation methods. Additionally, approximately 88 Maine NTNC PWSs not currently regulated for PFAS in drinking water (not schools or daycares) would become regulated. Also, the Department is proposing that Maine-based bottled water producers not currently regulated for PFAS would be subject to the same provisions as Community PWS. This expansion of the regulated community would significantly increase the protection of public health for Maine PWS drinking water and bottled water consumers.

Based on this advance notice of proposed rulemaking, the Department seeks input on specific components of State PFAS Regulations, including Maximum Contaminant Levels, monitoring frequency, compliance determination, and violation response. The Department will review all input before proposing rule changes regarding PFAS regulation for public water systems in Maine. At that time, a public comment period will open, inviting further input and feedback for the Department to consider prior to any final adoption.

Please provide your feedback to the Department by emailing your feedback to the Maine CDC Stakeholder inbox at Stakeholders.MECDC@maine.gov by **September 15, 2023**.

Thank you for your input.

- Information About Public Water Systems (EPA):
<https://www.epa.gov/dwreginfo/information-about-public-water-systems>