

**RHODE ISLAND GOVERNMENT REGISTER
ADVANCE NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF HEALTH

Title of Rule: Public Drinking Water

Rule Identifier: 216-RICR-50-05-1

Rulemaking Action: Advance Notice of Proposed Rulemaking

Important Dates:

Date of Public Notice: January 15, 2025

Hearing Dates: February 5, 2025

February 10, 2025

End of Public Comment: February 15, 2025

Rulemaking Authority:

R.I. Gen. Laws § 46-32-1 et seq.

Advance Notice Details:

In accordance with R.I. Gen. Laws § 42-35-2.5 and R.I. Gen. Laws § 46-13-18, advance notice is hereby given that the Rhode Island Department of Health (“RIDOH”) plans to propose amendments to the Rhode Island Public Drinking Water regulations (216-RICR-50-05-1) (the “PDW Regulations”) to adopt the requirements of two federal National Primary Drinking Water Regulations (“NPDWRs”) promulgated in 2024 by the Environmental Protection Agency (“EPA”) under the federal Safe Drinking Water Act (“SDWA”):

1. The “PFAS National Primary Drinking Water Regulation,” published as a Final Rule on April 26, 2024 (and a corrected version of the Final Rule published on June 11, 2024) (the “PFAS NPDWR”); and
2. The revisions to the NPDWR for Consumer Confidence Reports (the “Revised CCR NPDWR”), published as a Final Rule on May 24, 2024.

Provided below is a summary of the two NPDWRs, in addition to links to the NPDWR Final Rules and EPA webpages with additional information and resources about the Final Rules.

By way of background, RIDOH is the state primacy agency responsible for enforcing the federal NPDWRs. In accordance with SDWA and 40 CFR Part 142, RIDOH must adopt state regulations that are at least as stringent as the NPDWRs in order to attain and maintain primacy. Pursuant to federal regulations, and with limited exceptions, primacy agencies have two years after promulgation of any new or revised NPDWR to adopt the NPDWR requirements at the state level and seek approval from EPA.

RIDOH is in the process of developing amendments to the PDW Regulations consistent with the NPDWRs. Through this advance notice process, RIDOH hopes to engage with the regulated community to inform them of the impending regulatory changes and seeks public comment on whether Rhode Island should be more stringent than the NPDWRs in any way. RIDOH is holding two community review meetings, one for each NPDWR. The meetings will be held in a hybrid format—in person and virtually via Teams. The link to access the Teams meeting is directly below. The location of the in-person meeting and other meeting details is in the “Public Hearing” section of this notice.

- The meeting on February 5, 2025 at 9:00 a.m. will be focused on the PFAS NPDWR. The Teams link for this meeting is: [Link to Meeting via Microsoft Teams](#)
- The meeting on February 10, 2025 at 9:30 a.m. will be focused on the Revised CCR NPDWR. The Teams link for this meeting is: [Link to Meeting via Microsoft Teams](#)

Please note that these meetings, while open to the public, are not public hearings as indicated further in this notice and as contemplated by the statute governing the hearing process for regular proposed rulemakings (R.I. Gen. Laws § 42-35-2.8). This notice, including the public hearing sections and references, derives from a template notice used for regular proposed rulemakings, subject to the notice and hearing requirements of R.I. Gen. Laws §§ 42-35-2.7 and -2.8. These community review meetings are informal meetings intended to solicit comments and recommendations from the public in advance of formally proposing rule amendments.

Brief Summary of the NPDWRs:

The PFAS NPDWR sets individual maximum contaminant levels (MCLs) for five per- and polyfluoroalkyl substances (PFAS) in drinking water, and a hazard index MCL for PFAS mixtures containing at least two or more of PFHxS, PFNA, HFPO-DA, and PFBS. The NPDWR also sets health-based, non-enforceable maximum contaminant level goals (MCLGs) for these PFAS. The MCLs and MCLGs are as follows:

Compound	Final MCLG	Final MCL (enforceable levels)
PFOA	Zero	4.0 parts per trillion (ppt) (also expressed as ng/L)
PFOS	Zero	4.0 ppt
PFHxS	10 ppt	10 ppt
PFNA	10 ppt	10 ppt
HFPO-DA (commonly known as GenX Chemicals)	10 ppt	10 ppt
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1 (unitless) Hazard Index	1 (unitless) Hazard Index

The PFAS NPDWR also includes related monitoring, reporting, and compliance requirements for these PFAS. Public water systems must monitor for these PFAS and have three years to complete initial monitoring (by 2027), followed by ongoing compliance monitoring. Water systems must also provide the public with information on the levels of these PFAS in their drinking water beginning in 2027. Public water systems have five years (by 2029) to implement solutions that reduce these PFAS if monitoring shows that drinking water levels exceed these MCLs. Beginning in five years (2029), public water systems that have PFAS in drinking water which violates one or more of these MCLs must take action to reduce levels of these PFAS in their drinking water and must provide notification to the public of the violation.

The Revised CCR NPDWR includes changes to make annual drinking water quality reports more understandable and accessible to the public. These reports are an important tool that certain drinking water systems are required to use to inform residents about water quality, violations, and any contaminants that have been found in the water. Starting in 2027, the final rule requires that these reports are easier to read and support access to translations in appropriate languages while enhancing information about lead in drinking water. The final rule also streamlines the delivery of reports by encouraging electronic methods. Water systems are currently required to provide annual drinking water reports to customers each year, and with this rule systems serving over 10,000 customers will be required to distribute reports twice per year.

Links to EPA’s Final Rules as published in the Federal Register:

- **PFAS NPDWR (89 Fed. Reg. 32532)**
- **PFAS NPDWR, Correction (89 Fed. Reg. 49101)**
- **Revised CCR NPDWR (89 Fed. Reg. 45980)**

Links to EPA webpages providing additional information about the two NPDWRs:

- **PFAS NPDWR**
- **Revised CCR NPDWR**

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until February 15, 2025 by contacting the appropriate party at the address listed below:

Zachary Garceau
 Department of Health
 3 Capitol Hill
 Providence, RI 02908

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.5, to consider the proposed amendment shall be held at which time and place all persons interested therein will be heard. This hearing is subject to R.I. Gen. Laws Chapter 42-46, Open Meetings.

Public Hearing Information:

Date: February 5, 2025

Time: 9:00 A.M.

Location: Department of Administration Building
One Capitol Hill
Conference Room 2C
Providence, RI, 02908

Public Hearing Information:

Date: February 10, 2025

Time: 9:30 A.M.

Location: Department of Administration Building
One Capitol Hill
Conference Room 2A
Providence, RI, 02908

The seating capacity of the room will be enforced and, therefore, the number of persons participating in the hearing may be limited at any given time by the hearing officer in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals with disabilities. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-408-2747 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting. For questions regarding available parking, please contact the agency staffperson listed above.