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Office of Ground Water and Drinking Water
Standards and Risk Management Division
Mail Code 4607M
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Submitted electronically via: <https://www.regulations.gov>

RE: U.S. Environmental Protection Agency: Extending the Compliance Deadline for the PFOA and PFOS Maximum Contaminant Levels — Docket ID No. EPA-HQ-OW-2025-1742

Dear Mr. Lan:

The Association of California Water Agencies (ACWA) respectfully submits comments regarding the U.S. Environmental Protection Agency's (EPA) proposal to extend the compliance deadline for PFOA and PFOS Maximum Contaminant Levels (MCLs).¹ ACWA appreciates EPA's efforts to provide water systems a more realistic regulatory compliance schedule to finance and implement federal drinking water standards for PFOA and PFOS.

ACWA is the largest statewide coalition of public water agencies in the United States. ACWA represents approximately 470 member agencies that 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, flood control, wastewater management, and stormwater management. ACWA and its members are dedicated to providing a high-quality, reliable water supply in an environmentally sustainable and fiscally responsible manner.

PFOA and PFOS are two of the most frequently detected PFAS substances in drinking water sources.² PFAS—short for per- and polyfluoroalkyl substances—are humanmade chemicals used since the 1940s in a wide-range of consumer, commercial, and industrial products because of their waterproof, stain-resistant, or non-stick properties. PFAS are commonly found in textiles, cookware, food packaging, cleaning products, electronics, firefighting foam, and more. 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. Because PFAS are highly resistant to natural degradation, they persist in the environment and can accumulate over time. For these reasons, PFAS have contaminated soil, water, wildlife, and humans. Water

¹ *Extending the Compliance Deadline for the PFOA and PFOS Maximum Contaminant Levels*, 91 Fed. Reg. 29425 (May 20, 2026). <https://www.govinfo.gov/content/pkg/FR-2026-05-20/pdf/2026-10086.pdf>.

² Congressional Research Service: *PFAS and Drinking Water: Selected EPA and Congressional Actions* (July 18, 2022). R45793. https://www.congress.gov/crs_external_products/R/PDF/R45793/R45793.15.pdf.

systems, including ACWA member agencies, are investing significant resources to remove PFAS from drinking water, despite not being the original source of these contaminants.

ACWA urges EPA to consider the following comments regarding extending the compliance deadline for PFOA and PFOS MCLs.

I. Two-Year Compliance Extension

ACWA appreciates EPA's proposal to provide eligible public water systems at least two more years—from 2029 to 2031—to comply with PFOA and PFOS standards outlined in the PFAS National Primary Drinking Water Regulation (NPDWR). ACWA supports EPA regulatory action that will allow water systems facing legitimate implementation hurdles a path towards practical compliance timelines while still requiring other utilities to meet the original deadline.

The PFAS NPDWR established enforceable federal drinking water standards for PFOA and PFOS at 4.0 parts per trillion (ppt).³ Currently, public water systems have until 2029 to implement solutions that address PFOA and PFOS in their water supply above 4.0 ppt.

According to EPA's proposal, public water systems must notify EPA of their intent to seek an exemption by November 16, 2026. ACWA requests EPA to adjust the notification deadline until after the final rule is promulgated, in accordance with the Safe Drinking Water Act (SDWA)⁴, so water systems have adequate time to review the final rule, assess eligibility, and prepare a complete submission. Additionally, ACWA urges EPA to ensure any extension applications and processes are simple and easy to understand to not further complicate already complex regulations.

Various water systems nationwide are working to treat and remediate these PFAS contaminants, but this timeline is relatively restrictive and not financially feasible. The process for completing PFAS projects is complex, costly, and time-consuming; it involves various permit approvals, pilot studies, local land use or zoning processes, design and development, procurement, and construction. These steps require coordination with multiple entities like federal and state regulators, municipalities, elected officials, and the public. In its proposal, EPA even acknowledges that capital project timelines, workforce limitations, and funding challenges may prevent some water systems from achieving compliance by April 2029.

Many utilities, particularly in small and rural communities, face significant challenges like inflation, supply chain disruptions, and labor shortages that further extend project timelines and increase costs. While ACWA appreciates that EPA's proposal includes an additional extension of up to six more years for eligible smaller water systems (i.e. those serving less than or equal to a population of 3,300) that need financial assistance to achieve compliance with the PFOA and PFOS MCLs, these systems may not have the tools to review and apply for extension in accordance with EPA's proposed timeline. ACWA therefore urges EPA to enhance guidance and outreach

³ *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>.

⁴ Under the Safe Drinking Water Act (SDWA), public water systems are typically allowed 3 years after rule promulgation to comply with national primary drinking water regulations. See Safe Drinking Water Act, Pub. L. No. 93-523, 88 Stat. 1660 (1974) (codified as amended at 42 U.S.C. §§ 300f–300j-26) at

<https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter6A/subchapter12&edition=prelim>.

efforts for smaller systems, including through its RealWaterTA initiative that provides technical assistance and workforce training⁵ and PFAS OUT that provides resources like webinars, funding, and technical assistance to help utilities reduce the exposure of PFOA and PFOS in drinking water.⁶

Overall, ACWA supports EPA's objective of providing eligible public water systems additional time to comply where the statutory criteria for an exemption are met. However, the proposed exemption framework does not provide sufficient regulatory certainty for water systems to effectively plan, finance, and implement the treatment and infrastructure investments necessary to achieve compliance. In particular, the proposal leaves important questions regarding implementation after states assume primacy, as discussed below.

II. Primacy

Primacy, short for primary enforcement responsibility, permits a state, territory, or Tribal Nation to administer and enforce certain regulations (e.g. drinking water standards) within their own boundaries rather than EPA. Such standards cannot be less restrictive than a federal standard.

Under EPA's proposal, the PFOA and PFOS compliance extension is not automatic. Systems that do not apply for an extension would remain subject to the 2029 compliance deadline. Drinking water systems without a variance from the PFOA and PFOS MCL requirements that wish to receive additional time for compliance would need to seek a federal exemption from EPA and demonstrate specific criteria such as capital improvement, financial assistance, or an agreement to join a regional water system. If primacy exists for PFOA and PFOS MCLs, EPA will not be authorized to grant a federal exemption directly to water systems; instead, systems seeking an extension must apply to their relevant state, territory, or tribe regulatory agency. Primacy agencies can decide to adopt EPA's federal extension framework or establish their own parameters consistent with the SDWA. EPA encourages states to notify water systems whether they intend to continue or alter existing federal exemptions after obtaining primacy.⁷

California has had primacy for drinking water systems since 1978 following EPA approval.⁸ California's primacy agency, the State Water Resources Control Board, oversees thousands of public water systems with varying source water conditions, treatment capabilities, and financial resources. Like California, many other states nationwide have primacy over public water systems but have only adopted guidance, health advisory, or notification levels for certain PFAS substances rather than established enforceable, state-specific MCLs.⁹ As such, public water systems in states that have not adopted their own PFAS standards, like California, currently remain subject to federal standards. However, it is highly likely that those states have already started or will soon

⁵ U.S. EPA: *Real Water Technical Assistance (RealWaterTA)* (March 9, 2026). <https://www.epa.gov/water-infrastructure/real-water-technical-assistance-realwaterta>.

⁶ U.S. EPA: *PFAS OUT—Helping Communities Address PFAS in Drinking Water* (May 4, 2026). <https://www.epa.gov/water-infrastructure/pfas-out>.

⁷ *Extending the Compliance Deadline for the PFOA and PFOS Maximum Contaminant Levels*, 91 Fed. Reg. 29425 (May 20, 2026). <https://www.govinfo.gov/content/pkg/FR-2026-05-20/pdf/2026-10086.pdf>.

⁸ State of California Primary Enforcement Responsibility, 43 Fed. Reg. 112 (June 9, 1978). https://archives.federalregister.gov/issue_slice/1978/6/9/25179-25181.pdf.

⁹ National Conference of State Legislatures, *Per- and Polyfluoroalkyl Substances (PFAS)—State Legislation and Federal Action* (June 11, 2026). <https://www.ncsl.org/environment-and-natural-resources/per-and-polyfluoroalkyl-substances>.

begin processes to adopt their own enforceable PFAS regulations at or more stringent to the current federal standard established in the PFAS NPDWR. For example, California is expected to seek primacy for the 2024 PFAS NPDWR, but the timing of that process remains uncertain. This may cause further confusion and complexity for public water systems as to what standards to comply with while EPA also seeks to rescind enforceable levels for other PFAS substances—PFHxS, PFNA, HFPO–DA (GenX chemicals), and the mixture of these three PFAS plus PFBS).¹⁰

EPA’s proposed approach may also lead to inconsistent implementation of what is intended to be a national exemption framework. Under the proposal, similarly situated public water systems could face different compliance schedules based solely on whether and when their state obtains primacy and whether the state elects to continue previously granted federal exemptions. This outcome would create unnecessary regulatory inconsistency for systems facing similar implementation challenges.

To ensure a consistent regulatory framework and avoid uncertainty and conflicting compliance standards and timeframe, ACWA recommends EPA to clarify in the final rule that the timeline to seek primacy for this revised rule proceeds in accordance with the SDWA and does not begin until after the final rule is promulgated. ACWA also recommends EPA provide clearer guidance and more certainty as to how exemptions granted directly by EPA will be treated if a state obtains primacy after an exemption is issued as the proposal appears unclear on this matter. This clarification is necessary as EPA seeks to fundamentally revise the 2024 PFAS NPDWR which had already been finalized. These recommendations would support public water systems in achieving PFAS compliance standards that maintain drinking water quality protections.

To ensure a consistent regulatory framework and avoid uncertainty and conflicting compliance standards and timeframes, ACWA recommends EPA to clarify in the final rule that the timeline to seek primacy for this revised rule proceeds in accordance with the SDWA and does not begin until after the final rule is promulgated. ACWA also recommends EPA provide clearer guidance and more certainty as to how exemptions granted directly by EPA will be treated if a state obtains primacy after an exemption is issued. According to EPA’s FAQ¹¹, states, Tribal and territorial primacy agencies that obtain primacy for the 2024 PFAS NPDWR after EPA grants any federal exemptions can then determine whether they will allow the federal exemption to continue to 2031, or they can shorten or end a federal exemption. It is important to provide certainty to public water systems so that they know whether they can rely on a federal exemption to the 2024 PFAS NPDWR or if they should budget for and have contingency plans in place. These recommendations would support public water systems in achieving PFAS compliance standards that maintain drinking water quality protections.

¹⁰ *Rescission of Regulatory Determinations and Removal of Related Provisions for Four PFAS Substances (PFHxS, PFNA, HFPO–DA (GenX), and the Mixture of These Three PFAS Plus PFBS)*, 91 Fed. Reg. 29413 (May 20, 2026). <https://www.govinfo.gov/content/pkg/FR-2026-05-20/pdf/2026-10085.pdf>.

¹¹ U.S. EPA: *Proposed PFOA and PFOS Compliance Extension Rule FAQs for Drinking Water Primacy Agencies and Public Water Systems*. EPA 815-F-26-004 (May 2026). https://www.epa.gov/system/files/documents/2026-05/508_proposed-pfoa-and-pfos-extension-rule_faqsasandsystems_final.pdf.

III. Sampling Results for 12 ppt and Related Control Measures

EPA proposes to require water systems that are granted an extension and have PFOA or PFOS sampling results at or above 12 ppt to implement at least two control measures to mitigate an unreasonable risk to health (URTH). Control measures include water filtration pitchers, alternative water supplies, point-of-use and point-of-entry devices, source water controls, public education materials, and community outreach activities.

ACWA appreciates EPA outlining control measures for water systems to mitigate PFOA and PFOS contamination as systems with extensions work to comply with standards from the PFAS NPDWR. EPA notes that an exemption from the PFOA and PFOS MCLs poses a risk to health, so more health-protective standards to curtail potential exposure to these contaminants should be taken for public water systems, including ACWA member agencies, to provide safe, reliable drinking water. However, it remains unclear how EPA derived the 12 ppt value.¹² ACWA therefore urges EPA to provide a more detailed explanation as to how the 12 ppt value was derived and determine whether a different value that relies on the best available science should be considered.

IV. Public Notification Requirements

EPA is seeking feedback on whether to require a Tier 2 notice pursuant to the Public Notification Rule (PN) for systems operating under an exemption. The PN is part of the SDWA, which establishes requirements that public water systems must follow regarding the form, manner, frequency, and content of a public notice to provide consumers information about drinking water issues. This pertains to NPDWR compliance, including if a system is operating under an exemption or cannot comply. EPA specifies three tiers of public notification: Tier 1 (immediate), Tier 2 (within 30 days), and Tier 3 (annually).¹³

ACWA urges EPA to maintain a Tier 3 public notification level. Tier 2 notifications would impose unnecessary urgency and administrative burden on water systems already pursuing compliance with PFOA and PFOS standards.

V. Cost

EPA's proposal recognizes the substantial financial and implementation challenges many public water systems face. Yet EPA's proposal does not alleviate financial burdens on public water systems. Successful compliance with PFOA and PFOS regulatory standards, in addition to potential new requirements to implement control measures for systems that receive an extension, largely depends on increased investments. Accordingly, ACWA recommends EPA to work closely with Congress and administration officials to provide robust federal funding for PFAS initiatives through sources like the Clean and Drinking Water State Revolving Fund (SRFs), Water Infrastructure Finance and Innovation Act (WIFIA), and Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC).

¹² California's response level for PFOA is 10 ppt while PFOS is 40 ppt. See California State Water Resources Control Board: *Public Water System PFAS Information and Resources* (April 28, 2026). https://www.waterboards.ca.gov/pfas/drinking_water.html.

¹³ U.S. EPA: Public Notification Rule (June 3, 2026). <https://www.epa.gov/dwreginfo/public-notification-rule>.

Many public water agencies, including ACWA members, have already made substantial investments to treat PFAS contamination and comply with federal and state regulations including design, construction, operation, and maintenance costs. Despite these efforts, significant additional investments in PFAS remediation will be necessary. Water agencies are passive receivers of PFAS—not the source of PFAS contamination—but continue to bear the financial costs of detection and treatment.

EPA estimates public water systems will incur \$1.5 billion in annual costs to comply with PFAS regulations.¹⁴ However, monitoring data from EPA’s Fifth Unregulated Contaminant Monitoring Rule (UCMR 5) demonstrates the annualized cost estimate for water systems to treat PFAS in drinking water to be between \$2.7 to \$3.5 billion, roughly twice EPA’s estimate.¹⁵ Meanwhile, investments from the Infrastructure Investment and Jobs Act (IIJA), also referred to as the Bipartisan Infrastructure Law (BIL), that help address emerging contaminants like PFAS ended in Fiscal Year 2026.¹⁶ Recent changes to federal funding priorities have also created uncertainty regarding the availability of future funding to address PFAS.¹⁷

While ACWA appreciates that several federal funding sources remain available to address PFAS concerns, these resources are unlikely to fully address the actual cost facing water systems. In California, for example, many water supply agencies, pumpers, and purveyors have taken groundwater wells out of service due to PFAS detections, secured alternative short-term water supplies, and began implementing costly treatment and remediation projects. At the same time, water systems are responsible for addressing various public health risks while working to maintain affordable rates for their community.

ACWA and its member agencies are committed to protecting public health by providing safe and reliable drinking water. Achieving the public health objectives of the PFAS drinking water standards, however, will require sufficient implementation time, technical assistance, and sustained federal funding to support compliance. To help inform EPA’s efforts, ACWA is 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.

¹⁴ U.S. EPA, *Economic Analysis for the Final Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation*, EPA-815-R-24-001 (April 2024). <https://nepis.epa.gov/Exe/ZyPDF.cgi/P101DTYY.PDF?Dockey=P101DTYY.PDF>; U.S. GAO, *Persistent Chemicals: Information on EPA’s Analysis of Costs for its PFAS Drinking Water Regulation*, GAO-25-107897 (July 30, 2025). <https://www.gao.gov/assets/gao-25-107897.pdf>.

¹⁵ American Water Works Association, *Estimating the National Cost to Remove PFAS from Drinking Water using UCMR 5 Data* (July 11, 2024). <https://www.awwa.org/wp-content/uploads/Final-Technical-Memorandum-Updating-National-Cost-Estimate-for-PFAS-Standards-using-UCMR-5.pdf>.

¹⁶ Infrastructure Investment and Jobs Act. Pub. L. No. 117-58. 135 Stat. 429 (2021). <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>.

¹⁷ Congressional SRF enacted funding of \$2.76 billion in Fiscal Year 2026 to a proposed \$2.1 billion as indicated in Fiscal Year 2027 appropriations (H.R. 9171: Fiscal Year 2027 appropriations for the Department of the Interior, environment, and related agencies. <https://www.congress.gov/119/bills/hr9171/BILLS-119hr9171rh.pdf>); EPA Fiscal Year 2027 Budget, which proposed \$305 million for SRFs at <https://www.epa.gov/system/files/documents/2026-04/epa-fy27-congressional-justification.pdf>.

VI. Conclusion

ACWA appreciates the opportunity to comment and supports EPA efforts that help water utilities ensure compliance with regulatory actions. Please let us know if there are further opportunities for ACWA to collaborate on regulatory 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 be "Caleb Raspler". The signature is fluid and cursive, with a large, stylized initial "C" and "R".

Caleb Raspler
Federal Relations Representative
Association of California Water Agencies