



Questions and Answers Sheet

MassDEP's Briefing for Public Water Suppliers on EPA's Proposed PFAS National Primary Drinking Water Regulations

4/10/2023

EPA Draft NPDWR Questions:

- 1. Are results below the Minimum Reporting Level (MRL) / Practical Quantitation Level (PQL) zero for purposes of calculating the Hazard Index (HI)?**

EPA provides a Running Annual Average (RAA) example where results below the PQL are set to zero when calculating compliance. It would follow that the same is true for the HI calculation, but MassDEP will need to confirm this with EPA.

- 2. Is the Running Annual Average (RAA) calculated per source or per treatment plant?**

Compliance is determined at each sampling point (entry point).

- 3. Does a single sample above the trigger level prevent you from reduced monitoring, or is it the average over 4 quarters, similar to the MCL calculation?**

MassDEP interpretation of EPA's Q&A document on the trigger level is that all results must be below the trigger level to qualify for reduced monitoring. MassDEP will need to confirm this with EPA.

- 4. With the aggressiveness of the new administration on PFOS and PFOA as a whole, is there any indication that the final rule will be even more stringent than the proposed MCLs?**

EPA's proposal is based on the PQL (the ability to measure these compounds). Therefore, MassDEP believes it would be difficult to lower the proposed MCLs below 4 ppt and does not anticipate that EPA would do so.

- 5. Is DEP planning to comment on the MCLs? What is DEPs general view of the proposed MCL? Does DEP support the proposed limits or think they are too low or too high?**

MassDEP is currently reviewing the draft EPA rule and will determine if we will provide any comments to EPA. In addition, MassDEP is coordinating with the Association of State Drinking Water Administrators which is collecting input from all states and will be submitting comments to EPA.

6. If you are a consecutive system buying from New Hampshire would you have to meet the EPA MCL?

New Hampshire and Massachusetts both currently have state standards for PFAS. Consecutive systems that buy across state lines need to meet both of these state standards. Once the EPA rule is finalized, both New Hampshire and Massachusetts will be required to develop standards that are at least as stringent as EPA's, and systems buying across state lines would be required to meet both those state standards.

7. The proposed trigger levels are less than the reporting levels and may be less than detection levels? How can anyone be below the trigger level?

MassDEP has asked EPA for additional clarification on this question.

8. Are any changes proposed for sampling/testing for 100% served consecutive systems? Will sampling/testing be managed at the water supplier level?

MassDEP expects EPA to follow the same monitoring structure for consecutive systems that they have used for other contaminants. Therefore, MassDEP does not expect systems who buy 100% of their water to be required to test for PFAS. The seller would be required to test for PFAS at every entry point.

9. I represent a small TNC. Can we provide bottled water rather than comply with the proposed USEPA MCLs? Our PFAS6 levels are around 10 ppt.

Transient Noncommunity Systems (TNCs) are not subject to the proposed EPA MCLs. The EPA is currently taking public comments on the proposed MCLs, and the final rule is expected to be issued at end of the year. Requirements for TNCs may change in the final rule. In addition, MassDEP is evaluating our current regulations in light of the proposed MCLs. The current MassDEP PFAS regulations and program includes a monitoring requirement for TNCs and based on the monitoring results, a health assessment by the MassDEP Office of Research and Standards may be required. Per 310 CMR 22.03(8) the TNC may be required to take further action including monitoring, public notification and education and corrective action to reduce the level of PFAS in the water. In general, bottled water is not a long-term compliance option for PWS, including TNCs.

10. EPA has interim health advisories for four of the six PFAS, but not for the other two (PFNA and PFHxS). Where do the Health Based Water Concentration values come from for those two PFAS?

The Health Based Water Concentrations for PFNA and PFHxS are derived mainly from the Agency for Toxic Substances and Disease Registry (ATSDR) Minimal Risk Level derivations.

11. Massachusetts Water Works Association has requested an extension of the public comment period from EPA and asked that MassDEP does not move on new PFAS regulations until EPA has completed its rule process and the EPA rule is finalized.

MassDEP recognizes that if EPA did extend the public comment period, the extension is likely to only be 30 additional days, which is unlikely to drastically impact the timeframe for finalizing the rule.

12. How does the proposed MCL of 4 ppt for PFAS impact my private well?

Private wells are not regulated by MassDEP or EPA. Therefore, the proposed MCLs do not impact private wells. MassDEP will contact all private well owners who participated in the MassDEP PFAS Free Analyses Program to inform them of how their results relate to the draft EPA MCLs.

Massachusetts Policy Questions:

1. Has there been any thought to sampling raw water opposed to just treated or finished to know where the contamination is coming from for certain or do you think this will be left up to each system?

The current state regulations allow MassDEP to require raw water sampling and MassDEP has required raw water sampling in cases where it is appropriate such as when the finished water is a combination of several raw water sources.

2. MassDEP is requiring labs to report test data directly to the DEP website. How will that work with Federal testing? Will DEP share data with EPA or would a second data reporting mechanism for EPA be required?

Reporting through MassDEP's electronic reporting system eDEP captures required reporting data for EPA. Therefore, no additional reporting to EPA would be required if the draft rule became final. However, under the UCMR5, results must be reported separately by the laboratory to EPA and MassDEP. MassDEP encourages PWSs to ask their analysis labs if dual purpose reporting is possible. MassDEP surveyed certified laboratories and the majority of labs noted that it would be difficult to dual report UCMR5 and MassDEP compliance PFAS monitoring data.

3. During the regulatory review does DEP envision developing revisions to current PWS Guidelines to capture PFAS specific design/treatment guidelines?

MassDEP is currently updating its PFAS specific design/treatment guidelines. These will be further revised to include any new regulatory limits on PFAS.

4. If our previous PFAS tests show a result of zero, can we expect no further testing? For budget reasons.

EPA's proposed rule allows substitution of previously collected state monitoring results for initial monitoring, however additional testing may be required under the final rule.

5. Is the MassDEP free PFAS testing program for private wells still available.

The free private well PFAS testing program ended in June 2022.

6. Should systems presently designing treatment attempt to design for the EPA standards? My concern is we install treatment for 20 ppt, only to have to re-do it in a few years possibly with different technology.

The Best Available Technologies that EPA is proposing are the same that are being used by PWS in Massachusetts to remove PFAS. MassDEP has observed that these treatment technologies are capable of achieving PFAS levels of non-detect. MassDEP encourages all PWS to take the draft EPA MCLs into consideration when planning and designing treatment.

PFAS Funding Questions:

1. With treatment construction costs roughly \$10 million to \$20 million per plant and media change out costs per vessels currently is in the range of \$300K, does MassDEP think there will be enough financial aid available through grants or the Clean Water Trust for construction? Is there any funding assistance for operations?

Operations is not an eligible cost under the State Revolving Fund (SRF) Program. MassDEP encourages all PWS with funding needs to submit an application for the SRF program during the SRF annual project solicitation that opens in June.

2. Could MassDEP confirm if those looking at PFAS design funding can apply at any time?

PWS are encouraged to apply during the SRF annual project solicitation that opens in June. PFAS remediation is a priority for SRF financing, and it is likely that projects that remove PFAS from drinking water would score high in the Project Priority Listing. Now that the Final 2023 Intended Use Plan has been published, MassDEP is accepting loan applications for planning projects and PFAS design projects on a rolling basis.

In addition, MassDEP is accepting loan applications for new Lead Service Line (LSL) replacement construction projects that have MassDEP approved LSL replacement programs. Projects must include public and private LSLs in compliance with the Lead and Copper Rule Revisions and all SRF program requirements. Priority for financing will be given to systems with documented lead levels, particularly those exceeding the 90th percentile, and PWS serving disadvantaged communities or small systems. MassDEP will review applications monthly while funding is available.

3. Will the Emerging Contaminants in Small or Disadvantaged Grant Program be a low interest loan or grant program? Will there be a match required?

MassDEP is currently working with EPA Region 1 to develop a work plan for this grant program and will keep all PWS updated. Eligible systems will receive a brief survey from MassDEP about their funding needs as they relate to this grant program. MassDEP encourages PWS to complete and return the survey.

Additional Resources:

EPA Proposed NPDWR Information: <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

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

MassDEP SRF Program: <https://www.mass.gov/lists/state-revolving-fund-applications-forms>

For questions contact the Drinking Water Program at program.director-dwp@mass.gov or 617-292-5770