



JANET T. MILLS  
GOVERNOR



GERALD D. REID  
COMMISSIONER

**To:** Board of Environmental Protection

**From:** Kerri Malinowski, Office of the Commissioner

**Date:** November 7, 2019

**Re:** Chapter 890: Designation of PFOS as a Priority Chemical  
Hearing Scheduling Request

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Procedural Background:

On September 25, the Board voted to post the proposed Chapter 890: Designation of PFOS as a Priority Chemical, to a 30-day public comment period beginning October 2, with a comment deadline of November 4, 2019. This rule was previously posted for public comment as a Department rulemaking on April 3, and a Department public hearing was held on April 23, 2019. The Department amended the draft rule to clarify the products covered and reposted the amended draft to rulemaking under the new procedures requiring routine technical rules to be adopted by the Board.

APA Requirements:

The Maine Administrative Procedures Act (APA) states that when a rulemaking proposal is posted to public comment without scheduling a public hearing, a public hearing must be held if requested by any 5 interested persons. Statutory Reference: 5 M.R.S. § 8052(1).

Requested Action:

The Department has received more than five requests for a public hearing on the proposed Chapter 890 rulemaking. Accordingly, the Department is requesting that the Board schedule a public hearing on the proposed rule.

Estimated time of agenda item:

10 minutes