

MassDEP PFAS Comments Received – MWWA Members

Darin LaFalam, Worcester
David Lucey, Westech, Inc
Dennis Morton, Plainville
Andrew Reid, Wareham
Robert Benlien, Dalton
Carolyn Capodilupo, Billerica
Edward Dowling, Cambridge
John Sullivan, Billerica
Mark Piermarini, Leominster
Robert Horn, Lenox
Robert Terpstra, Sharon
William Chapman, Edgartown
Thomas Knowlton, Salem & Beverly
Craig Crocker, Centerville-Osterville-Marstons Mills
Neal Merritt, Hanover
Brian Antonioli, Westborough
Marisa Picone-Devine, Sarian Co.
Paul Curtin, West Groton
Peter Smyrnios, Salem & Beverly
Thomas Gaughan, Southampton
Randy Swigor, Whitinsville
David Condrey, Milford
Donna Denehy, Walpole
Tom Orcutt, Groton
Chris Allen, Acton
Dan O'Neill, Lynn
Edward Rondeau, Williamstown
Mark Warren, Westford
Maurice Goulet, Medfield
Nicholas Jones, Whately
Ryan Mouradian, Holden
Stephen Rafferty, Falmouth
Todd Melanson, Chelmsford

From: LaFalam, Darin <LaFalamD@worcesterma.gov>

Sent: Wednesday, February 19, 2020 2:32 PM

To: Director-DWP, Program (DEP)

Subject: Comments on Proposed Changes to the Mass Drinking Water Reg (310CMR22.00)

February 26, 2020

Ms. Yvette DePeiza, Director
Massachusetts Department of Environmental Protection
Drinking Water Program
One Winter Street, 5th Floor
Boston, Massachusetts 02108

Dear Ms. DePeiza:

I am a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this an issue being seen across the country and it is not particular to Massachusetts.

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bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

MassDEP is proposing to mandate electronic reporting of all data submitted to the Drinking Water Program. Electronic reporting should not be mandated until MassDEP can ensure that the state's information technology infrastructure can reliably support such a directive. I ask for this requirement to be stricken.

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I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

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Sincerely,
Darin

Darín M. LaFalam

Worcester Filtration Plant Manager
71 Stonehouse Hill Road
Holden, MA 01520
508-799-1513

From: David LUCEY <DLUCEY@westech-inc.com>

Sent: Wednesday, February 19, 2020 5:16 PM

To: Director-DWP, Program (DEP)

Subject: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)

February 28, 2020

Ms. Yvette DePeiza, Director
Massachusetts Department of Environmental Protection
Drinking Water Program
One Winter Street, 5th Floor
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Sincerely,

David Lucey

Technical Service Manager | T: 774.241.3400 C: 413.813.9782

48 Main Street, Suite 11 | Sturbridge | Massachusetts 01566

dlucey@westech-inc.com | westech-inc.com

From: Dennis Morton <dmorton@plainville.ma.us>

Sent: Wednesday, February 19, 2020 3:23 PM

To: Director-DWP, Program (DEP)

Subject: PFAS MCL COMMENTS

Ms. Yvette Depeiza

Please accept our comments of the PFAS MCL proposed by DEP. As a water supplier these regulations could cripple small systems without facing the real facts of where PFAS is being found in higher doses than in drinking water.

Thank you

Dennis Morton

Town of Plainville

Operations Manager

Attachment: PFAS MCL.docx

February 28, 2020

Ms. Yvette DePeiza, Director
Massachusetts Department of Environmental Protection
Drinking Water Program
One Winter Street, 5th Floor
Boston, Massachusetts 02108

RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)

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Sincerely,

Dennis Morton
Operations Manager
Town of Plainville
(508)699-2017 ex 801
dmorton@plainville.ma.us

From: Andrew Reid <areid@warehamfiredistrict.org>

Sent: Thursday, February 20, 2020 9:07 AM

To: Director-DWP, Program (DEP)

Cc: Jay Tamagini; Jay Tamagini; Gifford, Susan - Rep. (HOU)

Subject: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)

To whom it may concern:

Please kindly find the attached comment letter with respect to the recent proposed regulation changes to 310 CMR 22.00 regarding PFAS/PFOS.

Best regards,

Andy

Andrew L. Reid, PE BCEE
Superintendent

~~~~~

**Wareham Fire District**  
**2550 Cranberry Highway**  
**Wareham, MA 02571**  
**Phone: 508-295-0450**  
**Cell: 508-294-1076**

[Click HERE to follow Wareham Water on Facebook!](#)

Attachment: PFAS Ltr Feb 2020

**WAREHAM FIRE DISTRICT**  
Water Department  
2550 Cranberry Highway, Wareham, MA 02571  
Phone (508) 295-0450 Fax (508) 291-2737

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5th Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations  
(310 CMR 22.00)**

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## PFAS Regulation – Public Comment

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Sincerely,



Andrew Reid, PE BCEE  
Water Superintendent  
Wareham Fire District

---

**From:** Bob Benlien <[daltonwaterdept@gmail.com](mailto:daltonwaterdept@gmail.com)>

**Sent:** Thursday, February 20, 2020 2:39 PM

**To:** Director-DWP, Program (DEP)

**Subject:** Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)

See Attached.

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New email address : [daltonwaterdept@gmail.com](mailto:daltonwaterdept@gmail.com)

Bob Benlien  
Dalton Water Superintendent  
59 Old Windsor Road  
Dalton, MA 01226  
413.684.6124 t  
[daltonwaterdept@gmail.com](mailto:daltonwaterdept@gmail.com)

Attachement: pfoa ltr.pdf

February 20, 2020

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One Winter Street, 5<sup>th</sup> Floor  
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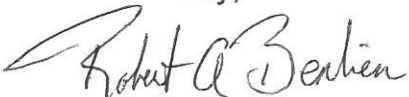


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Sincerely,



Robert A. Benlien  
Water Superintendent  
Dalton Fire District



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**From:** Carolyn Capodilupo <[wttech@town.billerica.ma.us](mailto:wttech@town.billerica.ma.us)>

**Sent:** Thursday, February 20, 2020 10:54 AM

**To:** Director-DWP, Program (DEP)

**Subject:** PFAS MCL Comments

Confidentiality Note: The email is intended only for the person(s) or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution or copying of this email or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this email in error, please notify the sender and destroy the original message and all copies.

Attachment: Document in Document1

February 20, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

**Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)**

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- A definitive timeline must be set by which MassDEP’s Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers’ expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,

Carolyn A. Capodilupo  
Town of Billerica  
Water Division

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**From:** Dowling, Ed <[edowling@cambridgema.gov](mailto:edowling@cambridgema.gov)>

**Sent:** Thursday, February 20, 2020 8:22 AM

**To:** Director-DWP, Program (DEP)

**Subject:** Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

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Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

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**Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is forced to pay close attention to by MassDEP.** Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. **I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.**

MassDEP is requiring monthly monitoring if detections are above 10 ppt. PFAS sample costs are high and **it has been my experience that results do not vary significantly from quarter to quarter.**

**I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated.** Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

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- **The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water. The City of Cambridge is very fortunate but smaller water systems can't possibly be expected to pick up the tab for treatment.**

Thank you for the opportunity to provide these comments.

Edward Dowling  
Director of Water Operations  
City of Cambridge  
Water Department  
250 Fresh Pond Parkway  
Cambridge MA 02138  
617-349-4773  
Fax: 617-349-4796  
[www.cambridgema.gov/water](http://www.cambridgema.gov/water)  
@CambridgeWaterDept

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**From:** meepke@aol.com <[meepke@aol.com](mailto:meepke@aol.com)>

**Sent:** Thursday, February 20, 2020 1:49 PM

**To:** Director-DWP, Program (DEP)

**Subject:** Re: PFAS MCL Comments

February 20, 2020

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Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
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Sincerely,

John M Sullivan  
Billerica Water Division Treatment Chemist (retired)  
MWWA Member

---

**From:** Mark Piermarini <[MPiermarini@DPW.Leominster-MA.Gov](mailto:MPiermarini@DPW.Leominster-MA.Gov)>

**Sent:** Thursday, February 20, 2020 6:46 AM

**To:** Director-DWP, Program (DEP)

**Subject:** Comments on Proposed Changes to the Massachusetts Drinking Water Regulations.

Good Morning Ms. DePeiza,

Please refer to the attached letter.

Thank you.

Mark F. Piermarini, P.E.  
Assistant Director  
Department of Public Works  
109 Graham Street  
Leominster, MA 01453  
Office: 978-534-7590 Ext. 3639

Attachment: Letter on PFAS MCL 310 CMR 22 FINAL 2-19-20

February 20, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

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Sincerely,



Mark F. Piermarini, P.E.  
Assistant Director of Public Works  
City of Leominster



---

**From:** Bob Horn <[bhorn@townoflenox.com](mailto:bhorn@townoflenox.com)>

**Sent:** Thursday, February 20, 2020 7:25 AM

**To:** Director-DWP, Program (DEP)

**Subject:** PFAS MCL Comments

Attached please find comments as they relate to the PFAS MCL proposed regulation.

Sincerely,

Robert (Bob) Horn

Town of Lenox Water Superintendent

(413) 637-5521

[bhorn@townoflenox.com](mailto:bhorn@townoflenox.com)

275 Main Street, Lenox, MA 01240

Attachment: Robert Horn signed letter on PFAS MCL, 310 CMR 22, FINAL, 2-19-20

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

I am a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

With respect to MassDEP's proposal to develop a Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS which includes six compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA), I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans

and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

MassDEP is proposing to mandate electronic reporting of all data submitted to the Drinking Water Program. Electronic reporting should not be mandated until MassDEP can ensure that the state's information technology infrastructure can reliably support such a directive. I ask for this requirement to be stricken.

MassDEP is requiring monthly monitoring if detections are above 10 ppt. I am not convinced that monthly monitoring should be required at 10 ppt. PFAS sample costs are high and I question whether the results would vary significantly from month to month to warrant the additional sampling. For systems over the MMCL, quarterly sampling should be enough.

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I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved.



MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.

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Sincerely,

*Robert Horn*

Robert Horn  
Town of Lenox Water Superintendent  
(413)637-5521    bhorn@townoflenox.com

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**From:** Rob Terpstra <[RTerpstra@townofsharon.org](mailto:RTerpstra@townofsharon.org)>

**Sent:** Thursday, February 20, 2020 11:10 AM

**To:** Director-DWP, Program (DEP)

**Subject:** Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)

February 20, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

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Sincerely,

Robert Terpstra  
Water Dept. Supervisor  
Town of Sharon  
217 R. South Main Street  
Sharon, Ma 02067  
781.782.1525 x2338

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From: Bill Chapman <[wchapman@edgartown-ma.us](mailto:wchapman@edgartown-ma.us)>

Sent: Thursday, February 20, 2020 10:53 AM

To: Director-DWP, Program (DEP)

Subject: premature PFAS regulation

Ms. DePeiza,

Please refer to the attached letter in regards to MassDEP's pending PFAS regulation. As a water supplier, I can recognize the importance of contaminant regulation. I also understand that MassDEP reserves the right to improve upon (make more strict) any water related regulation that is mandated by the E.P.A. However, I urge you to proceed cautiously and let the E.P.A. take the lead on creating the standards for PFAS regulation. Once the E.P.A. has examined this issue on a national level, I presume that MassDEP will be better educated on the topic and be better equipped to modify the pending E.P.A. regulation, if even necessary. Any action to the contrary would be premature and poses the risk of undue stress and financial burden on the water suppliers and communities of the Commonwealth. At the very least, any water supply that can demonstrate historical PFAS analytical results of minimal or no concentration should only be held to the pending E.P.A. standards. Please feel free to contact me at the number below, should you have any questions or concerns.

Regards,

William R. Chapman - Water Superintendent

Edgartown Water Department

P.O. Box 238

Edgartown, MA 02539-0238

508-627-4717 (phone)

508-627-9057 (fax)

[wchapman@edgartown-ma.us](mailto:wchapman@edgartown-ma.us)

Attachment: Template letter on PFAS MCL, 310 CMR 22, FINAL, 2-19-20-1

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

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Sincerely,

William R. Chapman  
Water Superintendent  
Edgartown Water Department

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**From:** Thomas W Knowlton <[twknowlton@sbwsb.net](mailto:twknowlton@sbwsb.net)>

**Sent:** Friday, February 21, 2020 10:39 AM

**To:** Director-DWP, Program (DEP)

**Cc:** Peter Smyrnios

**Subject:** Comments on draft changes to 310 CMR 22.00

Dear Ms. DePeiza:

Attached please find my comments on the proposed changes to 310 CMR 22.00 regarding PFAS chemicals.

Sincerely,

Tom Knowlton

Thomas W. Knowlton, Executive Director  
Salem & Beverly Water Supply Board  
50 Arlington Ave  
Beverly, MA 01915  
PH. 978-922-2600  
Fax. 978-921-4584  
[twknowlton@sbwsb.net](mailto:twknowlton@sbwsb.net)

Attachement: SBWSB Modified Template letter on PFAS MCL, 310 CMR 22, FINAL, 2-19-20 (1).docx

# SALEM AND BEVERLY WATER SUPPLY BOARD

50 ARLINGTON AVENUE  
BEVERLY, MASSACHUSETTS 01915

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

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If MassDEP decides it must develop a separate Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS, which includes six compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA) out of the 7000 or so related PFAS chemicals, I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints,

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Sincerely,

Tom Knowlton

Thomas. W. Knowlton, Executive Director

Salem and Beverly Water Supply Board

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**From:** Crocker, Craig <[CCrocker@commfiredistrict.com](mailto:CCrocker@commfiredistrict.com)>

**Sent:** Monday, February 24, 2020 11:35 AM

**To:** Director-DWP, Program (DEP)

**Subject:** PFAS MCL comments

Please find attached- thank you,

CRAIG CROCKER

C-O-MM Water Dept.-Supt.

508 428 6691

Attachment: letter on PFAS MCL 310 CMR 22 FINAL 2-19-20.docx

February 28, 2020  
Ms. Yvette DePeiza, Director  
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Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
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MassDEP is proposing to mandate electronic reporting of all data submitted to the Drinking Water Program. Electronic reporting should not be mandated until MassDEP can ensure that the state's information technology infrastructure can reliably support such a directive. I ask for this requirement to be stricken.

MassDEP is requiring monthly monitoring if detections are above 10 ppt. I am not convinced that monthly monitoring should be required at 10 ppt. PFAS sample costs are high and I question whether the results would vary significantly from month to month to warrant the additional sampling. For systems over the MMCL, quarterly sampling should be enough.

I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved. MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.

- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
- MassDEP should be sure that the language in the “Consumer Notification” it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
- MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved
- Guidance must be provided to the public and/or sensitive subpopulations on the appropriate “PFAS-free” alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).
- A definitive timeline must be set by which MassDEP’s Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers’ expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,

Craig A. Crocker  
SUPT.

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**From:** Neal Merritt <[merritt@hanoverdpw.org](mailto:merritt@hanoverdpw.org)>

**Sent:** Monday, February 24, 2020 2:32 PM

**To:** Director-DWP, Program (DEP)

**Cc:** Victor Diniak; Paul Cheney

**Subject:** PFAS Comments

To Whom It May Concern,

Please see the attached comments on proposed changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00) relating to Per and Polyfluoralkyl substances (PFAS).

Neal Merritt  
Deputy Superintendent of Public Works (Water Operations)  
Hanover DPW  
Phone 781-826-3189

Attachment: 2-24-20 Comments on Proposed PFAS Changes to 310 CMR 22.00.pdf



**Town of Hanover**  
**Department of Public Works**  
40 Pond Street  
Hanover, Massachusetts 02339-1693  
Telephone: 781-826-3189 Fax: 781-826-8915  
Email: [office@hanoverdpw.org](mailto:office@hanoverdpw.org)

February 24, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**  
Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

I am a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

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Sincerely,



Neal Merritt  
Deputy Superintendent of Public Works (Water Operations)

---

**From:** Brian Antonioli <[bantonioli@town.westborough.ma.us](mailto:bantonioli@town.westborough.ma.us)>

**Sent:** Tuesday, February 25, 2020 3:33 PM

**To:** Director-DWP, Program (DEP)

**Subject:** PFAS comment letter

Ms. Director DePeiza,

I have attached a comment letter on Proposed Changes to 310 CMR 22.00 as they pertain to PFAS.

Thank you,

Brian Antonioli  
Operations Manager  
Water-Sewer  
Westborough DPW  
508-366-3070

Attachment: PFAS comment letter 2-25-20.pdf



February 25, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**  
Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

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As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

With respect to MassDEP's proposal to develop a Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS which includes six compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA), I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans

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  - MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved
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  - The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
  - MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers' expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,



Brian Antonioli  
Operations Manager  
Water-Sewer  
Westborough DPW

---

**From:** Marisa Picone-Devine <[mdevine@sarianco.com](mailto:mdevine@sarianco.com)>

**Sent:** Tuesday, February 25, 2020 9:57 AM

**To:** Director-DWP, Program (DEP)

**Cc:** Jennifer Pederson

**Subject:** PFAS MCL Comments

Yvette:

Comments of proposed changes to 310 CMR 22.00 regarding PFAS attached.

Marisa Picone-Devine  
Sarian Company, Inc.  
8 Jan Sebastian Drive, Unit 24  
Sandwich, MA 02563

508-888-7262  
508-888-8313 fax  
[mdevine@sarianco.com](mailto:mdevine@sarianco.com)

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Attachment: PFAS MCL Comments.pdf





February 25, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations  
(310 CMR 22.00)**

**Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)**

Dear Ms. DePeiza:

I am a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

I have been working in the water supply industry for over thirty years, and I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

With respect to MassDEP's proposal to develop a Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS which includes six compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA), I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

MassDEP is proposing to mandate electronic reporting of all data submitted to the Drinking Water Program. Electronic reporting should not be mandated until MassDEP can ensure that the state's information technology infrastructure can reliably support such a directive. As manifested by the ongoing technical difficulties surrounding the roll out of the annual statistical report document, it is obvious the Commonwealth's infrastructure is not up to task at this time. As a small business owner, I have to deal with electronic filing with many agencies; all are difficult and cumbersome. The roll out of the new Mass Tax Connect website was painful at best; even their help desk staff said it was an abomination. Electronic filings may be saving the Commonwealth money on staffing but is costing the taxpayers, including small businesses, thousands of hours attempting to finagle through cumbersome websites that don't always work. I request for this requirement to be stricken.

MassDEP is requiring monthly monitoring if detections are above 10 ppt. I question whether the results would vary significantly from month to month to warrant the additional sampling. I am not convinced that monthly monitoring should be required at 10 ppt. Additionally, PFAS sample costs are high; for systems over the MMCL, quarterly sampling should be enough.

I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

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- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved. MassDEP should

work with the Operational Services Division to add necessary services and common treatment components to the state bid list for municipal systems.

- MassDEP must take into account constraints facing small, private community and non-transient non-community systems that do not apply to municipal systems. Many of these systems do not have water or tax rates that can increase to pay for additional sampling, and in the event of detection, the costs associated with designing, permitting, construction, and maintenance of additional treatment.
- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
- MassDEP should be sure that the language in the “Consumer Notification” it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
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- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

In my opinion, the Commonwealth of Massachusetts should be doing all they can to ban the use of PFAS in manufacturing prohibiting the sale of products containing PFAS. Allowing continued use and sales of products containing PFAS will mean these substances will continue to infiltrate our water supplies. The Agency for Toxic Substance and Disease Registry (ATSDR) website states “Research has suggested that exposure to PFOA and PFOS from today’s consumer products is usually low, especially when compared to exposures to contaminated drinking water”. However, what are the effects when the water-resistant clothing is laundered, the personal care products are washed off in the shower, or the water used for carpet and furniture cleaning is disposed of?

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers’ expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with

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Sincerely,

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke at the end.

Marisa Picone-Devine  
Sarian Company, Inc.



---

**From:** info@westgrotonwater.org <[info@westgrotonwater.org](mailto:info@westgrotonwater.org)>

**Sent:** Tuesday, February 25, 2020 10:25 AM

**To:** Director-DWP, Program (DEP)

**Subject:** PFAS MCL Comments

February 25, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

Dear Ms. DePeiza:

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and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

MassDEP is proposing to mandate electronic reporting of all data submitted to the Drinking Water Program. Electronic reporting should not be mandated until MassDEP can ensure that the state's information technology infrastructure can reliably support such a directive. I ask for this requirement to be stricken.

MassDEP is requiring monthly monitoring if detections are above 10 ppt. I am not convinced that monthly monitoring should be required at 10 ppt. PFAS sample costs are high and I question whether the results would vary significantly from month to month to warrant the additional sampling. For systems over the MMCL, quarterly sampling should be enough.

I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and

- resolved. MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.
- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
  - MassDEP should be sure that the language in the “Consumer Notification” it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
  - MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved
  - Guidance must be provided to the public and/or sensitive subpopulations on the appropriate “PFAS-free” alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).
  - A definitive timeline must be set by which MassDEP’s Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
  - The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
  - MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers’ expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,

Paul W. Curtin  
General Manager  
West Groton Water Supply District

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**From:** pssmyrnios@sbwsb.net <[pssmyrnios@sbwsb.net](mailto:pssmyrnios@sbwsb.net)>

**Sent:** Tuesday, February 25, 2020 7:14 AM

**To:** Director-DWP, Program (DEP)

**Subject:** Proposed changes concerning PFAS

Ms. Yvette De Peiza, Director  
MA. DEP  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, MA. 02108

Dear Ms. De Peiza:

Enclosed are my comments concerning proposed changes to the Massachusetts Drinking Water Regulations (CMR 22.00) for PFAS compounds.

Sincerely,

Peter S. Smyrnios  
Superintendent

Salem and Beverly Water Supply Board (SBWSB)  
50 Arlington Ave  
Beverly, MA 01915  
978-922-2600

Attachment: Letter to the DEP re PFAS.pdf

## SALEM AND BEVERLY WATER SUPPLY BOARD

THOMAS W. KNOWLTON, EXECUTIVE DIRECTOR  
PETER S. SMYRNIOS, SUPERINTENDENT

50 Arlington Avenue, Beverly, MA 01915  
Tel. (978) 922-2600  
Fax (978) 921-4584

February 25, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

I am a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS, is ongoing and the scientific understanding of these compounds on human health continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

If MassDEP decides it must develop a separate Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS, which includes six compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA) out of the 7000 or so related PFAS chemicals, I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different



toxicity endpoints, different uncertainty factors between humans and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

MassDEP is proposing to mandate electronic reporting of all data submitted to the Drinking Water Program. Electronic reporting should not be mandated until MassDEP can ensure that the state's information technology infrastructure can reliably support such a directive. I ask for this requirement to be stricken.

MassDEP is requiring monthly monitoring if detections are above 10 ppt. I am not convinced that monthly monitoring should be required at 10 ppt. PFAS sample costs are high and I question whether the results would vary significantly enough from month to month to warrant the additional sampling. For systems over the MMCL, quarterly sampling should be enough.

I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists. Such an interpretation is not scientifically valid. Values below the MRL should not be reportable nor counted towards compliance calculations. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

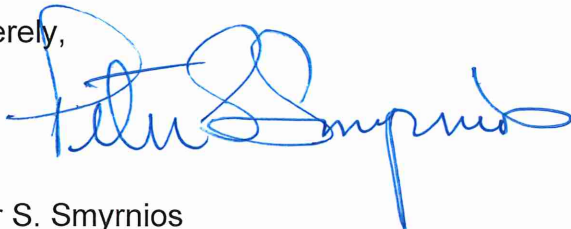
I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved. MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.

- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
- MassDEP should be sure that the language in the “Consumer Notification” it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
- MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved
- Guidance must be provided to the public and/or sensitive subpopulations on the appropriate “PFAS-free” alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).
- A definitive timeline must be set by which MassDEP’s Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers’ expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,



Peter S. Smyrnios  
Superintendent  
Salem and Beverly Water Supply Board

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**From:** Southampton Water Super <watersuper@townofsouthampton.org>

**Sent:** Tuesday, February 25, 2020 8:12 AM

**To:** Director-DWP, Program (DEP)

**Subject:** PFAS MCL Comments

**Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**



Attachment: PFAS MCL 310 CMR 22 FINAL 2-25-20.pdf



February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

I am a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

With respect to MassDEP's proposal to develop a Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS which includes six compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA), I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans

and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

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I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved.

MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.

- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
- MassDEP should be sure that the language in the “Consumer Notification” it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
- MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved
- Guidance must be provided to the public and/or sensitive subpopulations on the appropriate “PFAS-free” alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).
- A definitive timeline must be set by which MassDEP’s Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers’ expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,

Thomas J. Gaughan  
Water Superintendent  
PWS ID#1276000

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**From:** Randy Swigor <[rswigor@whitinsvillewater.com](mailto:rswigor@whitinsvillewater.com)>  
**Sent:** Wednesday, February 26, 2020 1:58 PM  
**To:** Director-DWP, Program (DEP)  
**Cc:** Jennifer Pederson  
**Subject:** Comments Pertaining to Proposed PFAS Regulations

Good Afternoon: Enclosed please find my written comments pertaining to the proposed regulations regarding PFAS that have been put out for public comment by MADEP. Should you have any questions, please feel free to reach out to me. Thank you for the opportunity to comment and I hope the MADEP will take into consideration all comments provided.

Regards,  
Randy Swigor  
General Manager  
Whitinsville Water Company  
PO Box 188, 44 Lake Street  
Whitinsville, MA 01588  
(508)234-7358

Attachment: RS PFAS MCL 310 CMR 22 COMMENTS 2-26-20.pdf



February 26, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

As a Manager of a community public water system, a member of Massachusetts Water Works Association (MWWA), and a prior MADEP employee, I would like to submit the following written comments to the Massachusetts Department of Environmental Protection (MADEP) regarding proposed changes to the Drinking Water Regulations, 310 CMR 22.00. Specifically, the regulations which pertain to Per- and Polyfluoroalkyl Substances (PFAS). Please consider these comments to be in addition to the comments provided by our representative organization MWWA.

First and foremost, the amount of time given to stakeholders to review and comment on these regulations is severely insufficient given the scope and complexity of the chemicals being regulated. And is indicative of many PWS's perception of a lack of caring by MADEP about public input in their increasingly non-transparent and unilateral regulatory development process.

As you are aware, the EPA is in process of regulating and setting standards for PFAS. EPA is following the normal and proper channels to develop a new MCL which takes into consideration a wide range of information throughout the nation. I understand that MADEP has decided that it does not want to wait for the normal process used for nearly all other regulated contaminants to play out and has hastily developed its own regulations and MCL based on limited data. It also appears that MADEP is only implementing new MCL standards and health language for PFAS, but is ignoring other relevant sections of the regulations that water suppliers may be impacted by. Such as source water protection requirements. For example, what activities, businesses, storage, etc. will be allowed to operate in a Zone 2 of a public water supply? Recently we had an applicant for a car wash apply to build a car wash in a Zone 2 of a public water

supply well. We believe (but the State has not provided adequate information) that this business may pose a significant risk as a PFAS releaser to the well recharge area. But how do we address this when the MADEP is not addressing the sources of PFAS in the source water protection section of 310 CMR 22? Even if given the SDS sheets for the chemicals used, we don't know what should be allowed and what shouldn't be allowed. Where is our guidance for this? When we are talking about 20 part per trillion (or one grain of sand in an Olympic sized swimming pool), it does not take much of the chemical release to trip additional regulatory actions required of the PWS. All of which require money. This is just one example of how these rushed regulations fail to address all concerns about this significant issue.

While along these same lines, is MADEP going to inform PWS's of what materials can and can't be used in water system infrastructure? We know Teflon tape has PFAS in it, this is currently widely used in all systems at present. Should we stop using this? What can we use in its place that is safe? This should all be addressed before just putting out an MCL in PPT.

PFAS has been in use throughout our lives, in the environment, in our food chain, in many products we use daily for over 50 years now. It is completely integrated into our everyday lives. The average person has (depending on what study you review) between 2,000 and 8,000 parts per trillion of PFAS in their bloodstream right now. Some have even higher levels. To look at and regulate only drinking water, while ignoring all other sources is going to do very little to help the overall exposure to the general public. It is my understanding that various forms of PFAS are found in many foods one gets at the grocery store currently. From reading other states documents, it appears to be in personal care products, clothing, various household items such as carpet and furniture. It is even in dental floss. How can this be ignored while only focusing on public water supplies? What evidence can MADEP provide to show that creating a drinking water standard of 20 PPT will have a measurable positive exposure effect on the general public in this state, while food, air, skin, and other sources go unaddressed?

I understand that MADEP has passed MCP Regulations to address source remediation. While this is a good start, this process is very long and with levels at 20 PPT which may be background levels in some areas, will be nearly impossible to identify the source. Nor does the MADEP have adequate staff to address all the detects that will be found in monitoring wells. Meanwhile, the PWS will be on the hook for millions of dollars of treatment expenses. Again, it seems like more should be done at the point of source versus waiting until found at the drinking water supply. And more should be done at a comprehensive level addressing all exposures instead of one agency working in a silo to regulate one small area of exposure. And as noted above, why (at the very least) can't MADEP provide a comprehensive list of activities that are associated with PFAS contamination and make this part of the Zone 2 protection regulations? This would give PWS's the power to at least prohibit future sources. It is bad enough that these regulations do nothing to prohibit the use or source or exposure of

PFAS to PWS existing supplies, but it doesn't even allow PWS's the power to protect themselves going forward.

The American Water Work Association, New England Water Works Association, CT Water Work Association, Association of Water Companies have all urged states to wait for the EPA to develop an MCL for PFAS related chemicals. EPA is in process of doing this. EPA's process is very thorough, open, and transparent, which gives PWS's more confidence in this process as we know we will have a voice in the process. The only entities that are pushing for states to develop their own MCL are environmental lobby groups. Obviously when states develop their own standards, they will differ from state to state. A person living near the NH border may have one MCL and another person a few miles away may have another. From a commonsense practicality standpoint, this will not inspire confidence from the public. A single national standard is far more preferable. Sadly, I stopped working at MADEP for the very reasons we see in this process. I had always worked hard to assist the PWS's when at MADEP and felt a great sense of pride and satisfaction in doing this. This is all but lost to politics now and MADEP has continued to side with the environmental lobbyists and shown less care towards PWS's. While the cause of this may be at the political level above the MADEP, it is still sad to see as it was not why the department was created.

Some additional comments and questions I have pertaining to the proposed regulations are as follows:

In reviewing the sampling protocol, it is to the point of absurdity of what is expected by PWS's to collect samples. It is not uncommon in other states for the State Agency to conduct the sampling and testing themselves. This will provide a uniform sampling procedure and produce reliable and dependable results. MADEP should consider hiring a third-party firm who has expertise in collecting the samples and bring them to the lab for analysis, particularly for small and medium sized PWS's.

If MADEP will not assist PWS's with a uniform third party sampler (and possibly tester), then consideration should be given in the laboratory certification process of development of airtight sample bottles and testing methods. As it appears quite possible from the current sample protocol that cross contamination via air is highly likely, why not develop a process to eliminate all of this? For example, use a flexible bladder material that wraps around the faucet to collect a sample. Put the filled bladder in a container and ship to lab. Lab then uses a syringe to obtain sample from bladder. That way you virtually eliminate any chance of air cross contamination. A little thought outside the box, may go a long way to help in this process.

The sources of PFAS provided in 22.16A(27)(a) are woefully inadequate. It makes it look like PFAS is found from very few sources. This must be changed to include ALL sources of PFAS so the reader getting the notice understands the true scope of this chemical being regulated in only drinking water. If this is not

changed, I believe the PWS's should add their own fact sheet to accompany any notice to provide a fully informed picture to customers about PFAS to let them make informed decisions and not simply scare them.

It must be made very clear that this MCL is developed and based solely on a limited population of at-risk consumers such as pregnant women, and people with compromised immune systems. To develop an MCL based solely on a sensitive population and then try to extrapolate that to the entire population is disingenuous and is an invitation to litigation. So any notice must clearly state the targeted population for the notice.

The above comment goes for the "Health effects language" in 22.16A(27)(a). It should clearly state the specific target population used to develop the MCL and not state "some people" as this is misleading. No regulation ever should have the words "some people".

MassDEP is requiring monthly monitoring if detections are above 10 ppt. As it is generally not anticipated that levels will vary significantly over short periods (unless there is an MCP site involved) and the MCL is based on long term exposure, quarterly monitoring should be the highest level of normal monitoring. MADEP can change it to monthly for specific circumstances, but not for general monitoring.

I echo MWWA as I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

310 CMR 22 references Minimum Detection Levels (MDL) throughout the regulations. Yet there is no definition for MDL in the definition category. Please add a definition for this term so it is clearly defined. This will help clarify the difference between an MDL and an MRL.

The use of "J values" in quantifying levels that are below the testing method MDL are not used by any other state (or entity in the world). There is no need to try to quantify an unreliably quantifiable level below the MDL. It defeats the entire point of having an MDL in the testing methodology and again will likely not stand up to litigation.



Considering how easy it will be to get a false positive sample, I also believe that MassDEP needs to clearly document ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

Below is a list of implementation challenges facing Public Water Systems that MADEP should address before finalizing and implementing an MMCL.

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved. MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.
- MassDEP must provide the appropriate risk communication tools and guidance manuals so that Public Water Systems have the information necessary to implement these regulations and communicate with the public in a reasonable and knowledgeable manner.
- MassDEP should be sure that the language in the "Consumer Notification" it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
- MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved.
- Guidance must be provided to the public and/or sensitive subpopulations on the appropriate "PFAS-free" alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).
- A definitive timeline must be set by which MassDEP's Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for collection, testing, and treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule, including a guidance manual.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their

customers meets Safe Drinking Water Act requirements and protect the public health. As we have all come to be keenly aware, the issue of PFAS presents an enormous challenge as it is so prevalent through the environment and our daily lives at present. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to work in conjunction with other relevant agencies to determine what the real human risk TOTAL exposure is, and then, when and if the science dictates, move towards standards in multiple areas (air, food, water, consumer products, etc.) that will achieve desired public health outcomes. As outlined in this letter, and echoed by all water supply organizations, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,

A handwritten signature in blue ink that reads "Randy Swigor". The signature is written in a cursive, flowing style.

Randy Swigor  
General Manager  
Whitinsville Water Company

CC: MWWA

---

**From:** David Condrey <[dcondrey@milfordwater.com](mailto:dcondrey@milfordwater.com)>

**Sent:** Thursday, February 27, 2020 3:39 PM

**To:** Director-DWP, Program (DEP)

**Cc:** [jpederson@masswaterworks.org](mailto:jpederson@masswaterworks.org)

**Subject:** PFAS MCL Comments

Please find attached Milford Water Company's comments on the proposed PFAS MCL.

Thank you

*David L Condrey*

*Manager*

*Milford Water Company*

Office: 508-473-5110

Fax: 508-478-7997

Cell: 508-237-0468

[dcondrey@milfordwater.com](mailto:dcondrey@milfordwater.com)

Attachment: Milford Water Company #2185000 Comments MassDEP PFAS 2020.pdf



# MILFORD WATER COMPANY

66 Dilla Street, Milford, MA 01757  
Tele: 508-473-5110 Fax: 508-478-7997  
Email: [milfordwater@milfordwater.com](mailto:milfordwater@milfordwater.com)  
[www.milfordwater.com](http://www.milfordwater.com)

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

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As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

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ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

MassDEP is proposing to mandate electronic reporting of all data submitted to the Drinking Water Program. Electronic reporting should not be mandated until MassDEP can ensure that the state's information technology infrastructure can reliably support such a directive. I ask for this requirement to be stricken.

MassDEP is requiring monthly monitoring if detections are above 10 ppt. I am not convinced that monthly monitoring should be required at 10 ppt. PFAS sample costs are high and I question whether the results would vary significantly from month to month to warrant the additional sampling. For systems over the MMCL, quarterly sampling should be enough.

I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.



- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved. MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.
- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
- MassDEP should be sure that the language in the "Consumer Notification" it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
- MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved.
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- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers' expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,



David L. Condrey, Manager  
Milford Water Company

---

**From:** Donna Denehy <[ddenehy@walpole-ma.gov](mailto:ddenehy@walpole-ma.gov)>

**Sent:** Thursday, February 27, 2020 3:28 PM

**To:** Director-DWP, Program (DEP)

**Subject:** FW: PFAS MCL Comments

**From:** Donna Denehy

**Sent:** Thursday, February 27, 2020 2:56 PM

**To:** 'program.director-dpw@mass.gov' <[program.director-dpw@mass.gov](mailto:program.director-dpw@mass.gov)>

**Cc:** 'jpederson@masswaterworks.org' <[jpederson@masswaterworks.org](mailto:jpederson@masswaterworks.org)>

**Subject:** PFAS MCL Comments

Attached are comments from the Town of Walpole.

Donna Denehy  
DPW Administration  
Town of Walpole  
135 School Street  
Walpole, MA 02081

---

508-660-7305 (W)

508-668-1594 (Fax)

[ddenehy@walpole-ma.gov](mailto:ddenehy@walpole-ma.gov)

**From:** [HallBizHub@walpole-ma.gov](mailto:HallBizHub@walpole-ma.gov) <[HallBizHub@walpole-ma.gov](mailto:HallBizHub@walpole-ma.gov)>

**Sent:** Thursday, February 27, 2020 2:53 PM

**To:** Donna Denehy <[ddenehy@walpole-ma.gov](mailto:ddenehy@walpole-ma.gov)>

**Subject:** Message from HallBizHub

When writing or responding, please remember that the Secretary of State's Office has determined that email is a public record.

Attachment: SHallBizHub20022714520.pdf



**Director of Public Works**

Richard E. Mattson, Jr.

*Town of Walpole*  
*Commonwealth of Massachusetts*

Town Hall  
135 School St.  
Walpole, MA 02081  
(508) 660-7305  
Fax: (508) 660-7323

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

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perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA), I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

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I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved.

MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.

- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
- MassDEP should be sure that the language in the "Consumer Notification" it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
- MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved.
- Guidance must be provided to the public and/or sensitive subpopulations on the appropriate "PFAS-free" alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).
- A definitive timeline must be set by which MassDEP's Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers' expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,



Richard E. Mattson  
Director of Public Works

---

From: Tom Orcutt <[torcutt@townofgroton.org](mailto:torcutt@townofgroton.org)>  
Sent: Thursday, February 27, 2020 2:47 PM  
To: Director-DWP, Program (DEP)  
Subject: FW: Ricoh copier: You have received your scanned document

-----Original Message-----

From: copier@townofgroton.org <copier@townofgroton.org>  
Sent: Thursday, February 27, 2020 2:46 PM  
To: Tom Orcutt <[torcutt@townofgroton.org](mailto:torcutt@townofgroton.org)>  
Subject: Ricoh copier: You have received your scanned document

This E-mail was sent from "RicohCopier-Kitchen" (MP C4503).

Scan Date: 02.27.2020 15:45:45 (-0400)  
Queries to: [copier@townofgroton.org](mailto:copier@townofgroton.org)

Attachment: 20200227154545940.pdf

February 27, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

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Respectfully,



Thomas D. Orcutt  
Water Superintendent

---

**From:** Chris Allen <[Chris@actonwater.com](mailto:Chris@actonwater.com)>

**Sent:** Friday, February 28, 2020 8:36 AM

**To:** Director-DWP, Program (DEP)

**Subject:** PFAS MCL Comments

Dear Ms. DePeiza,

Please see attached letter related to the emerging regulations/MCL for PFAS.

Thank you for your consideration and the opportunity to comment.

Respectfully,

Chris Allen

**District Manager**

*Water Supply District of Acton*

PO Box 953

693 Massachusetts Avenue

Acton, MA 01720

Ph 978-263-9107

Fax 978-264-0148

Email: [chris@actonwater.com](mailto:chris@actonwater.com)

Website: [www.actonwater.com](http://www.actonwater.com)

*"When the well's dry, we know the worth of water"- Benjamin Franklin, 1776*

This communication is intended only for the use of the individual or entity named as the addressee. It may contain information which is privileged and/or confidential under applicable law. If you are not the intended recipient or such recipient's employee or agent, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at (978) 263-9107 or via return internet email to sender and expunge this communication without making any copies. Thank you for your cooperation

Attachment: 20200228082018.pdf





# Water Supply District of Acton

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693 MASSACHUSETTS AVENUE

P.O. BOX 953

ACTON, MASSACHUSETTS 01720

TELEPHONE (978) 263-9107

FAX (978) 264-0148

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

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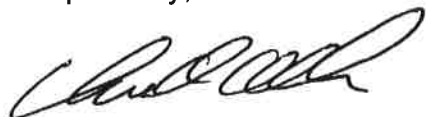
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- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved. MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.
- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
- MassDEP should be sure that the language in the "Consumer Notification" it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
- MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved.
- Guidance must be provided to the public and/or sensitive subpopulations on the appropriate "PFAS-free" alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).
- A definitive timeline must be set by which MassDEP's Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers' expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Respectfully,

A handwritten signature in black ink, appearing to read 'Chris Allen', written in a cursive style.

Chris Allen  
District Manager

---

**From:** Dale Cyr <[dcyr@lynnwatersewer.org](mailto:dcyr@lynnwatersewer.org)>

**Sent:** Friday, February 28, 2020 10:45 AM

**To:** Director-DWP, Program (DEP)

**Subject:** PFAS MADEP Comments

Dear Ms. DePeiza:

I am forwarding this letter on behalf of Dan O'Neill, Director of Lynn Water & Sewer Commission.  
Thank you!

Dale Cyr

Attachment: Scan-PFAS MADEP Letter-2020.pdf

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**WATER & SEWER  
COMMISSION**

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

PE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations  
(310 CMR 22.00)

Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

The Lynn Water & Sewer Commission (Commission) has partnered with the Massachusetts Water Works Association (MWWA) and would like to submit the following written comments to the Massachusetts Department of Environmental Protection (MADEP) on the proposed changes to the Drinking Water Regulations, 310 CMR 22.00, specifically the proposed Maximum Contaminant Level (MCL) for Per- and Polyfluoroalkyl Substances (PFAS). The Commission requests that MADEP consider all comments that are submitted on behalf of the Public Water Systems (PWS) carefully before moving forward with this rule.

As a Public Water Supplier, the Commission is devoted to provide its residents with a safe and reliable supply of drinking water and takes pride in being in compliance with all Federal and State Drinking Water regulations. The Commission has been carefully following the progress of information being distributed pertaining to the PFAS regulation and has taken the potential threat that these compounds pose very seriously. The Commission would like to commend the MADEP for its efforts in identifying the potential threats that the PFAS compounds pose and for working on reducing those potential risks to the public. However, the Commission is concerned that the proposed MCL of 20 parts per trillion (ppt) for the sum of the six PFAS contaminants which includes: Perfluorooctanoic Acid (PFOA), Perfluorooctanesulfonic Acid (PFOS), Perfluorononanoic Acid (PFNA), Perfluorohexanesulfonic Acid (PFHxS), Perfluoroheptanoic Acid (PFHpA), and Perfluorodecanoic Acid (PFDA) may be too stringent and **has questions** pertaining to the methods used for the determination of the MCL.

### **Reasoning for such a stringent MCL of 20 ppt for the Sum of Six Parameters**

The Commission believes that the proposed MCL is being enacted without enough information pertaining to the potential Health Risks that the combined PFAS concentrations will pose at such extremely low concentrations. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health is limited with only two of the compounds (PFOA and PFOS) properly studied. It appeared that there are key assumptions made in regards to the toxicity of the other four PFAS compounds (PFNA, PFHxS), PFHpA, PFDA) that were based on the similarity of their chemical formula to that of both PFOA and PFOS.

The United States Environmental Protection Agency (USEPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulations are warranted. At this time, USEPA has published a drinking water Health Advisory Level (HAL) for **only two** the PFAS compounds (PFOS and PFOA) at a combined (sum) of **70 ppt**. The USEPA defines HAL as: A non-regulatory health-based reference level of chemical traces (usually in ppm) in drinking water at which there are no adverse health risks when ingested over various periods of time. The proposed MADEP MCL is far more stringent than the established USEPA HAL and includes four additional compounds that would be used to calculate the cumulative sum.

### **Reasoning for acting before USEPA completes their assessment**

The USEPA has recently released a National Strategy that will take important steps that will enhance how the agency researches, monitors, detects, and addresses PFAS. As part of the Strategy, the USEPA is proposing to regulate PFOS and PFOA, as well as seek comment on the potential monitoring requirements and regulatory approaches that USEPA is considering for PFAS chemicals. The Commission requests that MADEP coordinate its effort with the enactment of the PFAS MCL with the USEPA to assure that it is consistent with the National regulation and does not prematurely place unwarranted hardship on the Massachusetts PWS.

### **Reasoning for using Below Reportable Levels for MCL Calculation**

The Commission is concerned about the MADEP proposed practice to use estimates of analytical results that are below the Minimum Reporting Level (MRL) in calculating compliance with the MCL and requests that MADEP exclude this unprecedented practice from any final rule promulgated. The MRL is the concentration value of a contaminant that the Laboratory can **confidently** report. A PWS would be unfairly determined to be in violation of the MCL if the estimated results were used to push the sum of the reported PFAS compounds over an established MCL. The Commission believes that any detection below the MRL should not be governed by an arbitrary rule that would assume that a certain level exists and that any such interpretation would not be scientific or defensible. Estimated values that are below the MRL should not be reportable nor counted towards compliance calculations.



### **Consideration of the Extremely Low Concentrations involved and the potential for Sample Contamination**

The Commission has concerns that include the potential interference at the low detection values that could result from contamination while monitoring and the possible hardships to Public Water Suppliers (PWS) including additional treatment costs and loss of Public Confidence that may occur as a result of detectable concentrations that are very low and potentially false. The concentrations of detectable PFAS compounds are measured in the Nanograms per liter (ng/l) or Parts per Trillion (ppt). These concentrations are 1000 times smaller than the typical VOC compound limitations (micrograms per liter (ug/l) or parts per billion (ppb)). With such low detectable values, there is a fear that the slightest interference could affect the reported values.

The Commission requests that MADEP consider ways to invalidate sample results if the PWS demonstrates that the results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are significantly different than the initial results.

### **Impacts from PFA products that are found in commerce today**

PFAS compounds are still frequently being dispersed in today's commerce. Information provided at the MADEP Public Hearing on January 29, 2020 revealed that only the PFOA and PFOS compounds had been banned from production in the United States. However, even these two compounds can be found in current imported goods. PFAS compounds that are found in everyday items could contaminate the samples when detectable concentrations are measured at such a low concentrations. PFAS compounds have been identified in sample piping materials including Teflon tubing and pipe thread tape. PFAS compounds have been identified in such everyday commerce items as: fabric softeners, hand moisturizers, Post-Its, certain inks, water proof clothing, leather products, non-stick cookware, and many more items that are commonly found at home, on water plant personnel, and in Water Treatment Plant work areas. **It can be reasonably assumed that the concentrations of PFAS in these commerce items are much higher than those found in drinking water.** It would only take a very small amount of contamination from any of these products to taint a sample collected in a **250 ml sample bottle** and whose results are measured in ppt.

### **Investigation into the source of PFAS Compounds that are being found in the Surface Water**

The Commission questions why MADEP would implement the MCL prior to thoroughly investigating, identifying, and responding to the source (Responsible Parties) of the contamination in the PWS source water. PWS watersheds are protected as documented through their Watershed Protection Plans. However, there may be main roadways, commercial, and/or industrial facilities that are located within or in the vicinity of their watersheds. The Commission believes that investigations will have to be conducted to identify if there are facilities or operations in these areas that are contributing PFAS

compounds at concentrations high enough to be detected in the source water and if so, to determine what actions will be needed to eliminate the source(s) of contamination.

Information provided at the MADEP Public Hearing on January 29, 2020 revealed that there were reports that PFAS compounds were detected in rainwater collected in at least one cistern that was located in a park in the City of Boston. The Commission is requesting that MADEP investigate the report to determine if the source of the PHA compounds was from the rainfall. If so, the Commission believes that the source of the rainfall contamination would have to be identified as well as the frequency of and the possible concentrations of PHAS found in such precipitation events. The Commission is not aware of any immediate actions that could be taken to prevent the contamination associated with precipitation events from entering the source water.

### **Proper assessment of the Implementation Challenges**

The Commission requests that MADEP address the following implementation challenges facing PWS before finalizing and implementing the MCL:

- The additional operational costs associated with the treatment that may be needed to remove the PFAS compounds from the drinking water including the potential for more frequent media change-outs and disposal costs. The Commission fears that these costs could exceed \$500,000.00 per year.
- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MADEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved. MADEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.
- MADEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
- MADEP should be sure that the language in the "Consumer Notification" it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
- MADEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved.
- Guidance must be provided to the public and/or sensitive subpopulations on the appropriate "PFAS-free" alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).

- A definitive timeline must be set by which MADEP's Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MADEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

The Commission would like to thank you for the opportunity to provide comments pertaining to this proposed regulation. The Commission understands the importance of ensuring that the drinking water that is supplied to its customers is of the highest quality and in compliance with all Federal and State Drinking Water regulations. The Commission also appreciates the commitment that MADEP makes to assist the PWS to ensure that these goals are met. It is becoming increasingly evident, that the emergence of new contaminants that are detected in miniscule concentrations from previously unknown sources will present many challenges in their detection, monitoring, treatment, and regulation. These tasks will fall on the shoulders on both the PWS and the MADEP. MADEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. It is important that all regulatory standards are based on the most accurate science with the fewest possible assumptions made to determine actual human risk exposure. The Commission believes there are many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,

*D. F. O'Neill, P.E.*

Daniel F. O'Neill, P.E.  
Executive Director  
Lynn Water & Sewer Commission

---

**From:** Edward Rondeau (via Google Docs) <[drive-shares-noreply@google.com](mailto:drive-shares-noreply@google.com)>  
**Sent:** Friday, February 28, 2020 10:33 AM  
**To:** Director-DWP, Program (DEP)  
**Subject:** PFAS MCL, 310 CMR 22, FINAL, 2-19-20

[erondeau@williamstownma.gov](mailto:erondeau@williamstownma.gov) has attached the following document:

## Template letter on PFAS MCL, 310 CMR 22, FINAL, 2-19-20

Google Docs: Create and edit documents online.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because someone shared a document with you from Google Docs.

Attachment: Template letter on PFAS MCL, 310 CMR 22, FINAL, 2-19-20.pdf

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

**Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)**

Dear Ms. DePeiza:

I am a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

With respect to MassDEP's proposal to develop a Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS which includes six compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA), I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans and mammal toxicities, different reference dosages, differences in half-lives,

bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

MassDEP is proposing to mandate electronic reporting of all data submitted to the Drinking Water Program. Electronic reporting should not be mandated until MassDEP can ensure that the state's information technology infrastructure can reliably support such a directive. I ask for this requirement to be stricken.

MassDEP is requiring monthly monitoring if detections are above 10 ppt. I am not convinced that monthly monitoring should be required at 10 ppt. PFAS sample costs are high and I question whether the results would vary significantly from month to month to warrant the additional sampling. For systems over the MMCL, quarterly sampling should be enough.

I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved. MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.

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- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers’ expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,

Edward J. Rondeau  
Williamstown Water and Sewer Superintendent





## Westford Water Department

Stephen Cronin, Superintendent

Board of Water Commissioners:

Hugh C. Maguire

Titus Palmer

Chauncey Chu

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

Via email to [program.director-dwp@state.gov](mailto:program.director-dwp@state.gov)

Dear Ms. DePeiza:

I am a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

With respect to MassDEP's proposal to develop a Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS which includes six

60 Forge Village Road • Westford, MA 01886 • Tel 978-692-5529 • Fax 978-692-5530

[www.westford-ma.gov/water](http://www.westford-ma.gov/water)

compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA), I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

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As a former commercial environmental laboratory Quality Assurance Officer, I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Concentrations reported below the MRL (i.e. below the lowest calibration standard) cannot be reliably quantitated and therefore should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific, and not consistent with regular laboratory practice. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

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Sincerely,

A handwritten signature in dark ink, appearing to be 'M. Warren', with a long horizontal flourish extending to the right.

Mark Warren

Westford Water Department Environmental Compliance Manager

---

**From:** Mark Warren <[mwarren@westfordma.gov](mailto:mwarren@westfordma.gov)>  
**Sent:** Friday, February 28, 2020 9:46 AM  
**To:** Director-DWP, Program (DEP)  
**Subject:** Comments on proposed MassDEP PFAS MCL regulations

Good morning Ms. DePieza,

Thank you for the opportunity to provide comments on the proposed MassDEP PFAS MCL regulations. Attached please find my comments.

Mark Warren  
Westford Water Department  
Environmental Compliance Manager/  
Cross Connection Control Coordinator  
978-399-2457

All email messages and attached content sent from and to this email account are public records unless qualified as an exemption under the Massachusetts Public Records Law  
See <http://www.sec.state.ma.us/pre/preidx.htm>.

Attachment: Comments on proposed MassDEP PFAS MCL.pdf

---

**From:** Maurice Goulet <[mgoulet@medfield.net](mailto:mgoulet@medfield.net)>

**Sent:** Friday, February 28, 2020 11:40 AM

**To:** Director-DWP, Program (DEP)

**Subject:** PFAS MCL Comments

Please see attached letter

--

***Maurice G. Goulet***

Director of Public Works  
Medfield, Massachusetts

**Department of Public Works**

*55 North Meadows Road*

*Medfield, MA 02052*

*(508) 906-3003 office*

*(508) 359-4050 fax*

*[mgoulet@medfield.net](mailto:mgoulet@medfield.net)*

*[www.town.medfield.net](http://www.town.medfield.net)*

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Attachment: DOC022820.pdf



February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

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Dear Ms. DePeiza:

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As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

With respect to MassDEP's proposal to develop a Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS which includes six compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA), I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans



and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

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I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved.

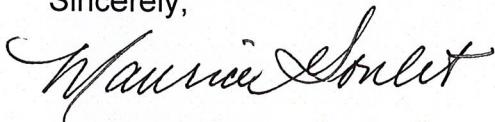


MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.

- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
- MassDEP should be sure that the language in the "Consumer Notification" it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
- MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved
- Guidance must be provided to the public and/or sensitive subpopulations on the appropriate "PFAS-free" alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).
- A definitive timeline must be set by which MassDEP's Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers' expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,

A handwritten signature in cursive script, reading "Maurice Goulet".

Maurice Goulet  
Medfield Director of Public Works

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**From:** NicholasBJones <[nbjones@comcast.net](mailto:nbjones@comcast.net)>

**Sent:** Friday, February 28, 2020 9:42 AM

**To:** Director-DWP, Program (DEP)

**Cc:** NicholasBJones

**Subject:** PFAS regulations

Attachment: PFAS Comments.pdf

**Whately Water District  
PO Box 99  
Whately, Ma 01093**

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

Dear Ms. DePeiza:

I am the Water Superintendent of the Whately Water District and a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

The issue of PFAS contamination is something that I have been concerned about for several years. The general public is slowly learning about the dangers of PFAS, but they continue to purchase upholstery and carpets with stain resistant coatings. And compostable takeout containers are gaining in popularity despite the non-stick coatings containing PFAS chemicals. It is important to regulate PFAS in drinking water, but the state should also work to eliminate other sources of exposure to this group of chemicals.

As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. However the EPA has moved very slowly to actually promulgate regulations on PFAS in drinking water. I appreciate Mass DEP's effort to fill the void left by EPA

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inaction on this subject. However, I have some concerns about some of the specifics being proposed by Mass DEP.

With respect to MassDEP's proposal to develop a Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS which includes six compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA), I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

MassDEP is proposing to mandate electronic reporting of all data submitted to the Drinking Water Program. Electronic reporting should not be mandated until MassDEP can ensure that the state's information technology infrastructure can reliably support such a directive. I ask for this requirement to be stricken.

MassDEP is requiring monthly monitoring if detections are above 10 ppt. I am not convinced that monthly monitoring should be required at 10 ppt. PFAS sample costs are high and I question whether the results would vary significantly from month to month to warrant the additional sampling. For systems over the MMCL, quarterly sampling should be enough.

I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important

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to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

In the absence of national standards regarding PFAS, Mass DEP should work to limit exposure these chemicals from all sources in our daily lives. This should include studying where PFAS exposure comes from and banning the products that expose human health. Additionally, the industries that have manufactured these products should be held responsible for the remediation of the contamination. The cost should not be born be the rate payers in every water system.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
  - The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved. MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.
  - MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
  - MassDEP should be sure that the language in the "Consumer Notification" it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
  - MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved
  - Guidance must be provided to the public and/or sensitive subpopulations on the appropriate "PFAS-free" alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).
  - A definitive timeline must be set by which MassDEP's Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
  - The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
  - MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.
-

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers' expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,

Nicholas B. Jones  
Whately Water District Superintendent

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**From:** Ryan Mouradian <[rmouradian@holdenma.gov](mailto:rmouradian@holdenma.gov)>

**Sent:** Friday, February 28, 2020 11:30 AM

**To:** Director-DWP, Program (DEP)

**Cc:** John Woodsmall

**Subject:** PFAS MCL Comments

Good Morning,

Please find attached the Town of Holden Water & Sewer Division's (PWSID 2134000) comments to the proposed PFAS MCL.

Should you have any questions please do not hesitate to ask.

Thank you,

--

Ryan S. Mouradian, P.E.  
Water and Sewer Superintendent  
Holden Department of Public Works  
1196 Main Street  
Holden, MA 01520  
Phone: (508) 210-5550  
Fax: (508) 829-0252  
[rmouradian@holdenma.gov](mailto:rmouradian@holdenma.gov)

Attachment: Town of Holden PFAS MCL Comment Letter.pdf



**Town of Holden**  
Department of Public Works  

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Water & Sewer Division



Ryan S. Mouradian, P.E.  
Water & Sewer Superintendent

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**  
**Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)**

Dear Ms. DePeiza:

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As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

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Respectfully,



Ryan S. Mouradian, P.E.  
Water & Sewer Superintendent

Cc: John R. Woodsmall, III, P.E., Director of Public Works  
File





# TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WATER DIVISION

416 GIFFORD ST., FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 457-2543

FAX (508) 548-1537

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

**RE: Comments on Proposed Changes to the Massachusetts Drinking Water Regulations (310 CMR 22.00)**

Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

I am the Town of Falmouth's Water Superintendent and a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

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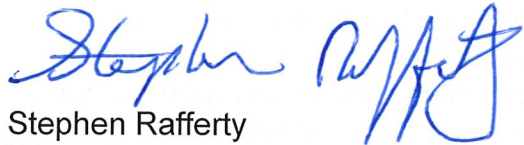
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Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers' expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,



Stephen Rafferty  
Water Superintendent



I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The ability and timing for MassDEP to review and approve appropriate treatment technologies needs to be factored into the timeline for enforcement. Falmouth two years ago identified an ion exchange filter media for treatment of perchlorate at one of our wells. Our intended vendor has indicated to us the effectiveness of that media on PFAS capture and has submitted their information to the MassDEP – our experience would indicate that MassDEP will need to recruit additional staff and resources to facilitate fast track review and acceptance of treatment systems.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved. MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.
- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
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---

**From:** Steve Rafferty <[steve.rafferty@falmouthma.gov](mailto:steve.rafferty@falmouthma.gov)>  
**Sent:** Friday, February 28, 2020 10:21 AM  
**To:** Director-DWP, Program (DEP)  
**Subject:** Falmouth's concerns on proposed PFAS regulations

Thank you for the opportunity to comment on the proposed regulations for PFAS.  
Falmouth's water supply is entirely dependent upon the Sagamore Lens and as a Cape Community we are very aware of how up gradient land use affects the quality of our raw water supplies.

STEPHEN RAFFERTY, WATER SUPERINTENDENT  
TOWN OF FALMOUTH  
STEVE.RAFFERTY@FALMOUTHMA.GOV  
508-457-2543 x3017

Attachment: comments on proposed 310 CMR 22 revisions for PFAS.pdf

---

**From:** tmelanson@chelmsfordwater.com <[tmelanson@chelmsfordwater.com](mailto:tmelanson@chelmsfordwater.com)>

**Sent:** Friday, February 28, 2020 11:25 AM

**To:** Director-DWP, Program (DEP)

**Cc:** Jennifer Pederson; rdelaney@chelmsfordwater.com

**Subject:** Chelmsford Water District PFAS MCL Comments

Ms. DePeiza,

Please find attached the written comments submitted on behalf of the Chelmsford Water District in regards to the MA DEP proposed MCL concerning Per- and Polyfluoroalkyl Substances (PFAS). The District takes its responsibility to be able to deliver safe and adequate drinking water to its water takers very seriously and feels compelled to outline its concerns on this propose change to the Safe Water Dinking Act.

Sincerely

*Todd A Melanson*

**Environmental Compliance Manager**

**Chelmsford Water District**

**978-256-2381**

**tmelanson@chelmsfordwater.com**

Attachment: PFAS MCL Comment Letter 2020.pdf



# Chelmsford Water District

20 Watershed Lane • Chelmsford MA 01824-4884 • [www.chelmsfordwater.com](http://www.chelmsfordwater.com)

February 28, 2020

Ms. Yvette DePeiza, Director  
Massachusetts Department of Environmental Protection  
Drinking Water Program  
One Winter Street, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108

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Via email to [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov)

Dear Ms. DePeiza:

I am a member of Massachusetts Water Works Association (MWWA) and wish to submit the following written comments to the Massachusetts Department of Environmental Protection (MassDEP) on proposed changes to the Drinking Water Regulations, 310 CMR 22.00. I support the comments that are being submitted by MWWA and urge MassDEP to consider them carefully before moving forward with any new rule.

As a water supply professional, I take my role in the protection of public health very seriously. Water system managers and operators work hard to provide clean, safe drinking water and to ensure we are complying with the many Safe Drinking Water Act requirements. Per- and Polyfluoroalkyl Substances (PFAS) are something our industry is paying close attention to. Research, particularly on toxicity and health effects of PFAS is ongoing and the scientific understanding of these compounds on human health, continues to evolve. For public health protection, the United States Environmental Protection Agency (EPA) has a rigorous process for evaluating contaminants of concern in drinking water and deciding whether regulation is warranted. EPA has released a National Strategy on PFAS and is working on implementation of its strategy. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this is an issue being seen across the country and it is not particular to Massachusetts.

With respect to MassDEP's proposal to develop a Massachusetts Maximum Contaminant Level (MMCL) of 20 parts per trillion (ppt) for PFAS which includes six compounds: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA), I would ask MassDEP to develop compound-specific standards for each of the PFAS compounds and not employ a cumulative approach. The compounds should not be combined because of different toxicity endpoints, different uncertainty factors between humans

and mammal toxicities, different reference dosages, differences in half-lives, bioaccumulation, etc. There are also treatment and operational considerations that could be more challenging if the compounds are considered cumulatively.

MassDEP is proposing to mandate electronic reporting of all data submitted to the Drinking Water Program. Electronic reporting should not be mandated until MassDEP can ensure that the state's information technology infrastructure can reliably support such a directive. I ask for this requirement to be stricken.

MassDEP is requiring monthly monitoring if detections are above 10 ppt. I am not convinced that monthly monitoring should be required at 10 ppt. PFAS sample costs are high and I question whether the results would vary significantly from month to month to warrant the additional sampling. For systems over the MMCL, quarterly sampling should be enough.

I have strong concerns about MassDEP's proposed MMCL compliance calculations including estimates of analytical results below the Minimum Reporting Level (MRL) and I urge MassDEP to exclude this from any final rule promulgated. Any detection below the MRL should not be governed by an arbitrary rule assuming a certain level exists; such an interpretation is not scientific. Values below the MRL should not be reportable, nor counted towards compliance calculations at these low parts per trillion levels. I am also concerned about the legal defensibility of estimating values below the MRL. Violations of the MMCL will most likely prompt a Public Water System to look for a Responsible Party. If the exceedance of the MMCL includes estimations of results, Responsible Parties will have grounds to argue that it is not a valid result because it is below the MRL.

I also believe that MassDEP needs to consider ways to invalidate sample results if the Public Water System demonstrates that results were influenced by products used in the piping or plumbing of the sample location, involved human error, or if confirmatory sample results are markedly different than the initial results.

I appreciate that MassDEP is allowing Public Water Systems to submit previously collected data in order to forgo some of the future sampling. I also agree it is important to have waiver provisions and regulatory flexibility related to monitoring if there are emergency, operational, or lab capacity issues which would preclude such monitoring. I am glad MassDEP has included these provisions in the proposed regulation.

I am most concerned that MassDEP address the following implementation challenges facing Public Water Systems before finalizing and implementing an MMCL. These include:

- The complexities, timing, and cost of designing, permitting and constructing treatment systems needs to be factored into MassDEP's timeline for enforcing the standards.
- The existing timeframes and statutory constraints on being able to quickly procure goods, services, and equipment needs to be evaluated and resolved.



MassDEP should work with the Operational Services Division to add necessary services and common treatment components to the state bid list.

- MassDEP must provide the appropriate risk communication tools so that Public Water Systems have the information necessary to communicate with the public, especially if consumers have health questions or concerns.
- MassDEP should be sure that the language in the “Consumer Notification” it intends to require is specific to the sensitive subpopulations that it is concerned with so that it does not overly alarm the general public.
- MassDEP must provide context to relative exposures of PFAS in drinking water versus all other exposure points (consumer products, food, air, etc.). If we only concentrate on regulating PFAS in drinking water, we may be giving consumers a false impression they are protected, when in fact, there are many other sources of PFAS exposure in consumer products and food, being detected at even higher levels than what is found in drinking water. If we are not addressing all these other exposures, intended public health protection will not be achieved
- Guidance must be provided to the public and/or sensitive subpopulations on the appropriate “PFAS-free” alternative water supply options (i.e. bottled water and appropriate Point of Use Filters).
- A definitive timeline must be set by which MassDEP’s Bureau of Waste Site Cleanup will launch investigations into the source(s) of contamination of the drinking water to identify Responsible Parties.
- The Commonwealth must identify additional grant funds to assist Public Water Systems in paying for treatment of their drinking water.
- MassDEP must provide the appropriate technical and compliance assistance to help Public Water Systems comply with the new rule.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers’ expectations. As we have all come to be keenly aware, the issue of emerging contaminants presents a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes. As outlined in this letter, there are still many outstanding issues that need to be addressed before moving forward with these new regulations.

Sincerely,



Todd A Melanson  
Environmental Compliance Manager  
Chelmsford Water District