



Bureau of Safe Drinking Water

# **Petition for Rulemaking: Maximum Contaminant Level (MCL) for Perfluorooctanoic Acid (PFOA)**

Environmental Quality Board Meeting

August 15, 2017

Tom Wolf, Governor

Patrick McDonnell, Secretary

# Petition Submission

On May 8, 2017, the Delaware Riverkeeper Network (DRN) submitted a petition for rulemaking to the Environmental Quality Board (EQB) requesting a drinking water MCL for PFOA not to exceed 6 parts per trillion (0.006  $\mu\text{g}/\text{L}$  or 6  $\text{ng}/\text{L}$ ).

# EQB Petition Criteria

DEP reviewed the EQB petition processing policy and determined the petition meets the following conditions:

- The petition is complete as required by Section 23.1.
- The petition requests an action that can be taken by the EQB.
- The requested action does not conflict with federal law.

# PFOA: Background Information

## Background Information:

- PFOA is a manmade chemical in a large family of chemicals called perfluorinated chemicals (PFCs) – which are used to make products more resistant to stains, grease and water.
- Major US manufacturers voluntarily agreed to phase out production of PFOA by the end of 2015. However, exposure remains possible due to its legacy in water or groundwater at sites of former manufacturing or usage.

# PFOA: Background Information

## Background Information:

- PFOA can be found in air, soil, and water (both groundwater and surface water).
- PFOA was detected in blood serum in 99% of the US general population between 1999 and 2012; however, blood serum levels have been decreasing since US companies began to phase out production.
- PFOA exposures are known to have a number of adverse effects in laboratory animals and humans.

# PFOA: Regulatory Status

## Regulatory Status:

- Currently, there is no federal or state MCL for PFOA.
- EPA established a health advisory (HA) for PFOA and Perfluorooctane Sulfonate (PFOS) in May of 2016 based on an assessment of the latest peer-reviewed science.
- According to EPA, the **combined lifetime HA** for PFOA and PFOS of 0.07  $\mu\text{g}/\text{L}$  (70  $\text{ng}/\text{L}$ ) is protective of all consumers, including the most sensitive populations, with a margin of protection from a lifetime of exposure to PFOA and PFOS from drinking water. HAs are non-regulatory and are non-enforceable.

# Existing State Protection Measures

## Existing State Public Health Protection Measures:

- The PA Safe Drinking Water Act and regulations (Chapter 109) provide authority for DEP to require public water systems (PWS) to take follow-up and corrective actions if the agency has reason to believe an unregulated contaminant is present and that it creates a health risk to consumers.
- As per long-standing policy, DEP has used EPA's HAs as the trigger for requiring follow-up and corrective actions.
- These actions have included increased monitoring, public notification, taking contaminated sources off line, and providing long-term treatment.

# Existing State Protection Measures

## Existing State Public Health Protection Measures:

- DEP has/will continue to work closely with PWSs and local governments across the Commonwealth to address these emerging contaminants.
- DEP has/will take immediate steps to mitigate the impact on public health if combined concentrations of PFOA and PFOS exceed EPA's HA of 70 ppt.

# Current PFC Sites

## Current PFC Sites Under DEP Investigation:

- South-central region:
  - Harrisburg International Airport
- Southeast region:
  - Horsham, Warrington, Warminster\*
  - Easton Road PFC Site
  - Ridge Run PFC Site

\*Contamination linked to Federal facility, with Federal government as the lead agency.

# Review and Recommendation

- On June 22, 2017, DEP sent a letter to the Delaware Riverkeeper Network notifying it that the petition met the completeness criteria.
- DEP recommends that the EQB accept the petition for further evaluation.\*

\*The recommendation does not infer the promulgation of a rulemaking to set the requested MCL.

# Basis for Recommendation

- DEP's basis for this recommendation is that further evaluation may help inform whether additional measures are needed to protect public health.
- DEP recommends that the agency's findings be presented to the EQB by June of 2018.



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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