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Environmental Quality Board

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[eComments](#)

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

Dear Environmental Quality Board,

Veolia supports the Environmental Quality Board's intention to amend Pennsylvania Administrative Code Chapter 109 to establish maximum contaminant levels (MCLs) for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). Veolia has reviewed the proposed regulation and respectfully requests consideration of revision to the compliance schedule to factor in the following concerns and challenges.

COMPLIANCE SCHEDULE CONCERNS

The compliance schedule within the proposed implementation plan will result in an effective MCL in approximately 1.5 years for most of our systems. Based on our experience in other states with PFAS regulations, we raise the following concerns:

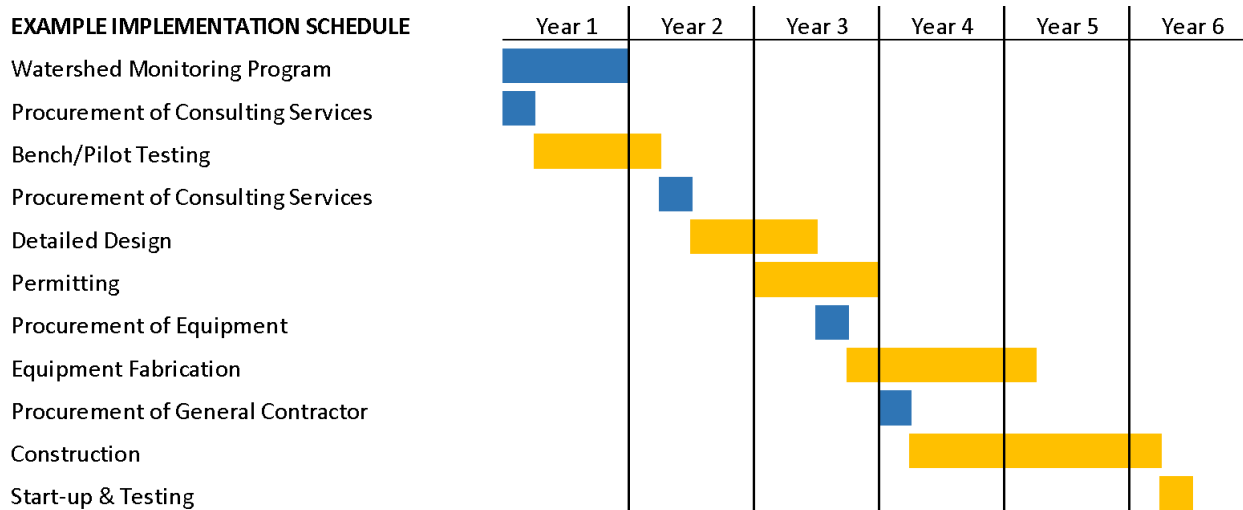
1. USEPA is in the process of developing federal limits for PFOA and PFOS, with the rule proposal expected in the Fall of 2022. USEPA has also issued UCMR5, which will require water systems to monitor for 29 PFAS compounds between 2023-2025. Under the proposed implementation plan, the Pennsylvania limits and sampling requirements would become effective around the same time. We strongly recommend that time be added to the State implementation schedule to allow consideration of the proposed federal limits and monitoring framework in development of the State rule, avoid conflicting requirements and duplicate sampling, and provide timely access to implementation guidance that will be prepared by EPA for both State authorities and water utilities.
2. Selection of appropriate PFAS treatment requires sufficient data on PFAS levels, which can fluctuate seasonally as noted above; analysis of other water constituents that can affect PFAS treatment; identification of treatment facility site constraints; and bench scale or pilot testing and studies to select the appropriate treatment media. There is limited laboratory availability for PFAS analyses and bench scale testing, and these laboratories are already overloaded due to existing regulations elsewhere.



3. Many drinking water utilities lack background data on PFAS due to the system size and reporting limit thresholds of UCMR3 and may be unprepared to respond quickly to the new limits.

4. Supply Chain constraints have already impacted the ability to obtain the required PFAS equipment timely in other states. GAC vessel delivery times can exceed 12 months. In addition, building materials, treatment equipment and pumping equipment is now taking 3 to 5 times longer to receive than in the past, causing schedule delays for projects.

5. Once treatment technology is selected, time to attain compliance should factor in the necessary steps for installation of treatment, including issuance of a request for proposals, contract award and execution, detailed design, permitting, bid advertisement, bid award and contract execution, and construction. In other states with PFAS MCLs, this has proven to take longer than anticipated. The rapid implementation of regulations in several neighboring states, as well as ongoing supply chain issues, have put a heavy demand on permitting agencies, consultants, and equipment suppliers. In our experience, the industry is already experiencing shortages and long lead times for the specialized treatment equipment and media required for these contaminants. Below is an example implementation schedule for a large surface water system:



6. For surface water sources, it may be more difficult to identify the source(s) of contamination, but it is also more prudent and cost effective to identify and mitigate the contamination at the source before implementing a large-scale modification to treatment processes. SUEZ[Veolia] has already begun monitoring its watershed for this purpose, but an effective watershed monitoring program may take 12 months or more.

7. Should detection of PFOA or PFOS require treatment modifications, the MCLs proposed might become the limiting contaminant to design or redesign treatment processes. Providing treatment will be more complicated than simply adding an additional treatment step, as it will likely require changes to disinfection strategy, additional pumping and electrical requirements, storage, land use, stormwater management and residuals management.



8. Treatment technologies for these contaminants, and particularly for removal to the limits proposed, are still evolving. This will require additional time, cost and consideration for conducting pilot tests of treatment, and obtaining approvals for use of new technology. For these reasons, SUEZ [Veolia] strongly suggests revising the compliance timelines in order to allow the public water systems to fully implement effective monitoring and treatment programs.

ADDITIONAL CHALLENGES

The comments above are specific to concerns we have with the proposed implementation plan. In support of these comments, we note the following challenges we anticipate, based on our experience in other States:

1. Simultaneous Compliance with Existing and Pending Regulations

If a treatment process upgrade is required for a public water system to comply with the proposed MCLs, the design process must take into consideration simultaneous compliance with other regulatory and related requirements to ensure that the full life-cycle cost investments are optimized to minimize the cost to the public water systems and the subsequent impact to water ratepayers. For example, these requirements might include the revised federal Lead and Copper Rule, the proposed perchlorate rule, and the results of the UCMR4 & UCMR5 monitoring programs. In addition, simultaneous compliance with existing Health Advisory Levels for unregulated contaminants, such as cyanotoxins, should be considered along with compliance with previously enacted regulations such as the Surface Water Treatment rules.

2. Resiliency

Public water systems are currently assessing their risks and system resiliency in accordance with the 2018 America's Water Infrastructure Act (AWIA). The need to install new treatment will impact this analysis, as the additional treatment units will require redundancy and impact capacity needs for emergency power. Furthermore, in certain cases it may not be cost effective to add treatment to small groundwater sources, leading to abandonment of these sources and a reduction in overall supply capacity and state-wide drought resiliency.

3. Compliance Costs

As described above, compliance with the proposed MCLs will have a significant financial impact on large water systems. Capital improvements to add PFAS treatment to surface plants typically range from \$20 million to \$50 million, and \$2 million to \$5 million for groundwater sources, depending on the size of the facility, for new treatment equipment and associated redesign of existing treatment, pumping and electrical systems. Operating expenses may be in the order of \$2 to \$5 million per year, due to anticipated frequency of filter media replacement, additional pumping and electrical costs, chemical usage, residual management, and associated labor impacts. Again, to account for feasibility and allow for adequate solutions to be developed, SUEZ (Veolia) urges the State to require immediate action to address exceedances, but with a reasonable time period within which to achieve full and effective compliance.

It should also be considered that utilities typically create budgets and rate analyses based on a 3-to-5-year outlook. The proposed implementation plan does not allow sufficient time for utilities to secure funding for treatment.

4. Inclusion of Waste Streams

The regulatory proposal does not address the management of residuals from water and wastewater processing and landfill leachate that may contain PFOA and PFOS. This will become an issue for public water systems both as a potential source of water contamination and as a by-product of providing treatment for removal of these compounds from drinking water. Management of residuals and spent media will present



an additional challenge if USEPA proceeds with its plan to label PFOA and PFOS as hazardous waste without excluding treatment plant by-products.

5. Public Outreach

Veolia believes investment in a proactive public outreach campaign is a necessary component of the implementation process for the new MCLs. Providing means for the public to understand the acute and long-term impacts of drinking water from sources with levels above the proposed MCLs is a necessary component of this process. Providing public water systems with this information as they work with the public to define appropriate measures for interim protection of public health while treatment system upgrades are pending is of utmost importance.

We appreciate the opportunity to provide comments to the State on this rule proposal. I am pleased to discuss our comments further if you wish. I can be reached at (302) 252-3035 or larry.finnicum@veolia.com.

Sincerely,

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Interim Vice President and General Manager, Veolia Water Pennsylvania, Inc.

cc.

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