

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 253  
151st GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 8  
AS AMENDED BY  
HOUSE AMENDMENT NO. 2  
AND  
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DRINKING WATER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 80, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter V. Drinking Water Protection Act.

§ 8090. Short title.

This Act shall be known and may be cited as the “Drinking Water Protection Act.”

§ 8091. Purpose.

This Act directs the Division of Public Health, in collaboration with the Department of Natural Resources and Environmental Control to establish state-level maximum contaminant levels (“MCL”) for certain contaminants found in public drinking water systems in this state.

§ 8092. Definitions.

As used in this subchapter:

- (1) “Department” means the Department of Natural Resources and Environmental Control.
- (2) “Division” means the Division of Public Health.
- (3) “Maximum Contaminant Level” means the legal threshold limit on the amount of a substance that is allowed in public water systems.
- (4) “PFAS” means non-polymeric perfluoroalkyl and polyfluoroalkyl substances that are a group of man-made chemicals that contain at least 2 fully fluorinated carbon atoms, excluding gases and volatile liquids. “PFAS” includes PFOA and PFOS.
- (5) “PFOA” means perfluorooctanoic acid and its salts.
- (6) “PFOS” means perfluorooctanesulfonic acid or perfluorooctane sulfonate and its salts.

§ 8093. Maximum Contaminant Level.

(a) The Division shall work in collaboration with the Department to establish a maximum contaminant level for PFOA and PFOS in public drinking water systems in accordance with evidence-based standards and assessments conducted by the United States Environmental Protective Agency.

(b) Within 60 days of the effective date of this Act, the Department and Division shall initiate the regulatory development process.

(c) Within 9 months of the effective date of this Act, the Division shall conduct public hearings on proposed regulations.

(d) The Division in collaboration with the Department shall review all of the following to develop and revise on a periodic basis the maximum contaminant level established pursuant to this section:

(1) Assessments conducted by the United States Environmental Protection Agency.

(2) Information published in peer-reviewed journals.

(3) Delaware State-wide Survey data.

§ 8094. State-wide Survey.

(a) The Department in collaboration with the Division shall conduct a statewide survey on PFAS in drinking water using standard laboratory methods for PFAS developed by the United States Environmental Protection Agency and supplemental methods that the Department or Division determine meet project specific data quality objectives.

(b) On or before January 1, 2022, the Department shall provide all of the following to the Governor and the General Assembly:

(1) The results of the state-wide survey mandated by this section.

(2) A specific plan for addressing any PFAS contamination identified in the state-wide survey mandated by this section.

Approved October 20, 2021