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HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 337

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:

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

3                               Subchapter V. Drinking Water Protection Act.

4           § 8090. Short title.

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

6           § 8091. Purpose.

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

10          § 8092. Definitions.

11          As used in this subchapter:

12               (1) “Department” means the Department of Health and Human Services.

13               (2) “Maximum Contaminant Level” means the legal threshold limit on the amount of a substance that is  
14     allowed in public water systems.

15               (3) “PFAS” means perfluoroalkyl and polyfluoroalkyl substances that are a group of man-made chemicals that  
16     have been manufactured and used in a variety of industries in the United States and around the globe, and can be found  
17     in drinking water. “PFAS” includes PFOA and PFOS.

18               (4) “PFOA” means perfluorooctanoic acid, also known as C8, is a man-made chemical, historically used in  
19     the process of making certain fluoropolymers.

(5) "PFOS" means perfluorooctanesulfonic acid or perfluorooctane sulfonate is a man-made chemical, historically used as a surface-active agent to alter the surface tension of a mixture, including as waterproofing and stain resistant agent.

§ 8093. Maximum Contaminant Level.

(a) The Department, in conjunction with the Department of Natural Resources and Environmental Control, shall establish a Maximum Contaminant Level for PFOA and PFOS in public drinking water systems in accordance with evidence-based standards.

(b) The Department may also establish a Maximum Contaminant Levels for other PFAS based on the results of the state-wide survey required by § 8094 of this title.

(c) Such Maximum Contaminant Level may not exceed any maximum contaminant level or health advisory promulgated by the United States Environmental Protection Agency.

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

(e) Within 6 months of the effective date of this Act, the Department shall conduct public hearings on proposed regulations.

(f) In determining whether to revise the Maximum Contaminant Levels established pursuant to this section, the Department shall review all of the following on a periodic basis:

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

(2) Information published in peer-reviewed journals.

(3) The maximum contaminant levels adopted by other states and the studies and scientific evidence reviewed by those states.

§ 8094. State-wide Survey.

(a) On or before January 1, 2022, the Department and the Department of Natural Resources and Environmental Control shall do all of the following:

(1) Identify public water supplies in areas of known, suspected or likely PFAS contamination.

(2) Establish a plan for sampling the identified water sources and addressing PFAS contamination identified.

Such plan shall include a timeline and funding.

(b) On or before September 1, 2022, the Department shall provide the results of the state-wide survey mandated by § 8094(a) to the Governor and the General Assembly.

### SYNOPSIS

This Act mandates that the Department of Health and Human Services, in conjunction with the Department of Natural Resources and Environmental Control to establish Maximum Contaminant Levels for specific contaminants found in drinking water in this state. Such contaminants include PFOA and PFOS, which are man-made chemicals that have been used in industries in this state. These chemicals were found to be associated with increased risks of chronic diseases. The Environmental Protection Agency, thus far, has not established a maximum contaminant levels, but only health advisories. The establishment of maximum contaminant levels is essential in order to protect the health and safety of all Delawareans from dangerous contaminants in drinking water.