



April 27, 2022

Environmental Quality Board
Rachel Carson State Office Building
16th Floor
400 Market Street
Harrisburg, PA 17101-2301
regcomments@pa.gov

RE: Proposed Safe Drinking Water PFAS MCL Rule

Thank you for the opportunity to comment on the proposed Rule, which amends Chapter 109 of the Pennsylvania Code to establish maximum contaminant limits (“MCL”) for two per- and polyfluoroalkyl substances (“PFAS”): perfluorooctanoic acid (“PFOA”) and perfluorooctanesulfonic acid (“PFOS”). Pennsylvania-American Water Company (“PA American” or the “Company”) supports the Department of Environmental Protection’s (the “Department”) efforts to establish clear regulatory thresholds for PFAS that are protective of our customers. We appreciate the evaluation the Department conducted to determine appropriate thresholds, as well as the opportunity to provide comment regarding the proposed Rule. While the Company is supportive of the proposed Rule, PA American offers the following detailed comments in hopes of ensuring the final regulatory language is clear and able to be implemented consistently.

Given PA American’s commitment to our customers, it is important to us that we provide water that meets or exceeds regulatory standards for water quality. While the Company is supportive of the establishment of both MCLs and maximum contaminant level goals (“MCLG”) in the proposed Rule, confusion between the two sets of standards for consumers of public water systems is a possibility. This potential confusion is exacerbated by the upcoming federal rulemaking on PFAS, which may adopt limits that differ from the proposed MCLs and MCLGs in Pennsylvania as well as any limits adopted by neighboring states. Accordingly, the Company encourages the Department to work with water purveyors to educate consumers and ensure that efforts are made to aid them in understanding how the established limits are protective of their health.

In addition, the Company requests that the final Rule clarify the compliance schedule for PFAS mitigation. Based on the language of the proposed Rule, it is unclear if entities would have an opportunity to install PFAS treatment technology after PFAS is discovered in sampling before the entity is deemed out of compliance. PA American recommends that the final Rule include a schedule for compliance for systems that require the addition of PFAS removal and treatment technology. Federal timelines are often two years, so we recommend a consistent approach.

In addition to the foregoing overarching comments, the Company also has a few recommendations regarding specific regulations in the proposed Rule, which are outlined below.

25 Pa. Code § 109.202(a)(4)(i): This regulation identifies the effective date of the Rule, but it does not list a compliance date. PA American recommends that the following italicized language be incorporated in 25 Pa. Code § 109.301(16)(ix) to clarify that compliance is not expected until initial monitoring under the Rule begins: “Compliance with the PFAS MCLs shall be determined based on the analytical results obtained at each entry point *after initial monitoring.*”

25 Pa. Code § 109.301(16)(i): This regulation does not require that monitoring begin until January 1, 2024. As already indicated, PA American seeks to achieve water quality results that meet or exceed regulatory thresholds, and if possible, to obtain these results prior to regulatory deadlines. Accordingly, the Company recommends that the final Rule clarify that sampling for the fifth Unregulated Contaminant Monitoring Rule (“UCMR5”), which occurs prior to January 1, 2024, be considered when determining initial compliance and making determinations for reducing monitoring requirements.

25 Pa. Code § 109.303(6)(i): This proposed regulation states as follows: “If a system draws water from more than one source and the sources are combined prior to distribution, the system shall sample at the entry point during periods of normal operating conditions when water is representative of all sources being used.” PA American recommends that the Department clarify, either in the final Rule or through separate guidance, whether any additional requirements exist for systems that routinely change their source combinations.

25 Pa. Code § 109.602(j): PA American appreciates the inclusion of acceptable treatment technologies for achieving compliance with the PFAS MCLs. In the final Rule, the Company requests that the Department clarify that the use of the acceptable technologies listed in this regulation will not require piloting prior to approval of a construction permit. The Company believes sufficient data exists to evaluate the performance of the technologies listed in 25 Pa. Code § 109.602(j) and no further pilot testing should be necessary. Further, the Company also requests that the Department clarify in 25 Pa. Code § 109.602(j)(2) that data from other plants using the same technology is an acceptable means of demonstrating that an alternative technology can provide adequate treatment.

Finally, the Company understands that it is typical and often necessary for implementing guidance to accompany regulations to provide the regulated community with additional information to assist in compliance with the regulations. To ensure the regulated community has sufficient information to comply with the proposed Rule as quickly as possible, we encourage the Department to expedite the development and availability of such guidance.

PA American appreciates the Department’s efforts to protect water consumers in Pennsylvania, which aligns with PA American’s core values. Moving forward, we hope Pennsylvania continues to pursue opportunities to reduce the occurrence of forever

chemicals from being introduced into the environment. While PA American is eager to help protect water quality for its customers, it is unfortunate when the costs for solving this problem are not borne by those entities that introduced these pollutants into the groundwaters and surface waters of the Commonwealth. PA American looks forward to continuing to work with the Department regarding these important water quality objectives.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Harrold', with a stylized flourish at the end.

Teresa K. Harrold, Esquire
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