

Stakeholder Meeting

NR 809 PFAS MCL

Adam DeWeese

Section Chief, Public Water Supply

Dino Tsoris

Drinking Water Monitoring Coordinator

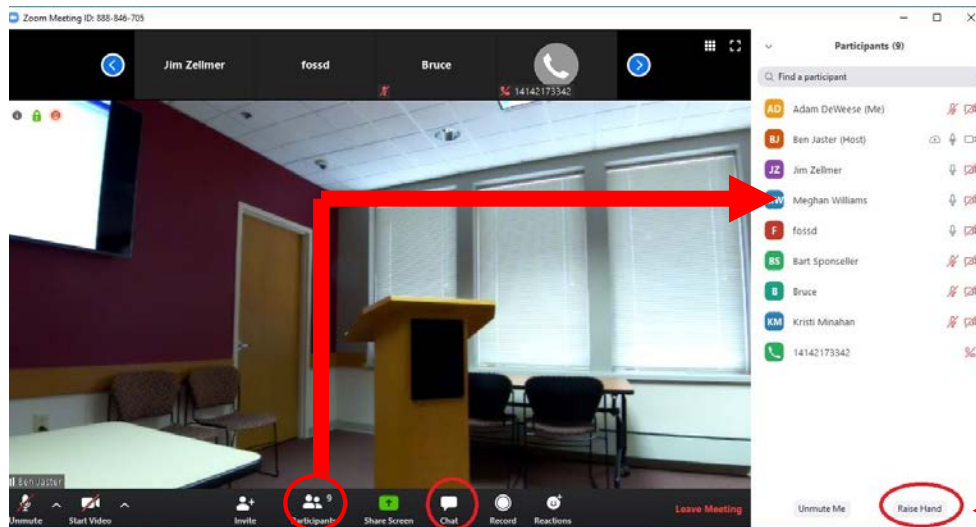


Agenda

- Elements of an Economic Impact Analysis
- What other states are doing
- EPA Action Plan
- Next steps

Questions?

Here are two ways to participate:



Type your questions into the **"CHAT"** feature

"Raise Hand" and your microphone will be unmuted by moderator when called on

Elements of an Economic Impact Analysis

- Fiscal Effect of implementing the rule
 - None
 - Indeterminate
 - Increase existing revenues
 - Decrease existing revenues
 - Increase costs
 - Decrease costs
 - Could absorb within agency's budget



Who will the rule affect?

- State's economy
- Local units of government
- Specific businesses/sectors
- Public utility rate payers
- Small businesses

Estimate of Costs

- Businesses
- Local governments
- Individuals



What is the Problem Being Addressed?

Comments/Participation

- Who provided comments on the EIA?
 - Businesses
 - Business sectors
 - Associations
 - Local governments
 - Individuals

Summary of Impact to Stakeholders

- Businesses
- Business Sectors
- Public Utility rate payers
- Local governments
- State economy

Implications?

- What are the benefits?
- What are the implications?
- What are the long range implications?

Comparison With Feds and Other States

- What is the EPA doing?
- Illinois?
- Iowa?
- Michigan?
- Minnesota?

Other States

SDWA, Wisconsin, Other States

- PFAS background
- Safe Drinking Water Act (SDWA)
- Proposed Wisconsin PFOA and PFOS MCLs.
- Other State proposed, guidance or PFAS drinking water levels.

Other States PFAS Background

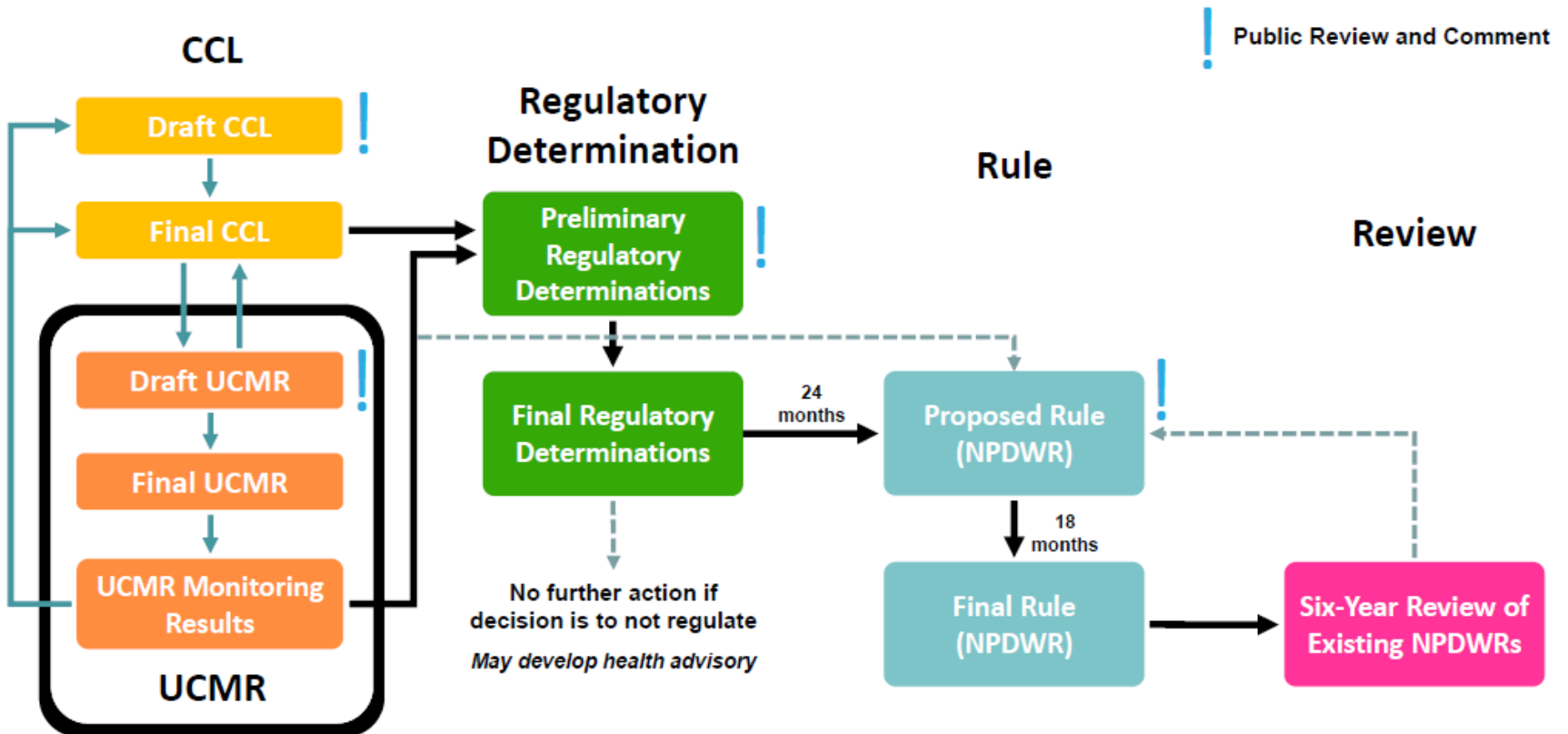
- PFAS compounds are synthetic chemicals used in industrial and consumer products since the 1940's.
- Over 4000 PFAS compounds have been identified.
- Potential human health concerns identified over the decades.

Other States

PFAS Background - Continued

- In 2006 the EPA initiated a program to encourage U.S manufacturers to eliminate some long chain PFAS compounds in manufacturing.
- PFOS and PFOA were two of six PFAS compounds included in drinking water monitoring under EPA's 2013 UCMR 3 monitoring rule.

General Flow of SDWA Regulatory Processes



Other States

PFAS Background - Continued

- In 2016 EPA updated provisional Health Advisories for PFOA and PFOS.

EPA Provisional PFAS Health Advisory Levels

	2009	2016
PFOA	400 ng/L	70 ng/L
PFOS	200 ng/L	70 ng/L
PFOA + PFOS		70 ng/L

ng/L= parts per trillion

Other States

PFAS Background

- Safe Drinking Water Act (SDWA) federal rule passed in 1974 and amended in 1986 and 1996.
- EPA sets standards for drinking water based on scientific evaluation to protect against health risks, consideration of available technology, and cost.

Other States PFAS Background

- Based on an evaluation certain contaminants are given national standards as part of the National Primary Drinking Water Regulations (NPDWR).
- There are currently over 90 contaminants regulated as part of the NPDWR and Safe Drinking Water Act.

Other States PFAS Background

- EPA may delegate primary SDWA implementation and enforcement responsibility for public water systems to states. This is called primacy.
- The State of Wisconsin has primacy to implement SDWA regulations.

Other States

PFAS Background - Continued

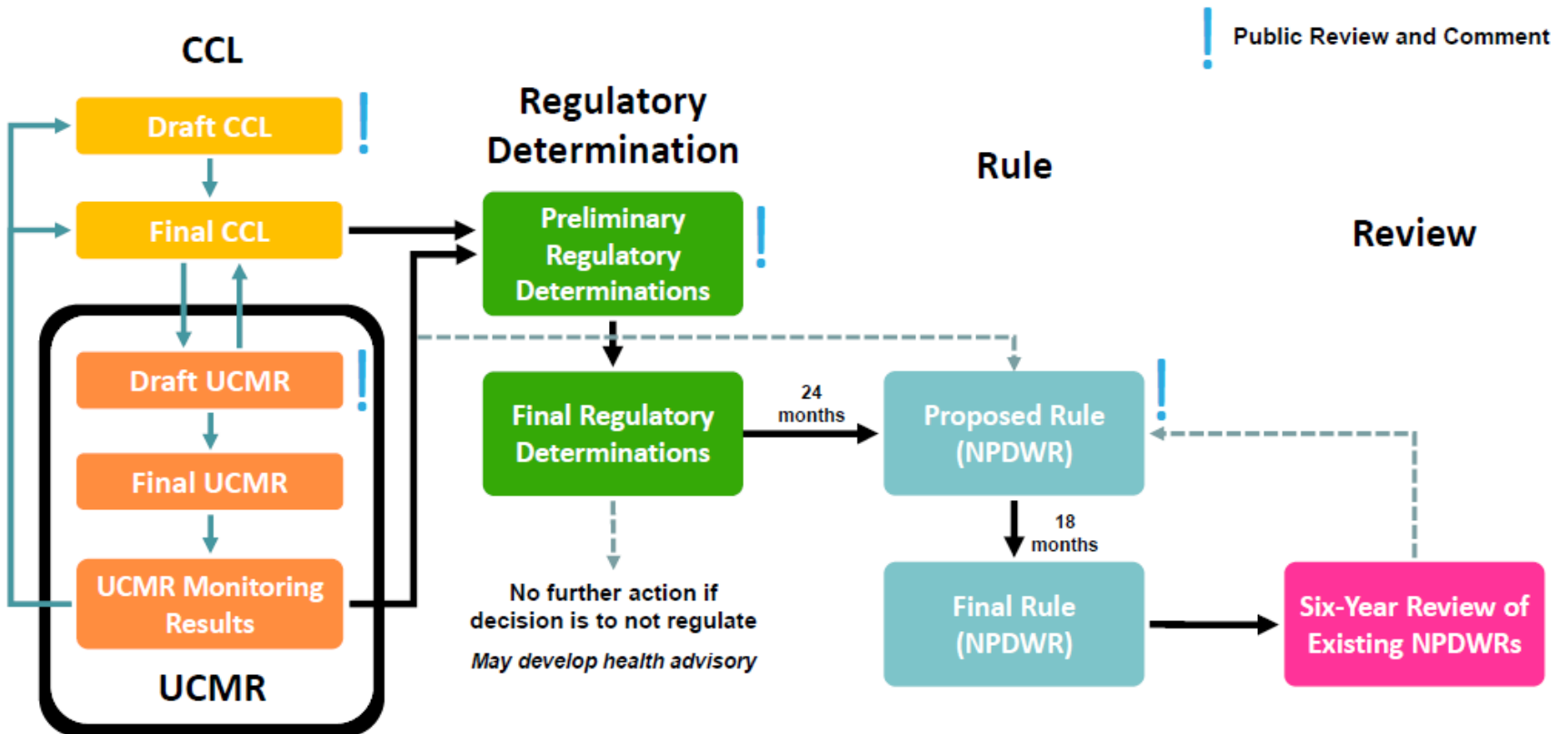
- On February 20, 2020 the EPA proposed regulatory determinations for perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) in drinking water.

Other States

PFAS Background - Continued

- A regulatory determination is a decision about whether or not to begin the process to propose and promulgate a national primary drinking water regulation (NPDWR) for an unregulated contaminant.
- After EPA considers public comment, EPA makes a final determination.

General Flow of SDWA Regulatory Processes



Other States PFAS Background - Continued

- A letter dated June 10, 2020 signed by 22 State Attorneys General supports EPA's proposal for PFOS and PFOA regulatory determination and urges the EPA to finalize regulatory action and determine NPDWR (MCLs) for PFOS and PFOA.

Attorneys General of the States of California, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, and Wisconsin

June 10, 2020

Via Regulations.gov
Water Docket
Environmental Protection Agency
Mail Code: [28221T]
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Re: Comments on *Preliminary Regulatory Determinations for Contaminants on the Fourth Drinking Water Contaminant Candidate List*, 85 Fed. Reg. 14098 (Mar. 10, 2020)

Docket ID No. EPA-HQ-OW-2019-0583

Dear Administrator Wheeler:

Other States

PFAS Background - Continued

- Studies indicate exposure to PFOA and/or PFOS include health effects which may increase cholesterol, affect immune response, damage the liver, risk thyroid disease, affect pregnancies and potential increase in cancer risk.

Other States PFAS Background

- No current EPA MCL for PFAS contaminants.
- In the absence of federal PFAS MCL standards states are developing PFAS drinking water guidance levels and/or developing drinking water standards.

Other States

PFAS Background - Continued

- Sections under s. 280 and 281, Wis. Stats., provide department authority to develop standards in obtaining drinking water for human consumption.

Other States

Wisconsin Proposed Standards

- PFAS – Per and Polyfluoroalkyl substances
- Two currently proposed WI standards
- PFOA -Perfluorooctanoic acid
- PFOS – Perfluorooctane sulfonate
- Wisconsin proposed drinking water standard for PFOA and PFOS is 20 ng/L (parts per trillion)

Wisconsin Proposed Drinking Water Standards

Proposed Wisconsin Drinking Water Standards for PFOA and PFOS Maximum Contaminant Levels (MCLs)

Contaminant	Proposed MCL
PFOA	20 ng/L
PFOS	20 ng/L
PFOA + PFOS	20 ng/L

ng/L = parts per trillion (ppt)

Other States

Proposed, Guidance or Final PFAS Levels

- Three states with drinking water standards, Vermont, New Hampshire, New Jersey.
- Six states with drinking water standards in the development phase.

Maine

Pennsylvania

Michigan

Washington

New York

Wisconsin

Other State Proposed, Guidance, or Final PFAS Levels

(PFAS Levels)\Limits	State	Status	Year	Drinking Water Limit (ng/L or ppt)		
				Combined PFAS	PFOA	PFOS
Maximum Contaminant Level	Vermont	Effective	May 2019	20	*	*
	New Hampshire	Effective	July 2019		12	15
	New Jersey	Effective	April 2020		14	13
	Wisconsin	Rulemaking Proposed	January 2020	20	*	*
	Massachusetts	Pre-Proposal Development Phase	June 2019	20 ¹	*	*
	Michigan		June 2019		8	16
	New York		Dec 2018		10	10
	Pennsylvania		Feb 2018	Specific PFAS Targeted Not Yet Announced		
	Washington		May 2019			10

* Compounds with this symbol shown are included in a group limit
 Modified from AWWA 2019

Other States

Proposed, Guidance or Final PFAS Levels

- Eleven states with Health Based Guidance Levels.

Alaska

California

Connecticut

Maine

Massachusetts

Michigan

Minnesota

New Jersey

North Carolina

Pennsylvania

Rhode Island

Vermont

Other State Proposed, Guidance, or Final PFAS Levels

(PFAS Levels)\Limits	State	Status	Year	Drinking Water Limit (ng/L or ppt)		
				Combined PFAS	PFOA	PFOS
Health Based Guidance Levels	Alaska	Effective	Apr 2019	70	*	*
	California	Effective	August 2019		5.1 ²	6.5 ²
		Effective	February 2020		10 ³	40 ³
		Effective	July 2018	70		
	Connecticut	Effective	Dec 2016	70	*	*
	Maine	Effective	Jan 2017	70	*	*
	Massachusetts	Effective	June 2018	70	*	*
	Michigan	Effective	Feb 2019	70	*	*
		Effective	Feb 2019		9	8
	Minnesota	Effective	Apr 2017			15
		Effective	May 2017		35	
	Ohio	Effective	December 2019	70		
	Pennsylvania	Effective	2016	70	*	*
	Rhode Island	Effective	Oct 2017	70	*	*
Vermont	Effective	July 2018	20	*	*	

* Compounds with this symbol shown are included in a group limit

¹ Combined PFAS MCL includes six PFAS: PFOS, PFO, PFHxS, PFNA, PFHpA and PFDA

² Notification Levels

³ Response Levels based on running four-quarter average

STATE
Arizona
Colorado
Delaware
Florida
Illinois
Indiana
Iowa
Michigan
North Carolina
Pennsylvania
Rhode Island
South Carolina
Virginia
Washington
West Virginia

EPA PFAS Action Plan

- EPA Released the Plan in February 2019
- EPA worked with stakeholders to develop the plan; other federal agencies, states, tribes, industry groups, associations, local community and the public.

EPA PFAS Action Plan - Background

- The action plan describes EPA's:
 - approach to identifying and understanding PFAS.
 - Ways to address current PFAS contamination.
 - Prevent future contamination.
 - Actions the EPA is currently taking to address PFAS.

EPA PFAS Action Plan – Background

Initiate steps to evaluate the need for a maximum contaminant level (MCL) for (PFOA) and (PFOS);

EPA Action Plan for Drinking Water

- Method 533 - December 2019
- Method 537.1 – November 2018
- We can now measure 29 PFAS chemicals
- WI State Lab & private labs – 36 compounds

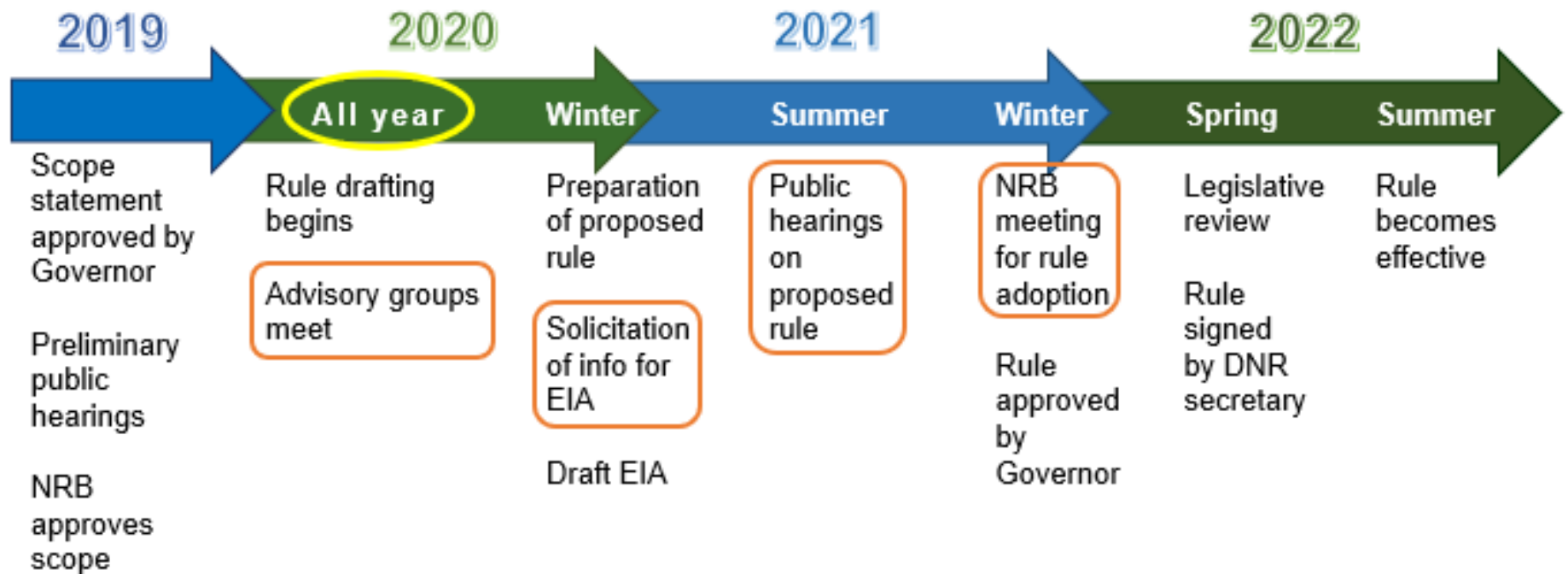
Analyte	Abbreviation	CASRN	Method 533	Method 537.1
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic acid	11Cl-PF3OUdS	763051-92-9	x	x
9-Chlorohexadecafluoro-3-oxanonane-1-sulfonic acid	9Cl-PF3ONS	756426-58-1	x	x
4,8-Dioxa-3H-perfluorononanoic acid	ADONA	919005-14-4	x	x
Hexafluoropropylene oxide dimer acid	HFPO-DA	13252-13-6	x	x
Perfluorobutanesulfonic acid	PFBS	375-73-5	x	x
Perfluorodecanoic acid	PFDA	335-76-2	x	x
Perfluorododecanoic acid	PFDoA	307-55-1	x	x
Perfluoroheptanoic acid	PFHpA	375-85-9	x	x
Perfluorohexanoic acid	PFHxA	307-24-4	x	x
Perfluorohexanesulfonic acid	PFHxS	355-46-4	x	x
Perfluorononanoic acid	PFNA	375-95-1	x	x
Perfluorooctanoic acid	PFOA	335-67-1	x	x
Perfluorooctanesulfonic acid	PFOS	1763-23-1	x	x
Perfluoroundecanoic acid	PFUnA	2058-94-8	x	x
1H,1H, 2H, 2H-Perfluorohexane sulfonic acid	4:2FTS	757124-72-4	x	
1H,1H, 2H, 2H-Perfluorooctane sulfonic acid	6:2FTS	27619-97-2	x	
1H,1H, 2H, 2H-Perfluorodecane sulfonic acid	8:2FTS	39108-34-4	x	
Nonafluoro-3,6-dioxaheptanoic acid	NFDHA	151772-58-6	x	
Perfluorobutanoic acid	PFBA	375-22-4	x	
Perfluoro(2-ethoxyethane)sulfonic acid	PFEESA	113507-82-7	x	
Perfluoroheptanesulfonic acid	PFHpS	375-92-8	x	
Perfluoro-4-methoxybutanoic acid	PFMBA	863090-89-5	x	
Perfluoro-3-methoxypropanoic acid	PFMPA	377-73-1	x	
Perfluoropentanoic acid	PFPeA	2706-90-3	x	
Perfluoropentanesulfonic acid	PFPeS	2706-91-4	x	
N-ethyl perfluorooctanesulfonamidoacetic acid	NEtFOSAA	2991-50-6		x
N-methyl perfluorooctanesulfonamidoacetic acid	NMeFOSAA	2355-31-9		x
Perfluorotetradecanoic acid	PFTA	376-06-7		x
Perfluorotridecanoic acid	PFTTrDA	72629-94-8		x

Regulation Determination?

- February 2020 - EPA makes preliminary determination to regulate PFOA & PFOS and create MCLs
- Public comment on proposal

Next Steps

Rulemaking process and timeline



Stakeholder Presentations

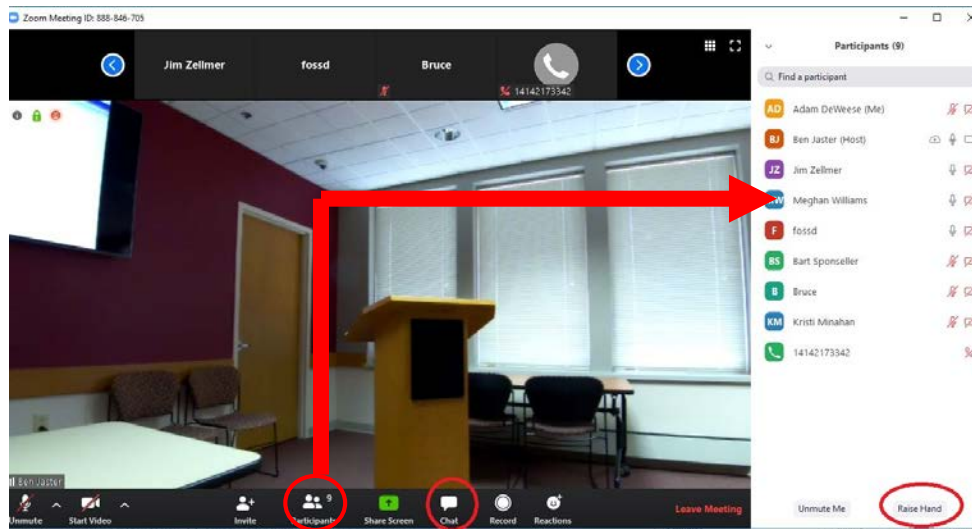
- Stakeholder presentation meeting
- Notice to go out soon
- Time allotted depends on response

Dates

- January 2021 – Propose rule language for Natural Resources Board
- January 2021 - Complete EIA
- February 2021 - Solicitation of comments on EIA
- August 2021 -Public Hearings and solicitation of comments on Rule

Questions or Comments

Here are two ways to participate:



Type your questions into the **"CHAT"** feature

"Raise Hand" and your microphone will be unmuted by moderator when called on

Thanks for your participation!