

July 21, 2025

Tracey Ward
U.S. Environmental Protection Agency
Office of Ground Water and Drinking Water
Mail Code 4601
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Submitted electronically via email to ward.tracey@epa.gov

RE: U.S. Environmental Protection Agency: NDWAC proposed revisions to the PFAS National Primary Drinking Water Regulation — Docket ID No. FRL-12882-01-OW

Dear Ms. Ward:

The Association of California Water Agencies (ACWA) respectfully submits comments regarding the U.S. Environmental Protection Agency's (EPA) consultation with the National Drinking Water Advisory Council (NDWAC) on proposed revisions to the PFAS National Primary Drinking Water Regulation (NPDWR).¹ ACWA supports EPA efforts that mitigate PFAS, but encourages EPA to regulate PFAS in a manner that meets the nation's water quality needs through cost-effective measures, science-based frameworks, and practical timeframes.

ACWA is the largest statewide coalition of public water agencies in the country. ACWA's more than 470 member agencies are responsible for delivering about 90 percent of the water to communities, farms, and businesses in California. ACWA represents water management entities in every sector of water supply including municipal and agricultural water, water recycling, water reuse, wastewater management, and stormwater management. For more than a century, ACWA and its members have been working to provide high quality, reliable water supplies in an environmentally sustainable and fiscally responsible manner.

As you know, PFAS—short for per- and polyfluoroalkyl substances—are commonly used, manufactured chemicals designed to make many consumer, commercial, and industrial products waterproof, stain-resistant, or non-stick. For example, PFAS are found in textiles, cookware, food packaging, cleaning products, electronics, firefighting foam, and more. PFAS are resistant to natural degradation and have been used since the 1940s. Additionally, although certain PFAS chemicals are no longer manufactured in the United States, these chemicals are still produced internationally and imported into the country through various products. For these reasons, PFAS have contaminated soil, water, wildlife, and even humans. Water managers like ACWA member agencies are one of the few groups utilizing their resources to remove PFAS contaminants from

¹ *National Drinking Water Advisory Council; Meeting*, 90 Fed. Reg. 30640 (July 10, 2025).
<https://www.federalregister.gov/documents/2025/07/10/2025-12889/national-drinking-water-advisory-council-meeting>.

the environment despite not being the entities that introduced these compounds into the environment.

ACWA acknowledges progress regarding water quality improvements following EPA's recent PFAS NPDWR and CERCLA regulations², but is concerned with the agency's current regulatory approach to PFAS. ACWA understands that EPA is in the process of potentially revising PFAS regulatory actions aimed at extending the compliance deadline for PFOA and PFOS, holding polluters accountable, initiating enhanced outreach to water systems, and reconsidering regulations for PFHxS, PFNA, PFBS, and GenX Chemicals.³ These EPA intended actions align with ACWA's priorities, and ACWA urges EPA to consider the following as it develops proposed revisions to the PFAS NPDWR:

I. Two-Year Compliance Extension

ACWA appreciates EPA's stated intention to issue a proposed rule this fall to provide additional time for compliance with the PFAS NPDWR for PFOA and PFOS from 2029 to 2031. ACWA supports these efforts by EPA.

Currently, public water systems have less than two years—by 2027—to complete initial monitoring, and four years—by 2029—to implement solutions that address the presence of PFAS in their water supply above the maximum contaminant levels (MCLs) set forth in the regulation. This timeline is too restrictive on water systems to ensure proper compliance for monitoring and installing PFAS treatment. For example, under the new federal standards, the number of wells that contain unacceptable levels of PFAS is expected to grow by 255% — an additional 572 wells—in California alone.⁴ Various water systems are in the process of planning, constructing, or operating treatment systems for PFAS removal.

Many utilities nationwide will therefore need to install treatment facilities to address PFAS. The process for completing such projects is complex, costly, and time-consuming, involving various approvals, pilot studies, local land use or zoning processes, design and development, procurement, and construction. These steps require coordination with multiple entities, including boards, councils, other elected officials, and the public. Additionally, utilities are currently facing challenges like inflation, supply chain disruptions, and labor shortages, which further extend project timelines and increase costs.

ACWA recommends that EPA ensure the compliance schedule is realistic and allows water systems sufficient time to plan, finance, design, and construct PFAS treatment facilities. Many systems, particularly in small and rural communities, face significant timing and financial

² *PFAS National Primary Drinking Water Regulation*, 89 Fed. Reg. 32532 (April 26, 2024). <https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation>; *Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances*, 89 Fed. Reg. 39124 (May 8, 2024). <https://www.federalregister.gov/documents/2024/05/08/2024-08547/designation-of-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-as-cercla-hazardous>.

³ U.S. EPA: *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS* (May 14, 2025). <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>.

⁴ CalMatters: *'Forever chemicals': Water supplies throughout California will exceed new national limits* (April 10, 2024). <https://calmatters.org/environment/water/2024/04/drinking-water-forever-chemicals-new-standards/>.

constraints. A two-year extension will address the concerns to alleviate burdens on water systems and allow for feasible compliance by water systems addressing PFAS contamination.

II. Cost

ACWA believes that EPA's updated cost estimates still did not fully capture the actual and anticipated costs that will be borne by water agencies and ratepayers to comply with recently established PFAS regulations. Increased investments to comply with PFAS regulations are needed.

ACWA notes EPA updated its estimates in the final PFAS NPDWR for initial capital costs in undiscounted dollars to \$14.4 billion. Also, EPA highlighted investments from the Infrastructure Investment and Jobs Act (IIJA), also referred to as the Bipartisan Infrastructure Law (BIL), which began in Fiscal Year 2022 and are anticipated to continue through Fiscal Year 2026. Specifically, this funding includes \$11.7 billion in the Drinking Water State Revolving Fund (DWSRF) General Supplemental and \$9 billion to address emerging contaminants.⁵

ACWA acknowledges the BIL provides funding to address PFAS concerns, but this funding is nowhere near enough to cover compliance costs. Expensive treatment technologies are needed to remove PFAS from water down to the lowest level that can be reliably detected. For instance, in California, water supply agencies, pumpers, and purveyors have had to take groundwater wells out of service due to PFAS detections and are taking steps to find and pay for alternative short-term water supplies, all while developing PFAS remediation programs. Additionally, water systems are responsible for addressing various public health risks while working to maintain affordable rates for their community. Regulations must not impose excessive financial burdens on ratepayers that drive rates beyond affordable levels for low-income households, as economic hardships can force difficult choices between water bills and essential needs.

Several ACWA member agencies have already invested millions of dollars in design and construction costs, as well as operation and maintenance, to treat PFAS contamination, and have expressed concerns that this is still not enough to make a dent on PFAS remediation. Water agencies are not the source of PFAS but are increasingly being asked to bear the burden of detection and treatment.

Additionally, it remains unclear how Congress will, if at all, provide Fiscal Year 2026 funding to address PFAS contaminants. There has been a pullback of congressionally-directed spending from the administration, and Congress has already proposed cuts to the DWSRF reducing the funding from \$1.1 billion in Fiscal Year 2025 to \$894 million as indicated in Fiscal Year 2026 appropriations.⁶ ACWA suggests that EPA work closely with Congress to ensure that sufficient funding is available through the DWSRF, the BIL, and other sources to help offset compliance costs.

⁵ Infrastructure Investment and Jobs Act. Pub. L. No. 117-58. 135 Stat. 429 (2021).
<https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>.

⁶ Fiscal Year 2026 appropriations for the Department of the Interior, environment, and related agencies.
<https://appropriations.house.gov/sites/evo-subsites/republicans-appropriations.house.gov/files/evo-media-document/fy26-interior%2C-environment%2C-and-related-agencies-bill-text.pdf>.

III. Hold Polluters Accountable and Identify PFAS sources

ACWA supports EPA's intent to establish a federal exemption framework⁷ and would like the opportunity to provide input regarding that framework. For example, EPA should hold entities accountable for contamination they caused rather than passive receivers, known as the "Polluter Pays" principle. Under current EPA regulations that designated two PFAS—PFOA and PFOS—as hazardous substances under CERCLA, water systems are subject to significant financial and legal liability although they have responsibly managed PFAS residuals.

CERCLA does not distinguish between passive receivers of a hazardous substance and the manufacturer or polluting entity that introduced it into the environment. Any entity that handles, manages, or disposes of PFAS—including water systems that are not the source of PFAS—can still be liable for cleaning it up. Instead, these systems passively receive PFAS into their water systems from industrial processes, manufacturing facilities, and the widespread use of PFAS-laden products. Water systems are nevertheless required to remain compliant with applicable laws and regulations.

For example, when drinking water or water reuse agencies remove PFAS from source water via filtration media, they are responsible for the disposal of these filter media containing PFAS. Should that disposal location ever become a "facility" where there is a release or threatened release of hazardous substances, the water agency could be held liable for cleanup under CERCLA and/or analogous state law even though it lawfully disposed of this necessary byproduct of a vital public health service. This outcome would force local ratepayers to cover the cleanup costs after they already paid to remove the PFAS from their source water. Unfortunately, ACWA member agencies and their ratepayers will face a "community pays" outcome that unfairly shifts the clean-up and liability costs onto municipalities and the public they serve unless EPA issues a regulation (or Congress enacts a law) to hold polluters accountable.

Additionally, source water protection is vital to ACWA member agencies as this helps prevent pollutants like PFAS from entering California's water supply. For this reason, ACWA recommends EPA take more proactive measures to identify sources of PFAS and limit their discharges, especially since prevention is more cost-effective than attempting to clean up pollution. Advancing regulatory actions that provide source water protection will also reduce the number of systems with PFAS contamination above the enforceable drinking water standards. EPA should also collaborate with other federal agencies to address other pathways of public exposure to PFAS.

IV. Engagement with Water Systems

ACWA encourages EPA to ensure it initiates enhanced outreach to water utilities, as well as local, state, and tribal leaders, as intended. As water utilities like ACWA member agencies are and will be impacted by EPA's PFAS regulations, their engagement in PFAS related efforts is essential.

EPA's new, planned "PFAS OUTreach Initiative" (PFAS Out) has the potential to enhance PFAS mitigation efforts. For example, EPA stated it will connect with every public water utility known

⁷ U.S. EPA: *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS* (May 14, 2025). <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>.

to need capital improvements to address PFAS in their systems and share resources, tools, funding, and technical assistance to help utilities meet federal drinking water standards.⁸ While ACWA appreciates EPA's planned efforts for this initiative, ACWA understands this is an ambitious lift. ACWA therefore recommends EPA establish and maintain a structured, ongoing, publicized mechanism to engage with public water agencies for PFAS OUT as well as any forthcoming efforts regarding PFAS. This can include regularly convening technical advisory panels that include a broad cross-section of water systems and publicizing summaries of key PFAS developments. Added efforts by EPA such as this can enhance agency efforts to gather input from interested parties and avoid excluding water systems that may not be properly informed about key developments.

ACWA is also in the process of developing a PFAS study to assess the cost of compliance with existing and expected PFAS regulations to water suppliers. Specifically, ACWA's "PFAS Cost of Compliance and Barriers Study" will provide detailed cost data on known costs for the operation, maintenance, treatment, and waste stream disposal for California public agencies that are currently addressing PFAS contamination in compliance with MCLs established in EPA's PFAS NPDWR. Once published, ACWA can share the report and engage with EPA to convey specific examples to help inform the agency on PFAS objectives that do not overburden public water systems.

V. Review and Reconsider Regulatory Determinations for PFHxS, PFNA, HFPO-DA (GenX Chemicals), and the Hazard Index mixture of these three plus PFBS

EPA's PFAS NPDWR established enforceable MCLs for PFHxS, PFNA, HFPO-DA (commonly known as GenX Chemicals), and the Hazard Index (HI) mixture of these three plus PFBS. ACWA has long supported protective, science-based drinking water standards developed in accordance with the Safe Drinking Water Act (SDWA). To that end, ACWA supports EPA's efforts to review and reconsider these regulatory determinations as long as the process is completed in accordance with the best available science and robust input from the public.

According to data from the California State Water Resources Control Board, as of June 23, 2025, PFOA and PFOS are currently the primary PFAS of concern in California. This data also shows that PFHxS and PFNA exceed 10.0 parts per trillion (ppt) (also expressed as ng/L) in only a few water sources, and GenX Chemicals have not been detected in any water systems in California to date. ACWA can provide California-specific resources and data as needed to help inform EPA's determination whether to regulate these PFAS.

ACWA is encouraged by EPA's overall efforts to regulate PFAS creatively as these substances are everywhere; regulating contaminant by contaminant is cumbersome, costly, and time consuming for EPA and the public. ACWA suggests EPA review additional data, such as the completed fifth Unregulated Contaminant Monitoring Rule (UCMR 5)—which requires sample collection between 2023 and 2025 including 29 types of PFAS—to better inform the regulatory determination for PFHxS, PFNA, GenX Chemicals, and PFBS in drinking water. Specifically, EPA's most recent UCMR 5 data summary states: "To date, 0.6% of small PWSs, 0.5% of medium PWSs, and 1.1% of large PWSs that have reported a full set of UCMR 5 results for at least one

⁸ U.S. EPA: *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS* (May 14, 2025). <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>.

location had an average that was greater than the HI MCL.”⁹ EPA should follow a science- and data-driven process, taking into account UCMR 5 results and cost considerations before finalizing any regulatory determinations. This will support EPA in following the established legal and regulatory process.

ACWA understands the complexity of regulating PFAS, and we encourage EPA to work with water providers to ensure that any decisions are based on sound data and fully reflect the realistic cost of compliance. The benefits of a functional regulatory structure that includes these considerations will benefit all parties. ACWA encourages EPA to directly engage with water managers when revising established regulations.

VI. Conclusion

ACWA thanks EPA for its work to mitigate PFAS. Please let us know if there are further opportunities for ACWA to collaborate on PFAS efforts or if we can provide additional information and resources. If you have any questions or would like to follow up on this matter, please contact ACWA Federal Relations Representative, Caleb Raspler, at calebr@acwa.com or (202) 434- 4762.

Respectfully,

A handwritten signature in black ink, appearing to read "Caleb Raspler", is positioned above the printed name.

Caleb Raspler
Federal Relations Representative
Association of California Water Agencies

CC:

Jennifer McLain, Director, Office of Ground Water and Drinking Water, U.S. Environmental Protection Agency

⁹ U.S. EPA: *The Fifth Unregulated Contaminant Monitoring Rule (UCMR 5) Data Summary: April 2025*. EPA 815-S-25-002. (April 2025). https://www.epa.gov/system/files/documents/2023-08/ucmr5-data-summary_0.pdf