August 22, 2024

States Respond to EPA's New Drinking Water Standards for PFAS

On April 10, 2024, the U.S. Environmental Protection Agency (EPA) announced the final National Primary Drinking Water Regulation (NPDWR) for six per- and polyfluoroalkyl substances (PFAS), also known as "forever chemicals." Regulated public water systems will now have three years (by 2027) to complete their initial monitoring of PFAS chemicals in drinking water and five years (by 2029) to reduce PFAS levels to the EPA's new Maximum Contaminant Levels (MCLs).

The regulation is the first-ever national, legally enforceable drinking water standard. While several states have already established their own programs for addressing PFAS in drinking water, the EPA's new standards are significantly more stringent and will require additional action at the state and local levels. Most states in the Northeast and on the Eastern Seaboard have indicated their support for the MCLs as well as their timelines of adoption, but concerns remain about the levels and availability of funding versus the costs of treatment to meet the MCLs, which are, in some instances, lower than the standards states have set. And once removed, the PFAS need to be disposed of or destroyed. The EPA's 2024 Interim Guidance on the Destruction and Disposal of PFAS focuses on three main avenues: underground injection wells, hazardous waste landfills and thermal treatment, including incineration. Each of these technologies has come under fire in the past, and they are likely to continue to draw public scrutiny, particularly in the realm of environmental justice efforts. The EPA is accepting public comments on the interim guidance, and plans to provide an update based on comments and technological advancements in the next three years. Given that the MCLs must be achieved in five years, there is concern that the pace of regulation may be quicker than the development of affordable solutions to deal with the PFAS problem.

Please click here to view our PFAS Periodical table. This table is updated regularly and will expand as PFAS regulations continue to evolve.

Here is how state agencies in the regions we have been tracking have responded so far to the EPA's announcement:

New England

Connecticut

In a press release, the Connecticut Department of Public Health said it would soon provide an estimated timeline for adopting and implementing the new regulation. Department of Public Health Commissioner Manisha Juthani, MD, praised the new rule, saying, "The EPA's decision to set enforceable limits for PFAS in public drinking water is a welcome tool that our agency can use to ensure that consumers of public drinking water are protected from these PFAS chemicals."

Massachusetts

The Massachusetts Department of Environmental Protection (MassDEP) posted an overview of the EPA's new regulation on its website, including a PowerPoint presentation for public water systems and a brief timeline for implementation. The presentation states "MassDEP will be proposing amendments to its PFAS regulations to be at least as stringent as the EPA MCLs and will be holding public hearings to receive public input on this proposal. … MassDEP expects to have regulations finalized within the 2-year time[]frame."

New Hampshire

In a recent press release, New Hampshire Department of Environmental Sciences Commissioner Bob Scott highlighted the efforts his state has already taken to regulate PFAS and expressed concern over current funding levels to achieve the EPA's new MCLs: "Given New Hampshire's efforts to address PFAS contamination over the past eight years, we have long anticipated USEPA's announcement related to federal drinking water standards. New Hampshire is well positioned considering that our public water systems have already been testing for PFAS since we created our own drinking water standards 5 years ago in 2019. However, we expect that these lower federal drinking water standards will result in more water systems and private well owners needing financial assistance to be in compliance, which will require a greater commitment on behalf of the federal government than the funding mentioned in their announcement."

Vermont

The Vermont Agency of Natural Resources within the Department of Environmental Conservation (DEC) released a PFAS fact sheet that provides a brief description of PFAS and its potential harms and details the DEC's current PFAS regulations as well as how the department's previous MCLs compare with the new MCLs from the EPA. The document also states that "Vermont's Department of Environmental Conservation (VT DEC) is actively working with our public drinking water systems to achieve compliance with the new EPA MCLs."

Maine

In an article from the Maine Morning Star, Melanie Loyzim, commissioner of the Maine Department of Environmental Protection, voiced her support for the EPA's new regulation: "The EPA's national standard demonstrates after many years of research that PFAS pollution in water supplies is a national issue and not simply one that is specific to any one state or region." The article also says that the "Maine Center for Disease Control and Prevention's Drinking Water Program has begun evaluating the federal standard and will propose a final standard for the state that aligns."

Additionally, a press release from the Maine Department of Health and Human Services states, "The Maine CDC Drinking Water Program is evaluating the new federal standard and will propose a final federally[]aligned State standard through the rule making process. As of now, the current interim standard of 20 ppt for six PFAS compounds (alone or in combination) is still in effect."

Rhode Island

A recent article from ecoRI News described the Rhode Island Department of Health and the Rhode Island Department of Environmental Management (DEM), which share the responsibility of managing the state's PFAS levels, as "largely unworried about the discrepancy between the state maximum contaminant level and the new levels announced by the federal government."

"We are already ahead of the curve in New England and the Northeast. We are already testing. We know what's there," Department of Health toxicologist Michael Byrns, PhD, said. He added that testing and cleaning water "is going to be expensive; and it is going to require resources. But it is more or less under control. The [water] systems know what is there; they are not suspecting surprises."

DEM spokesperson Michael Healey said the new federal maximum contaminant levels "will ultimately be incorporated into the DEM's groundwater quality rules as groundwater objectives."

Mid-Atlantic

New York

The New York Department of Health PFAS webpage briefly describes the state's past and current efforts to regulate PFAS. Regarding the EPA's new regulation, the webpage states, "New York State is committed to reducing exposure to chemicals in drinking water and continues to work with the [EPA] and local health departments to protect public health and help communities comply with drinking water standards. We will work to harmonize the state and federal requirement[s] for all New York State public drinking water systems."

New Jersey

A New Jersey Department of Environmental Protection (DEP) press release included a statement from Gov. Phil Murphy in support of the EPA's new MCLs: "We applaud the Biden-Harris [a]dministration for establishing national drinking water standards that will protect the health of all Americans from exposure to dangerous PFAS forever chemicals. … New Jersey commends USEPA Administrator Michael S. Regan and his team for these actions and we share our gratitude for their considering groundbreaking PFAS science led by our Drinking Water Quality Institute[] and experts like New Jersey's own [] Gloria Post, PhD, who [Regan] graciously invited to serve on his Science Advisory Board."

There is also a DEP EPA PFAS rule webpage that describes the new regulation and states that, "Beginning in five years (2029), public water systems that have PFAS in drinking water which violates one or more of these MCLs must take action to reduce levels of these PFAS in their drinking water and must provide notification to the public of the violation."

Pennsylvania

The Pennsylvania Department of Health released a PFAS FAQ document that describes PFAS, its dangers, its uses and the state's 2023 regulations, as well as the EPA's new regulation. Regarding the EPA's regulation, the document states, "The newly established NPDWR MCLs supersede those put into effect by the PA [Department of Environmental Protection] in 2023."

Maryland

The Maryland Department of the Environment and Department of Health released a joint PFAS Action Plan as well as a PFAS StoryMap in December 2023. However, to date, the state government has not made a public comment on the EPA's newest regulation.

Delaware

The Delaware Office of Drinking Water posted a PFAS Implementation Plan with a timeline for monitoring PFAS levels as well as action items to reach the EPA's MCLs by 2029. Additionally, a PFAS webpage from the Delaware Department of Natural Resources and Environmental Control states that "[s]tarting in 2029, public drinking water systems will have to comply with all MCLs and notify the public of all PFAS MCL violations."

Washington, D.C.

The DC Water PFAS and Drinking Water webpage describes PFAS and DC Water's PFAS regulation efforts thus far. The webpage also describes the EPA's new regulation and states that DC Water "will take necessary actions to meet the federal regulations."

South Atlantic

Virginia

The Virginia Department of Health (VDH) PFAS webpage describes PFAS and the state's efforts at PFAS regulation and, regarding the EPA's new regulation, states, "On April 10, 2024[,] EPA announced the final National Primary Drinking Water Regulation … establishing legally enforceable Maximum Contaminant Levels (MCLs) for six PFAS in drinking water. Waterworks will have three years to complete initial monitoring (by 2027), followed by ongoing compliance monitoring. Waterworks will have five years (by 2029) to implement solutions that reduce PFAS levels if monitoring shows that drinking water levels exceed the MCLs. In response to this regulation, the VDH Office of Drinking Water is working closely with water utility providers to monitor the water that is provided to Virginia residents."

North Carolina

In a press release from the North Carolina Department of Environmental Quality (DEQ), Gov. Roy Cooper praised the EPA's new regulation: "We are thankful that Administrator Regan and the Biden [a]ministration are taking this action to protect drinking water in North Carolina and across the country. We asked for this because we know science-based standards for PFAS and other compounds are desperately needed."

In the same press release, Secretary Elizabeth S. Biser added, "Having federal standards for these forever chemicals in our drinking water provides certainty for our public water systems and our residents. DEQ has already worked with water

systems to measure for PFAS in advance of this rule, so they are well prepared to utilize the funding available now to take action and protect the people of North Carolina."

South Carolina

On the South Carolina Department of Health and Environmental Control (DHEC) PFAS webpage, the director of DHEC Environmental Affairs, Myra Reece, states, "Our number one goal is to have all of South Carolina's water systems operate in compliance with all federal and state drinking water standards that help protect people's health, including this newest standard related to PFAS compounds. We understand how important it is for system operators, especially small and rural ones, to have the resources and assistance they need to meet and maintain compliance, which is why we will continue to work with state and local officials about this new federal rule."

Georgia

The Georgia Environmental Protection Division describes PFAS, the state's efforts at regulation and the EPA's new regulation on its PFAS webpage as well as in its PFAS StoryMap. Regarding the EPA's new regulation, the webpages states, "Systems that detect PFAS above the new standards will have five years to reduce PFAS in their drinking water (by 2029)."

Florida

The Florida Department of Environmental Protection has a PFAS webpage detailing its efforts to address PFAS and a PFAS FAQ document, and it released a PFAS Dynamic Plan in March 2022. However, to date, the state government has not made a public comment on the EPA's newest PFAS regulation.

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