

EQB Adopts Final Rulemaking: Safe Drinking Water PFAS MCL Rule

On October 12, the Environmental Quality Board voted 15 to 3 to approve a final regulation adopting a PFOS/PFOA 'forever chemical' Maximum Contaminant Limit in drinking water, the first state-developed MCL ever adopted in Pennsylvania. The Environmental Quality Board voted 15 to 3 to approve a final regulation adopting a PFOS/PFOA 'forever chemical' Maximum Contaminant Limit in drinking water, the first state-developed MCL ever adopted in Pennsylvania.

Representatives of Sen. Gene Yaw (R-Lycoming) and Rep. Daryl Metcalfe (R-Butler), Majority Chairs of the Senate and House Environmental Resources and Energy Committee voted against the regulation. Their stated reason for opposition was the cost of compliance with the regulation on public water systems and the belief adopting an MCL should be the responsibility of the federal government. John St. Clair was the third 'no' vote who serves on DEP's Citizens Advisory Council and works for Rosebud Coal Mining Company.

No significant changes were made in the final regulation from the proposed regulation as a result of public comment. DEP is not recommending an MCL for other PFAS chemicals at this time due to lack of occurrence data, incomplete cost/benefit data, the lack of a reference dose and the lack of treatability data. The final MCL for PFOA is proposed at 14 ppt and the MCLG (MCL Goal) at 8 ppt. The final MCL for PFOS is proposed at 18 ppt and the MCLG (MCL Goal) at 14 ppt. The current EPA recommended health protection level is 70 ppt, although EPA recently announced a new strategy for dealing with PFAS "forever" chemicals. The final regulation also sets proposed monitoring and sampling requirements.

The regulation would affect about 2,898 water systems in Pennsylvania. DEP is estimating the regulation will cost water systems an estimated \$115.3 million in annual treatment capital and operation and maintenance costs per million gallons per day. Annual performance monitoring costs would be an estimated \$6.2 million.

The regulation is a result of a rulemaking petition submitted by the Delaware RiverKeeper and accepted by the Environmental Quality Board in August of 2017. This is the first state MCL ever developed by DEP. DEP previously just adopted MCLs developed by the U.S. Environmental Protection Agency. In this case, however, EPA did not have an MCL for PFOA/PFOS, but one is in development. The cost of regulation development to DEP, including a contract with the University of Villanova toxicology services, implementing a water sampling plan across the state and DEP staff costs totaled \$1.95 million.

Source: PA Environment Digest Blog <http://paenvironmentdaily.blogspot.com/2022/10/eqb-adopts-final-omitted-reg-limiting.html>

Further information can be found here:

Final Rulemaking: Safe Drinking Water PFAS MCL Rule (25 Pa. Code Chapter 109)

- [PowerPoint Presentation](#) (PDF)
- [Executive Summary](#) (PDF)
- [Preamble](#) (PDF)
- [Annex A](#) (PDF)
- [Comment Response Document](#) (PDF)
- [Commentator List](#) (PDF)

- [Regulatory Analysis Form \(PDF\)](#)
- [TAC Comment Letter \(PDF\)](#)
- [Lab PFAS Survey Responses \(PDF\)](#)
- [PFAS Treatment Survey \(PDF\)](#)
- [Drexel 2022 Report \(PDF\)](#)
- [NJ MCL PFOS PFOA \(PDF\)](#)
- [NY PFAS MCL Rule \(PDF\)](#)
- [Drexel 2021 PFAS Report \(PDF\)](#)
- [Drexel 2021 PFAS Workbook \(PDF\)](#)