



March 9, 2026

Mr. Lee Zeldin, Administrator
United States Environmental Protection Agency
Docket Center, Office of Water Docket, Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attention: Docket No. EPA-HQ-OW-2024-0592

Dear Administrator Zeldin:

Thank you for the opportunity to provide input on the U.S. Environmental Protection Agency's (EPA) proposed National Primary Drinking Water Regulation (NPDWR) for Perchlorate, 91 FR 398 (Jan. 6, 2026). The Pennsylvania Department of Environmental Protection (DEP) offers the following comments.

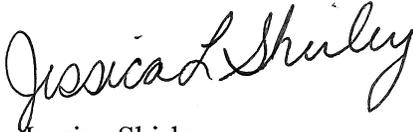
- A. In response to the request for comment on ways the regulation could be simplified, DEP suggests that EPA consider a provision similar to the existing requirement for asbestos in 40 CFR 141.23(b), where only systems determined to be vulnerable to perchlorate contamination would be required to conduct monitoring and the repeat monitoring frequency is once per each nine-year compliance cycle. This would also reduce the burden on water systems, especially small systems, that are not vulnerable to perchlorate contamination.
- B. In response to the request for comment on whether the compliance date should be extended, DEP agrees that EPA should provide an additional two-year nationwide extension for the maximum contaminant level (MCL) compliance date for water systems to make capital improvements to comply with the rule.
- C. In response to the request for comment on public notification and Consumer Confidence Reports, DEP offers the following comments:
 - The term "hypothyroxinemic" used in the health effects language is not readily understandable and may be difficult to comprehend, especially by people with limited English proficiency.
 - If the science and health effects do not justify classifying perchlorate as an acute contaminant, requiring a Tier 1 public notice will cause confusion, erode public confidence, and result in other Tier 1 notices for contaminants with acute health effects being less impactful.
 - If the science and health effects support classifying perchlorate as a chronic contaminant, DEP agrees that requiring a Tier 2 public notice is appropriate and is consistent with most other inorganic chemical (IOC) contaminants.

- D. In response to the request for comment on the MCL, DEP notes that although the Administrator has determined that there is no MCL at which the benefits of treatment at a limited number of systems justify the costs of monitoring across systems where perchlorate is not expected to occur at levels of concern, EPA only provides an analysis of the benefits for the MCL of 20 µg/L. There is insufficient information regarding the net benefits of setting the MCL at 40 µg/L or 80 µg/L for DEP to provide comments on a specific MCL. DEP requests that EPA include the benefits analysis in the final rule if the final MCL is established at a number other than 20 µg/L.
- E. In response to the request for comment on implementation challenges and consistency of the proposed rule, DEP offers the following comments:
- *Lab Capacity:* There may be insufficient lab capacity to analyze the number of samples required for this regulation. For example, Pennsylvania has approximately 2,700 water systems with 3,700 entry points for which monitoring would be required, but there are only seven labs accredited by Pennsylvania to conduct perchlorate testing for these water systems. Many of these labs are not located within Pennsylvania so they would also likely be receiving samples from water systems in their home state. Additionally, the analytical method is complex and the average time necessary to prepare the sample, conduct the analysis and complete the QA/QC verification takes several days to complete, so maintaining accreditation for infrequent monitoring may not be cost effective for labs.
 - *Monitoring Requirements:* The proposed perchlorate monitoring requirements are a mix of several different existing regulatory provisions and are inconsistent with the other requirements for contaminants in 40 CFR 141.23(c), making it difficult to understand the proposed perchlorate requirements and creating additional challenges for primacy agencies to track and implement the proposed regulation. The monitoring requirements should be consistent with the requirements specified in 40 CFR 141.23(c)(1)-(9) for the other IOCs and fit into the existing Standard Monitoring Framework. Specifically:
 - Initial monitoring is proposed to be identical to the monitoring required for PFAS in Subpart Z, yet there is no justification for why a quarterly frequency is necessary for initial monitoring for perchlorate. The initial monitoring frequency should be consistent with the frequencies for other IOCs specified in 40 CFR 141.23(c)(1). Additionally, the population served should not affect the initial monitoring frequency if EPA chooses to maintain the interpretation that perchlorate is to be considered an acute contaminant.
 - The proposed repeat monitoring seems to be based on the requirements for IOCs in 40 CFR 141.23 and the requirements for radionuclides in 40 CFR 141.26. However, there is no explanation for why 4.0 µg/L was chosen as the level on which reduced monitoring may be granted instead of the “reliably and consistently” criteria used for IOCs or half of the MCL for radionuclides. DEP recommends the perchlorate monitoring requirements be consistent with the other IOCs.

- The five-day timeframe in which to collect a confirmation sample is inconsistent with the confirmation sampling requirements specified for other parameters. If EPA agrees that perchlorate is to be considered a chronic contaminant, the timeframe in which to collect a confirmation sample should be 14 days to be consistent with the other IOCs.
- Requiring “initial” monitoring and corrective actions to address MCL exceedances before the compliance date is essentially mandating early implementation provisions on water systems and primacy agencies. Initial monitoring should be completed within the first year of implementation and water systems should have additional time to address exceedances.

Again, thank you for the opportunity to comment on the proposed Perchlorate NPDWR. If you have any questions or require additional information, please feel free to contact Ed Chescattie of my staff by email at echescatti@pa.gov or by telephone at 717.772.2184.

Sincerely,



Jessica Shirley
Secretary