



# FINAL RULE NOTIFICATION

## Summary of Final PFAS National Primary Drinking Water Regulation

May 8<sup>th</sup>, 2024

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In March 2023, the US Environmental Protection Agency (USEPA) released a proposed a national primary drinking water regulation (NPDWR) to limit six per- and polyfluoroalkyl substances (PFAS) compounds in finished drinking water. On April 10<sup>th</sup> 2024, the USEPA released the final version of this PFAS NPDWR. The following white paper is a summary of pertinent components of the rule in order to achieve compliance.

### 1. Maximum Contaminant Levels (MCLs) and Rule Trigger Levels (RTLs)

Under the proposed rule, the USEPA established a set of both traditional Maximum Contaminant Levels (MCLs) and a Hazard Index (HI) formula to limit PFOA, PFOS, HFPO-DA (GenX), PFHxS, PFBS, and PFNA at community water systems' (CWS) entry points to the distribution system (EPTDS). Between the proposed rule and the final rule, the same six species of PFAS are being regulated at all EPTDS, however, some figures of the MCLs and HI formula have changed. Please see the table below for the MCLs and HI formula featured in the official final regulation.

The table below also features the USEPA's maximum contaminant level goal (MCLG) for each compound, which is the upper limit at which there is no known or expected risk to human health.

In addition, the USEPA made changes to the Rule Trigger Levels (RTLs) from the proposed to the final rule. RTLs are now set to 1/2 of a compound's MCL. Over the course of the next 5 years where water systems will need to meet initial and ongoing monitoring requirements, a system's PFAS concentrations versus the RTLs will be important to track, because the running annual average of the RTLs alone will determine whether a community water system will need to sample quarterly or triennially (once every three years) going into the future. There is a pathway for which a CWS can break out of quarterly monitoring, but it involves achieving sample results below the RTL for four consecutive years.

### Finalized USEPA MCLGs (non-enforceable), MCLs (enforceable), and RTLs (relevant to sampling and monitoring requirements)

Compound	MCLG	MCL	RTL
PFOA	0	4.0 ppt (parts per trillion) or ng/L	2.0 ppt
PFOS	0	4.0 ppt	2.0 ppt
HFPO-DA (GenX)	10 ppt	10 ppt	5.0 ppt
PFHxS	10 ppt	10 ppt	5.0 ppt
PFNA	10 ppt	10 ppt	5.0 ppt
Mixture of two or more based on HI formula: GenX, PFBS, PFNA, and PFHxS	1.0 (unitless)	1.0 (unitless)	0.5 (unitless)

### Hazard Index (HI) Formula

$$\text{Hazard Index} = \left( \frac{[\text{GenX}_{\text{water}}]}{[10 \text{ ppt}]} \right) + \left( \frac{[\text{PFBS}_{\text{water}}]}{[2000 \text{ ppt}]} \right) + \left( \frac{[\text{PFNA}_{\text{water}}]}{[10 \text{ ppt}]} \right) + \left( \frac{[\text{PFHxS}_{\text{water}}]}{[10 \text{ ppt}]} \right)$$



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### 2. Regulatory Timeline

Date	Activity
March 2023	USEPA Proposed PFAS Rule Announcement
April 2024	USEPA Final PFAS Rule Announcement
April 2024 – April 2027	Initial Monitoring – Quarterly or Semi-Annually for 1 Year
2027+	Ongoing Compliance Monitoring – Quarterly, Annually, or Triennially
	Include Most Recent PFAS Sample Results in Annual CCR
April 2029+	USEPA PFAS MCL and HI Compliance Effective Date
	Issue a Tier 2 Public Notice of Violation if PFAS Sample Result > MCL or HI

### 3. Sampling and Monitoring

USEPA Methods 533 and 537.1 are acceptable for testing the presence of the six regulated species of PFAS. The USEPA shares, “To reduce costs for systems, primacy agencies can allow systems to use previously collected monitoring data to satisfy some or all the initial monitoring requirements, if the sampling was conducted using EPA Methods 533 or 537.1 as part of UCMR 5, state-level, or other appropriate monitoring campaigns.”

To meet initial monitoring requirements, groundwater systems serving 10,000 people or fewer must take two samples 5-7 months apart, and all surface water systems and groundwater systems serving greater than 10,000 people must take four quarterly samples 2-4 months apart. These samples must be taken at all entry points to the distribution system for each CWS. The running annual average of these samples will be assessed to determine whether a system is above or below the RTL.

If all six PFAS levels are below the RTL at an EPTDS, ongoing triennial monitoring is all that is required at that specific EPTDS. If any EPTDS of a system have PFAS levels above the RTL, the system must continue ongoing quarterly monitoring only at the specific EPTDS which have PFAS above the RTL. In order to break out of quarterly compliance monitoring at an EPTDS, 4 consecutive quarterly samples must be below the RTL for all six PFAS species. Then, 1 sample must be taken each year at the EPTDS. Once 3 consecutive annual samples are below the RTL, then the EPTDS may revert to triennial monitoring.

### 4. Compliance

Beginning in April 2029, community water systems must sustain concentrations below the MCLs and HI levels for all six regulated PFAS compounds. Neither the USEPA nor the Illinois EPA will grant extension waivers for a system to be allowed to comply later than April 2029. If initial monitoring or ongoing sample results show that a CWS has an EPTDS with concentrations above the MCLs, the system would need to consider implementing additional treatment or alternative source water. Either option is estimated to take three to six years to implement, so responding promptly to concerning levels of PFAS will be paramount. Funding resources include the Illinois EPA’s Drinking Water State Revolving Fund for Emerging Contaminants. Contact your friendly neighborhood consulting engineers for any additional questions or assistance. We are happy to help your system navigate compliance with the new PFAS drinking water rule!

#### Sources:

- [https://www.epa.gov/system/files/documents/2024-04/pfas-npdwr\\_prepubfederalregisternotice\\_4.8.24.pdf](https://www.epa.gov/system/files/documents/2024-04/pfas-npdwr_prepubfederalregisternotice_4.8.24.pdf)
- <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

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