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HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 8

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 Natural Resources and Environmental Control and the Division of Public  
8 Health to establish state-level maximum contaminant levels (“MCL”) for certain contaminants found in public drinking  
9 water systems in this state.

10 § 8092. Definitions.

11 As used in this subchapter:

12 (1) “Department” means the Department of Natural Resources and Environmental Control.

13 (2) “Division” means the Division of Public Health.

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

16 (4) “PFAS” means non-polymeric perfluoroalkyl and polyfluoroalkyl substances that are a group of man-  
17 made chemicals that contain at least 2 fully fluorinated carbon atoms, excluding gases and volatile liquids. “PFAS”  
18 includes PFOA and PFOS.

19 (5) “PFOA” means perfluorooctanoic acid and its salts.

20 (6) “PFOS” means perfluorooctanesulfonic acid or perfluorooctane sulfonate and its salts.

21           § 8093. Maximum Contaminant Level.

22           (a) The Department and Division shall work together to establish a Maximum Contaminant Level for PFOA and  
23 PFOS in public drinking water systems in accordance with evidence-based standards and assessments conducted by the  
24 United States Environmental Protective Agency.

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

27           (c) Within 6 months of the effective date of this Act, the Department and Division shall conduct public hearings on  
28 proposed regulations.

29           (d) The Department shall review all of the following on a periodic basis in determining whether to revise the  
30 maximum contaminant level established pursuant to this section:

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

32                   (2) Information published in peer-reviewed journals.

33           § 8094. State-wide Survey.

34           (a) The Department and Division shall conduct a statewide survey on other PFAS in drinking water using standard  
35 laboratory methods for PFAS developed by the United States Environmental Protection Agency.

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

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

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

#### SYNOPSIS

This Act mandates that the Department of Natural Resources and Environmental Control and the Division of Public Health 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. In certain studies, 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 have issued health advisories. The establishment of maximum contaminant levels is essential in order to protect the health and safety of all Delawareans from contaminants in drinking water.