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# PFAS/Safe Drinking Water Act: Arkansas Department of Health Comments on U.S. Environmental Protection Agency Proposed Primary Drinking Water Standard

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The Arkansas Department of Health (“ADH”) submitted comments on proposed Safe Drinking Water Act (“SDWA”) National Primary Drinking Water Standards for six PFAS which include:

- Perfluorooctanoic acid (PFOA)
- Perfluorooctane sulfonic acid (PFOS)
- Perfluorononanoic acid (PFNA)
- Hexafluoropropylene oxide dimer acid (HFOP-DA)
- Perfluorohexane sulfonic acid (PFHxS)
- Perfluorobutane sulfonic acid (PFBS)

(collectively, “PFAS”)

The United States Environmental Protection Agency (“EPA”) proposal was published on March 14th. (See previous [blog post](#).) See Docket ID No. EPA-HQ-0W-2022-0114.

PFAS consists of a large group of man-made chemicals. Their properties include resistance to heat, water, and oil. They have been described as persistent in the environment and resist degradation. Potential human exposure to PFAS includes pathways through drinking water, air, or food.

The SDWA is the federal law that protects drinking water supplies. The Statute requires that EPA identify drinking water contaminants. EPA is then required to develop rules that either set maximum permissible levels for the contaminants or establish protocols to treat the water to minimize the levels of the contaminant. All owners or operators of public water systems are required to comply with the primary (health-related) standards.

The states can be delegated the ability to enforce their requirements established by the SDWA. The Arkansas Department of Health implements this program in Arkansas. Its Engineering Section operates the program.

ADH’s comments initially note support for the proposed rule stating that:

... proposed monitoring corrective actions to identify and reduce PFAS exposure in drinking water will provide additional protections to public health.

The Arkansas agency also incorporates the comments previously submitted by the Association of State Drinking Water Administrators.

ADH, however, does note the following:

- Imperative that the proposed rule provide clear and achievable requirements for PFAS levels in drinking water without being overly burdensome on public water systems
- Further evaluation should be conducted regarding the cost and potential adverse impacts on compliance with other existing drinking water requirements and water system viability (especially for water systems)
- 94.3% of the State of Arkansas's 703 public water systems that are subject to SDWA jurisdiction serve fewer than 10,000 people (50% of those serve communities with fewer than 1,100 people)
- Small water systems use minimal or conventional treatment processes and have difficulty finding qualified water treatment operators and funding
- Capital/operation costs of installing needed treatment for PFAS is very high compared to conventional water treatment processes
- PFAS treatment process will require proper disposal of waste streams that contain concentrated levels of these chemicals (and others)
- Treatment processes for PFAS are more complicated than existing drinking water treatment processes and will require additional training and certification of drinking water operators
- Drinking water operators with advanced training certification are in short supply

A copy of the ADH comments can be found [here](#).