



EPA PROPOSES MCLs FOR PFOA/PFOS & HAZARD INDICES FOR OTHER PFAS CHEMICALS

March 2023

On March 30, EPA proposed to adopt via regulation MCLs for PFOA and PFOS in drinking water, set at 4 ppt for PFOA and 4 ppt for PFOS. EPA also announced that four additional PFAS chemicals – HFPO [Gen X], PFNA, PFHxS, and PFBS – are being addressed through an enforceable MCL “hazard index,” a screening level approach that provides an indicator of risk based upon the total amount of these four PFAS chemicals in drinking water. The hazard index MCL will be a value of “1” (**this is NOT 1 ppt**). Instead, each of these four PFAS chemicals will have a hazard index calculated and if that index value, combined with the other three, exceeds 1 you will have to reduce one or more of these chemicals to get below a combined index of 1. AquaLaw is preparing comments for all of our client associations. These MCLs may have implications for wastewater utilities, directly discharging industries, and MS4 discharges.

Advice to Members. If your water system’s PFOA/PFOS results are near or above 4 ppt for either PFOA or PFOS, or your combined PFAS hazard index levels for the four PFAS chemicals noted above exceed “1”, you should promptly:

- Consider rebalancing your raw water sources to reduce PFOA/PFOS levels in your finished drinking water.
- Consider regionalization if blending some of your community’s raw water with neighboring sources would allow you to avoid adding treatment or if buying alternative supply would allow you to avoid or defer installing PFAS barrier technology.
- Engage your engineering team to understand the best PFAS barrier technology for your water system.
- Be positioned to take advantage of grant or grant-equivalent funding for PFAS barrier technology installation.
- Engage with any material upstream sources of PFOA/PFOS (or the four hazard index PFAS) to ensure they are making reasonable progress to minimize their loadings into your raw water supply.
- Consider greasing the skids of any ongoing treatment plant projects to facilitate a future PFAS barrier technology installation.

Next Steps. Comments on the proposal are due May 30. For our comments, MAMWA will demonstrate EPA’s cost estimate, a total annualized cost figure of \$750M-\$1B, is not only understated, but that it is so low that the proposed rule must be republished. EPA needs more cost information from utilities (including operation and maintenance costs). Once EPA adopts final MCLs (expected this September) water systems will have **three years to comply** – with the possibility of an extension of up to two years. If EPA chooses to delay taking final action, we might obtain additional time. Alternatively, EPA and the States may grant exemptions to the 3/5-year deadline, but utilities should not count on such.