

TITLE 2: NATURAL RESOURCES
DIVISION 3: THE ENVIRONMENT

§ 3908. Regulation of Maximum Contaminant Level.

(a) The maximum contaminant level shall be 0.00007 mg/L (70 ng/L; 70 parts per trillion) for the sum of the concentrations of each of the following PFAS chemicals: perfluorooctane sulfonic acid (PFOS), perfluorooctanoic acid (PFOA), and perfluorononanoic acid (PFNA).

(b) The maximum contaminant level set in § 3908(a) or in subsequent regulation applies to all community water systems and all non-transient noncommunity water systems.

(c) (1) The Bureau shall promulgate a maximum contaminant level that is either:

(A) Equal to the maximum contaminant level set in § 3902(a); or

(B) More protective than in § 3908(a) for PFOS, PFOA, and PFNA combined or individually, if in any such case, accounting for an adequate margin of safety to protect human health at all life stages, including, but not limited to, prenatal development, the Bureau determines the maximum contaminant level in § 3908(a) needs adjustment for the protection of human health.

(2) The Bureau may promulgate a maximum contaminant level for PFAS chemicals not listed in § 3908(a) or (c)(1) if, accounting for an adequate margin of safety to protect human health at all life stages, including, but not limited to, prenatal development, the Bureau determines a maximum contaminant level needs to be promulgated to protect of human health.

(d) Once the Bureau properly promulgates a new maximum concentration level for PFAS chemicals, such level shall apply and be enforceable.

(e) Once a maximum concentration level has been set for a specific PFAS, the PFAS shall be considered a toxic pollutant for purposes of the Bureau's water quality standard regulations. The Bureau shall establish and adopt water quality criteria for PFAS commensurate with § 3908(a)-(d) and the water quality standard regulations.

(f) The Bureau shall establish and adopt regulations as necessary for the implementation and enforcement of the Commonwealth's maximum contaminant level and water quality criteria for PFAS chemicals, including monitoring and analytical requirements.

(g) The Bureau shall within 12 months after adoption of this Act and annually thereafter review the most recent peer-reviewed studies and scientific evidence, including, but not limited to, information from the United States Environmental Protection Agency and the Agency for Toxic Substances and Disease Registry, independent and government agency studies, and the laws of other states regarding PFAS, and shall amend or may promulgate regulations if such review indicates action by the Bureau is needed for protection of human health.

(h) If the federal government establishes a maximum concentration level or equivalent standard that is more protective than the levels set herein or by the

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Bureau through regulation, or it includes other PFAS chemicals in addition to PFOA, PFOS, and PFNA in its maximum concentration level or equivalent standard, the federal maximum concentration level or equivalent standard shall be the standard in the Commonwealth and shall apply for purposes of § 3909.

Source: PL 22-06, § 3 (Aug. 20, 2021), modified.

Commission Comment. In codifying PL 22-06, the Commission capitalized the word “equal” in subsection (c)(1)(A) and “more” in subsection (c)(1)(B) pursuant to 1 CMC § 3806(f). The Commission changed “§ 3902(a)” to “§ 3908(a)” in subsections (b), (c)(1)(B), (c)(2), and (2) pursuant to 1 CMC § 3806(b).