

# PFAS National Primary Drinking Water Regulation Monitoring/Reporting: U.S. Environmental Protection Agency Issues Guidance Memorandum



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The United States Environmental Protection Agency's ("EPA") Office of Ground Water and Drinking Water issued a November 21st guidance memorandum titled:

*PFAS National Primary Drinking Water Regulation Monitoring and Reporting ("Memorandum").*

The Memorandum was transmitted from EPA's Director of Standards and Risk Management Division of the Office of Ground Water and Drinking Water to EPA's Regional Water Division Directors and the State Drinking Water Primacy Agencies.

The stated purpose of the Memorandum is to:

...provide information on how drinking water primacy agencies can consider previously collected PFAS drinking water data (e.g., from UCMR 5 or state monitoring programs) to satisfy some or all of the initial monitoring requirements and determine the ongoing compliance monitoring frequency under the final Per- and Polyfluoroalkyl Substance (PFAS) National Primary Drinking Water Regulation (NPDWR).

The Memorandum also provides information/guidance on implementing other aspects of the PFAS National Primary Drinking Water Regulation ("NPDWR") monitoring and reporting requirements.

As the Memorandum notes, EPA issued a final PFAS NPDWR addressing individual Safe Drinking Water Act ("SDWA") Maximum Contaminant Level Goals ("MCLGs") and Maximum Contaminant Levels ("MCLs") for five PFAS. In addition, the NPDWR included a Hazard Index MCLG and MCL for mixture combinations containing two or more of four PFAS.

SDWA regulated community and non-transient non-community water systems are required to comply with the PFAS NPDWR by deadlines set forth in 40 C.F.R. 141.900(b).

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 contaminants. All owners or operators of SDWA regulated public water systems are required to comply with the primary (health-related) standards.

The states can be delegated the ability to enforce the requirements established by the SDWA (i.e., primacy). The Arkansas Department of Health implements this program in Arkansas. Its Engineering Section operates the program.

EPA and primacy agencies monitor public water system compliance with SDWA and its implementing regulations by reviewing and evaluating analytical results of water samples collected and reported by public water systems. SDWA regulations specify that analytical methods must be used to analyze drinking water samples. Requirements vary depending upon the contaminant group, whether the water system uses groundwater or surface water, and the number of people served.

The November 21st Memorandum addresses issues related to:

- Initial PFAS Monitoring Requirements.
- Compliance Monitoring Frequency Determination.
- Laboratory Requirements and Analytical Methods.
- UCMR 5 Monitoring Data.
- PFAS Monitoring Data Reporting.

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