



THE WATER WORKS OPERATORS' ASSOCIATION OF PENNSYLVANIA

April 21, 2022

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
[eComments](#)
RegComments@pa.gov

RE: *Regulation #7-569: Safe Drinking Water PFAS MCL Rule*

Dear Environmental Quality Board:

The Water Works Operators' Association (WWOAP) (www.wwoap.org) is a nonprofit group of members dedicated to increasing the knowledge and expertise of those working at all levels and in all sectors of Pennsylvania's water supply industry. We provide information regarding public water supply design, construction, treatment, and management. For nearly a century, WWOAP has existed to help strengthen and promote the water industry.

The WWOAP **supports** the proposed rulemaking which will improve public health protection by setting maximum contaminant level goals (MCLG) and maximum contaminant levels (MCL) for two per- and polyfluoroalkyl substances (PFAS) – perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS).

The proposed amendments are intended to protect public health by setting state MCLs for contaminants in drinking water that are currently unregulated at the federal level. If the proposed amendments were adopted, Pennsylvania would move ahead of the federal Environmental Protection Agency (EPA) in addressing PFOA and PFOS in drinking water and join a small group of states that have set MCLs for select PFAS in drinking water.

In addition, the EPA is also moving forward with the MCL process as outlined in the federal Safe Drinking Water Act (SDWA) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). EPA expects to publish a proposed rule by Fall 2022 with a final rule expected Fall 2023. Therefore, Pennsylvania may need to adjust this proposed rulemaking if the EPA were to put forth its own rulemaking with conflicting or more stringent MCLs for PFOA and PFOS.

On July 29, 2021, a pre-draft version of the proposed rulemaking was presented to the Public Water System Technical Assistance Center (TAC) Board of which WWOAP is a member. The TAC unanimously voted to support the Department of Environmental Protection (DEP) moving forward in the rulemaking process to present a proposed PFAS Rule to the EQB.¹

Currently, EPA's health advisory limit (HAL) is 70 parts per trillion (ppt) for the combined concentrations of PFOS and PFOA. Since PFAS are unregulated, there is no MCL. However, our ability to detect has outpaced our ability to understand the significance.

DEP conducted a statewide sampling plan which began in June 2019. DEP identified 493 public water system sources as potential sampling sites because they met the criterion of being located within a half mile of a potential source of PFAS contamination, such as military bases, fire training sites, landfills, and manufacturing facilities.

Of those, DEP tested 372 targeted sites and 40 additional sites (for a total of 412) that were not located within a half mile of a potential source of PFAS contamination to establish a baseline.

Of the PFAS chemicals sampled, PFOS and PFOA were most common, being detected at 103 and 112 sites, respectively. Of the sites with detections, only eight PFAS were detected. The eight PFAS that were detected are: PFOS, PFOA PFNA, PFHxS, PFHpA, PFBS, Perfluorohexanoic acid (PFHxA), and Perfluoroundecanoic acid (PFUnA). Results were non-detect for the other 10 PFAS that were tested.

Of the 412 total samples, **two of the results** were above the EPA's HAL of 70 ppt for the combined concentrations of PFOS and PFOA: State of the Art, Inc. in Centre County, and Saegertown Borough in Crawford County.

The proposed rulemaking includes a **proposed PFOA MCL of 14 ppt** that is a 90% improvement in health protection as compared to the current EPA HAL of 70 ppt.

In addition, the proposed rulemaking includes a **proposed PFOS MCL of 18 ppt** that is a 93% improvement in health protection as compared to the current EPA HAL of 70 ppt.

Public water systems can treat source water with granular activated carbon (GAC), anion exchange (IX), and reverse osmosis (RO) (e.g., high-pressure membrane systems) to remove PFOS and PFOA from drinking water.

According to DEP's Table 16 (GAC Treatment Costs), "the average capital cost for the GAC treatment was \$3,457,110 per million gallons per day (MGD) per entry point (EP) with an average annual operation and maintenance (O&M) cost of \$171,970 per MGD per EP."ⁱⁱ

Moreover, DEP's Table 17 (IX Treatment Costs), "the average capital cost for the IX treatment was \$3,284,360 per MGD per EP with an average annual O&M cost of \$155,666 per MGD per EP."ⁱⁱⁱ

In addition to treatment costs, the proposed rulemaking also imposes significant compliance monitoring costs. Specifically, the proposed rule requires initial quarterly monitoring for community and nontransient noncommunity systems serving a population of more than 350 persons beginning January 1, 2024. It also will require repeat compliance monitoring on a quarterly basis for any EPs at which either PFOA or PFOS is detected at a level above its respective minimum reporting limit (MRL), including those EPs at which one or both MCLs are exceeded. If the quarterly repeat monitoring results are reliably and consistently below the MCLs, the frequency of repeat monitoring may be reduced from

quarterly monitoring to annual monitoring. Table 15 on page 35 of the proposed rulemaking summarizes the overall cost estimates for compliance monitoring costs in each of the first four years of rule implementation. According to DEP, “the average annual monitoring costs over the first four years are \$4,397,916.”^{iv} WWOAP recommends that DEP consider accepting UCMR5 sampling results which begin in January, 2023 for many water systems. The UCMR5 sampling results should be accepted as the initial monitoring with reduced monitoring, as appropriate, beginning with the effective date of this regulation. Systems that do not detect PFAS or that have demonstrated through UCMR5 sampling to be consistently and reliably below the proposed MCLs should be able to discontinue quarterly sampling for another year after the UCMR5 sampling is completed. This would be a considerable cost saving to systems for compliance monitoring.

The WWOAP is concerned that the cost for monitoring and treatment will ultimately be much higher than those estimated for the proposed MCLs of 14 ppt for PFOA and 18 ppt for PFOS. The WWOAP is also concerned with the potential impact that the actual costs will have on community water systems, particularly small systems which make up the majority of our members. Therefore, it is imperative that the “Compliance Assistance Plan”^v be adequately funded to help community water systems offset the costs of this proposed rulemaking.

The WWOAP appreciates the opportunity to present these comments on this proposed rulemaking and respectfully requests the EQB’s consideration.

Respectfully submitted,



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ⁱ Minutes of the July 29, 2021, Meeting – Public Water System Technical Assistance Center (TAC) Board
https://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/TAC/2022/Draft_Minutes_July_29_2021_TAC_meeting.pdf

ⁱⁱ Proposed Rulemaking – Safe Drinking Water PFAS MCL Rule, pg. 36, Table 16. GAC Treatment Costs
<http://www.irrc.state.pa.us/docs/3334/AGENCY/3334PRO.pdf>

ⁱⁱⁱ Proposed Rulemaking – Safe Drinking Water PFAS MCL Rule, pg. 36-37, Table 17. IX Treatment Costs
<http://www.irrc.state.pa.us/docs/3334/AGENCY/3334PRO.pdf>

^{iv} Proposed Rulemaking – Safe Drinking Water PFAS MCL Rule, pg. 35, Table 15. Compliance Monitoring Costs
<http://www.irrc.state.pa.us/docs/3334/AGENCY/3334PRO.pdf>

^v Compliance Assistance Plan, page 38
<http://www.irrc.state.pa.us/docs/3334/AGENCY/3334PRO.pdf>