

**MONDAY MORNING GROUP OF WESTERN RIVERSIDE COUNTY  
ANNUAL ADVOCACY TRIP – WASHINGTON, DC  
APRIL 9 – 11, 2024**

**MANAGING PFAS**

**ISSUE:** Two of the most common Per- and polyfluoroalkyl substances (PFAS), Perfluorooctane Sulfonate Acid (PFOS) and Perfluorooctanoic Acid (PFOA), in high concentrations have been linked to increased cancer and birth defect risks. Due to the health risks associated with PFOS and PFOA, Congress and the United States Environmental Protection Agency (USEPA) is acting with urgency to attempt regulating the entire family of over 4,700 PFAS chemicals. USEPA has taken several actions over the past two years to address the presence of PFAS in the environment and reduce further exposure of these substances. As it relates to addressing the presence of PFAS in water and wastewater systems, the two most significant actions USEPA has undertaken include the following:

1. In August 2022, USEPA announced plans to designate PFOA and PFOS as hazardous substances under CERCLA. If finalized, this designation could put drinking and clean water utilities at risk of incurring cleanup costs even when they have taken the proper steps to remove and dispose of the chemicals. Wastewater, water recycling, and stormwater utilities could be at risk because they receive PFAS chemicals through the raw influent that arrives at the treatment plant or through municipal stormwater runoff. Even though water and wastewater facility operators did not create or cause PFAS, they could still be held liable through USEPA's proposed CERCLA designation. To address this, Congress would need to pass legislation directing USEPA to provide passive receivers of PFAS, such as water operators, an exemption from the agency's pending CERCLA regulation.
2. In March 2023, USEPA announced a proposed National Primary Drinking Water Regulation that would set a limit of 4 parts per trillion (ppt) as the maximum drinking water contaminant limit for PFOA and PFOS. The proposed rule also implements a strategy to regulate four additional PFAS chemicals (PFHxS, PFNA, PFBS, and HFPO-DA), to determine if their combined levels require action. If implemented, the rule would require public water systems to monitor for the chemicals and take action to reduce the PFAS pollution if contamination levels surpass the limits. As laid out in the draft rule, water systems would have three years to comply with the maximum containment levels. Leading national water associations have estimated the national cost for water systems to install treatment systems to remove PFOA and PFOS to levels required by the proposed EPA regulation would exceed \$3.8 billion annually. It has also been asserted by these associations that the proposed rule would require more than 5,000 water systems to develop new water sources or install advanced treatment technologies. Another 2,500 water systems in states with established standards would need to adjust their existing PFAS treatment systems.

**ACTION:** The Monday Morning Group requests the following actions related to these pending USEPA PFAS water regulations:

1. Support legislation such as Water Systems PFAS Liability Protection Act (S. 1430), introduced by Senator Cynthia Lummis' (R-WY), to ensure drinking water and wastewater facilities are shielded from liability under USEPA's proposed CERCLA designation and instead hold those entities directly responsible for introducing PFAS into our water systems.
2. The financial burden of treatment and cleanup associated with compliance and implementation of these proposed USEPA PFAS rules should be incurred by the polluters and/or the federal government, but not U.S. water ratepayers as would be the case if these proposed rules go into effect as written.
3. Regarding USEPA National Primary Drinking Water Regulation, direct the Agency to extend the compliance deadline to five years as three years is not adequate to design, permit, and construct a treatment facility.
4. Support investment in further development of scientifically validated analytical methods to measure various PFAS more reliably and accurately in drinking water, wastewater, and solids.
5. Urge the Department of Defense (DOD) to be responsive in mitigating PFAS contamination of public water supplies specifically linked to DOD activities, which includes funding for:

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- a. Replacement water for the water supplies that have been taken out of service due to concerns over detections above the federal health advisory and state notification levels.
- b. The cost of water treatment infrastructure, operations, and maintenance is necessary to mitigate the PFAS contamination and restore the water to drinking water quality.

**BACKGROUND:** PFAS are a family of over 4,700 man-made chemicals manufactured and utilized around the globe since the 1940s. PFAS are ubiquitous in our homes and the environment, and are used in common household, commercial, and industrial uses such as firefighting activities, stain and water repellents, food packaging, cosmetics, and non-stick cookware, to name a few uses. The chemicals are persistent in the environment and in the human body – meaning they do not break down, and therefore accumulate over time.