



# Department of Environmental Protection

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## MassDEP Drinking Water Program

### Briefing for Public Water Suppliers on the new EPA PFAS regulations

May 28, 2024

To see a video of the briefing: <https://youtu.be/YedjPF7wgKE> and the slides:

<https://www.mass.gov/doc/massdep-briefing-for-pws-on-the-new-epa-mcls-for-pfas/download>

### Questions and Answers:

**1. Do these new levels impact the 2 court verdicts, judgments now being doled out for PFAS?**

We're not involved in understanding how that multi-district litigation is going or how the 3M settlement and the other manufacturer settlements would be affected here. If you are represented by counsel in those cases, I suggest you talk to your attorneys.

**2. Will there be any assistance available for private homeowner wells impacted by PFAS contamination?**

EPA did allow for certain circumstances, support for private homeowner wells. Initially, it was simply to offer the possibility of hooking up to an existing public water system or to take a large number of private homeowner wells and create a public water system. But there's been some changes in the current Federal fiscal year to offer some additional assistance, and we're looking at those legislative changes in this year. Congress is also looking at making those legislative changes permanent for the last 2 years of BIL funding, so there may be additional funds available, but stay tuned.

**3. If you're looking at finished water results in the 181 impacted public water systems, that may not include those who have sources offline or blending and have reduced PFAS concentrations.**

Recent raw water data can be used to see if the number of impacted PFAS would change. Our state regulations for PFAS did require raw water sampling if you were blending sources at your entry point, but it wasn't a recurring requirement for all public water systems. So, unless your

Regional Office has required you to do ongoing raw water sampling, we probably don't have recent raw water data there.

***4. Will MassDEP continue to use the MRLs that are currently used for calculations, or will they move to the higher MRLs listed of EPAs?***

That's one of the things we're evaluating with our 3-year review; so that will be decided shortly.

***5. Will estimated values or J Values be used in the EPA formula?***

So, in the Federal regulation that's published: No. And we don't use them currently in the PFAS6 calculation, although we require them to be reported. We don't include them in MCL calculations; and EPA, didn't either.

***6. As part of DEP's regulatory review, will the guidelines for public water systems, specifically, chapter 5, treatment be updated?***

Yes, they are underway. They are being looked at now specifically for PFAS.

***7. You mentioned that MassDEP expects to meet the 2-year turnaround to set Mass MCLs, and then there will be a public comment period. What does this mean for the actual date that PWS will be in need to be in compliance with new Mass MCLs.***

When we get a new regulation, we actually do also have the opportunity of promulgating when the compliance date would be. So, what we'll probably see is a date in the proposal from Massachusetts that is no later than EPA's date. Since we already have an existing MCL in Massachusetts, we may just transition to theirs. That's one option. We may implement theirs sooner, because we already had a lot of compliance, but EPA felt it was necessary to push out their MCL compliance date by 2 additional years because of concerns with supply chain issues and other issues are slowing down construction to treatment. So, expect to see that and be able to comment on that in our proposed regulation.

***8. Can Mark Smith comment on what the process is for ORS to review the science and what opportunity the public will have to participate in that process part of DEP's regulatory review?***

We are looking at the most recent scientific information available. In particular, the draft toxicity assessments that EPA has issued and is working to finalize. And we are also doing an in-depth analysis of the heptanoic acid PFAS compound that we are currently regulating, but that EPA did not include in the national standards. There will be, of course, opportunity for public input on the report, as it is going to be a part or a consideration in the updated regulations here in Massachusetts. So as part of that whole public process, there will be opportunities for comment.

**9. J values do impact the monitoring frequency via the EPA trigger levels?**

Yes. The question I answered before was, are there J values as part of the EPA formula for MCL calculations. And it's a difference there. EPA still has what they called a trigger level in the rule, and that establishes your monitoring frequency, and it is below their practical quantitation limits for several of these compounds. So yes, J values will affect that but not the MCL compliance.

**10. The Federal public notice language is quite a bit different than MassDEP's. Is DEP considering how to message this to the public? What about the public education requirement? Will that go away?**

So, I'll start with the PN. As you know, EPA has published now a public notice template; well the language is in the rule. So, whenever we look at a new Federal rule that we have to adopt, yes, we would look at the Federal language and decide whether or not we adopt their language explicitly, or we tweak it if they've allowed us to tweak it. How to consider messaging that to the public is always a conversation that we have to have with public notice. It's very tricky to figure out the right language to communicate the risks, and we do that in conjunction with our Office of Research and Standards and the public education requirements. So, in our existing regulations, if you're unfamiliar with this piece, we put in an early notice requirement which is public education. Whether or not it goes away will be something that we will be evaluating as we rewrite our regulations. Initially, it was really to think about exposures that might occur in the first month before an MCL violation would occur in the third month and the necessary kind of customer decisions that pregnant women may want to make, and other sensitive individuals, knowing that the elevated levels were there in month one. So, it will be considered as we provide our regulations, and we have plenty of time.

**11. Will the Hazard index need to be included in the upcoming CCR?**

No for the upcoming, meaning 2024. Nothing comes in the CCR yet. EPA laid out a timeline that said basically compliance with the MCLs doesn't start until 2029, so that would be the CCR that you would have to include violations of the Hazard index.

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For further questions, please see our PFAS webpages:

<https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>

and

<https://www.mass.gov/info-details/epa-maximum-contaminant-levels-mcls-for-pfas>

Or contact the MassDEP Drinking Water Program at [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov) Subject: PFAS or at 617-292-5770.