



SENATOR JESSE KIEHL

SB 121 **PFAS in Drinking Water**

Sectional ver. W

Sec. 1 of the bill creates five new sections in AS 46.03:

Sec. 46.03.340: Standards for Clean Drinking Water

Sec. 46.03.340(a): Directs the Department of Environmental Conservation to make sure drinking water near PFAS spills is tested. Requires the department to make sure anyone with contaminated drinking water gets clean drinking water.

Sec. 46.03.340(b): Sets health-based maximum levels of contamination in drinking water for seven PFAS chemicals and maintains DEC's authority to set more protective thresholds.

Sec. 46.03.345: Who is responsible for providing drinking water?

Sec. 46.03.345(a): Clarifies the causer of a fire is liable for providing drinking water if PFAS-containing foam is used to fight the fire. Creates an exemption for residential fires and non-commercial motor vehicle fires.

Sec. 46.03.345(b): A government entity that required the release of PFAS-containing foam is liable for drinking water testing and providing clean drinking water in the areas of the release.

Sec. 46.03.345(c): A fire department is not liable for providing drinking water or site clean-up if they used PFAS-containing foam to fight a fire. This section maintains existing liability for fire fighters if they use PFAS-containing foam for training or testing.

Sec. 46.03.345(d): Clarifies this bill doesn't change a responsible party's liability described elsewhere in DEC statutes.

Sec. 46.03.345(e): Defines "motor vehicle" and "residential building" for purposes of this section.

Sec. 46.03.350: Who can still use PFAS containing foams?

Sec. 46.03.350(a): The oil & gas industry may continue using PFAS containing foams until an alternative is approved through regulation.

Sec. 46.03.350(b): The fire marshal can determine there is a safe and effective PFAS-free foam for fighting large oil or gas fires only if the alternate foam is listed by an organization in OSHA's Nationally Recognized Testing Laboratory Program. The fire marshal must require the new foam by regulation, with a stated effective date.

Sec. 46.03.350(c): DEC must take up to 25 gallons per year of PFAS-containing firefighting foam from Alaskans for disposal.

Sec. 46.03.350(d): When federal law no longer requires firefighting foams with PFAS in them at airports, everyone outside the oil & gas industry must stop using PFAS-containing foams, unless federal law preempts Alaska law.

Sec. 46.03.355: Requires a facility treating PFAS through thermal remediation to get a Clean Air Act Title V permit.

Sec. 46.03.359: Lists the PFAS compounds covered by this bill and maintains DEC's authority to list more.

Sec. 2 of the bill adds an applicability provision:

Sec. 2: The requirements to test drinking water and provide clean drinking water apply to past and future PFAS contamination.

Secs. 3-6 of the bill add effective dates:

Sec. 3: DEC can adopt regulations before the effective date of the bill, so long as they do not go into effect before the bill.

Sec. 4: Immediate effective date for the applicability and transition language in Sec. 2 & 3.

Sec. 5: The rest of the bill takes effect Jan. 1, 2023.