

PFAS Safe Drinking Water Act: National Association of Clean Water Agencies Comments on U.S. Environmental Protection Agency Proposed Primary Drinking Water Standards



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The National Association of Clean Water Agencies (“NACWA”) 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-OW-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.

NACWA describes itself as representing the interests of more than 350 municipal clean water utilities. A number of those utilities are stated to be dual systems that provide safe drinking water supplies to their

respective communities in addition to treating wastewater to high quality standards before beneficially reusing their discharge of water into surface waters.

NACWA notes that the National Primary Drinking Water Regulation (“NPDWR”) proposed will impact wastewater and water recycling utilities that are regulated under the Clean Water Act. Specifically noted are such utilities that discharge to surface waters designated as drinking water supplies or that overlie groundwater used or designated as drinking water supplies. Also referenced are those engaged in innovative water recycling and reuse projects that may require compliance with SDWA’s Maximum Contaminant Levels.

As a result, EPA is requested to:

. . . consider the potential interactions of the NPDWR with CWA regulations, including increasing imposition of PFAS monitoring requirements for clean water utilities at the same time that this NPDWR will impose new PFAS monitoring requirements on PWSs.

Issues/concerns also addressed by the comments include:

- EPA’s development of ambient human health water quality standards based on the same referenced doses developed during the NPDWR process for which no existing/affordable PFAS treatment techniques are stated to be available is a concern.
- Severe underestimation of cost impacts to public water systems.
- Failure to consider laboratory capacity (noting a backlog that will occur than tens of thousands of public water systems and clean water utilities are trying to monitor and comply simultaneously.)
- Likelihood of treatment equipment and carbon supply shortages.
- Potential impacts on greenhouse gas emissions due to energy consumption at public water systems and clean water utilities.
- Impact on clean water utilities engaged in reuse.
- Absence of a PFAS destruction technology readily available/EPA’s reliance on treatment technique fails to consider indirect impacts.

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