

July 16, 2026

U.S. Environmental Protection Agency
EPA Docket Center, Office of Water Docket
Mail Code: 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OW-2025-1742

Dear Administrator Zeldin:

Thank you for the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) proposed Extending the Compliance Deadline for the PFOA and PFOS Maximum Contaminant Levels rule, published on Wednesday, May 20, 2026, at 91 FR 29425. The Pennsylvania Department of Environmental Protection (Department or PA DEP) welcomes EPA's efforts to improve public health protection and ensure more consistent regulation of PFAS across the country.

Overall, properly considered exemptions may be beneficial to systems that need additional time to thoroughly evaluate and address unique or complex design and construction challenges. If EPA carefully reviews and approves exemptions to allow more time for these systems to optimally design and install treatment to protect customers from exposure to PFOA and PFOS above 4.0 ppt, then the exemptions should prove beneficial to long-term compliance.

PA DEP offers the following comments and requests for clarification regarding the proposed rulemaking.

- In § 142.2, a definition of “pitcher filter” is proposed to be added that mirrors the existing definition of the same term in § 141.2 except that the proposed definition in § 142.2 defines pitcher filters as certified to reduce PFAS rather than as certified to reduce lead like the existing definition in § 141.2. To avoid confusion about the definition of this term (like if pitcher filters certified to reduce PFAS also have to be certified to reduce lead), the Department suggests two options.
 - The first option would be to not add a new definition to § 142.2 but rather amend the existing definition in § 141.2 so that it is not limited to one specific contaminant. Existing provisions in other parts of 40 CFR Part 141 provide the specificity that pitcher filters to reduce lead must be certified to reduce lead (see 40 CFR 141.84(h)(3)(iii), 141.85(f)(2), and 141.85(j)(2)). And proposed § 149.59(c) similarly specifies that pitcher filters to reduce PFAS must be certified to reduce PFAS. A possible revised definition in § 141.2 could be as follows: “*Pitcher filter* means a non-plumbed water filtration device, which consists of a gravity fed water filtration cartridge and a filtered drinking water reservoir, that is certified by an American National Standards Institute accredited certifier to reduce **a targeted contaminant (like lead or PFAS)** in drinking water.”

- If amending the existing definition in § 141.2 is not possible as part of this rule, a second, less comprehensive option would be to modify the proposed definition in § 142.2 so that it is not limited to pitcher filters certified to reduce PFAS. The same revised definition as suggested for the first option could work for a modified definition in § 142.2: “*Pitcher filter* means a non-plumbed water filtration device, which consists of a gravity fed water filtration cartridge and a filtered drinking water reservoir, that is certified by an American National Standards Institute accredited certifier to reduce **a targeted contaminant (like lead or PFAS)** in drinking water.” While this option may still leave some ambiguity about if pitcher filters certified to reduce PFAS also have to be certified to reduce lead, it would at least make the definitions in § 141.2 and § 142.2 somewhat more harmonious.

Regarding the exemption request:

- The proposed exemption-by-rule would be in lieu of the existing process in §§ 142.50-55 and § 142.57, and would eliminate the requirements to: respond to exemption requests within 90 days, grant exemptions in writing with a schedule, notify affected consumers of an opportunity to request a public hearing, require a public hearing, and provide a schedule for compliance with interim measures. If this provision is finalized as proposed, what specific written notification will EPA provide to states and water systems that are granted an exemption?
- The Department requests clarification on whether water systems that have already installed PFAS removal treatment (or that will complete installation before the 180-day deadline) that is capable of meeting the PFOA & PFOS Maximum Contaminant Levels (MCLs) are eligible for the compliance deadline extension.
- The Department requests clarification on whether exemption requests must be postmarked or received by the 180-day submission deadline specified in proposed § 142.58(b).
- The language in proposed § 142.58©(1) states that “[a]ny exemption request that meets the requirements of (b) of this section [§ 142.58] is granted.” The Department requests clarification on how EPA will determine whether the request meets the requirements of proposed § 142.58(b). The Department recommends that it is necessary for EPA to include written criteria that must be maintained by water systems who are granted exemptions, this is especially critical for systems exceeding 12 ppt.
- If water suppliers are self-certifying the exemption criteria as specified in proposed § 142.58(b) without supporting documentation or subsequent reporting requirements, the Department requests clarification on how EPA will determine whether the exemption request has been made by the appropriate responsible party. The Department also recommends that the exemption request criteria be amended to require a schedule of interim actions water systems will take to ensure progress toward achieving compliance is consistently occurring during the exemption period.
- The Department requests clarification on the requirement in proposed § 142.58(b)(5) to submit the “[m]ost recent sample result(s)...” What sampling point should these samples be collected from – untreated source water or each entry point (to the distribution system)? Are these sample results required to reflect levels under normal operating

conditions? Does the most recent data include monitoring to meet state requirements or only the initial monitoring required under § 141.903? If more than one result is submitted for a sampling point, will the data be averaged to determine whether the water system exceeds 12 ppt and must implement control measures?

- The Department requests clarification on the process by which an exemption may be terminated in accordance with proposed § 142.58(c)(1). The Department also recommends that EPA should clarify that systems that fail to meet EPA-approved control measures would have their exemptions terminated.

Regarding the control measures for PFAS:

- There appears to be a disparity regarding the use of pitcher filters in proposed § 142.59(c), which states, “Pitcher devices, two years of replacement filters, and instructions for use shall be made available to consumers upon request and made available at all drinking water tap locations for non-transient non-community water systems.” This implies that community water systems only need to provide pitcher filters upon request, whereas non-transient non-community water systems must provide pitcher filters at each tap used for drinking. The Department requests clarification on the requirements for community water systems that choose to use pitcher filters as a control measure.
- The Department requests clarification on the delivery requirements specified in proposed § 142.59(e)(2) for the public education materials specified in proposed § 142.59(e)(1). Are community water systems required to include the information in both the Consumer Confidence Report (CCR) and a Tier 3 Public Notice (PN)? If so, may the Tier 3 PN be combined with the CCR as is currently allowed for other Tier 3 PNs?
- There appears to be an error in proposed § 142.59. Paragraph (f) refers to activities (f)(1) through (5) but (f)(5) does not exist.
- The Department recommends that interim reporting requirements be added to § 142.59 in the final-form rulemaking to ensure that water systems that are required to implement control measures are held accountable for complying with these provisions. Examples of potential reporting requirements include: requiring non-transient non-community water systems implementing pitcher filters to post a notice at each location explaining the need to use pitcher filters, an annual certification from each water system detailing what control measures were utilized during the previous 12 months, or a certification that the public education was delivered in accordance with the requirements of § 141.152 and § 141.204.
- The Department requests clarification on which agency (EPA or the state, Tribe, or territory) is responsible for tracking and evaluating compliance with control measures specified in proposed § 142.59 for the duration of the exemption.

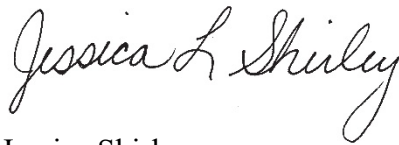
General Comments:

- The Department requests clarification on the date when the state, Tribe, or territory assumes implementation and enforcement authority for exemptions. Will this be the date interim primacy is approved, or the date final primacy is granted?

- The Department requests clarification on the process by which a state may request termination of an exemption if the state determines, prior to the date primacy is approved, that the exemption criteria are not met or control measures are not being implemented.
- The Department requests clarification on when MCL compliance is to be evaluated if an exemption is terminated. Is the water system immediately in violation of the MCL if the compliance value exceeds 4.0 ppt?
- Page 29440 of the preamble includes the cost vs. benefits information. The cost analysis is based on the assumption that all systems with PFOA or PFOS levels above 12 ppt, and which are required to implement additional control measures, will choose public education and pitcher filters (instead of POU devices or bottled water) as the most cost-effective options. Exhibit IV-2 shows the proposed rule estimated costs to be higher than the estimated benefits. The Department requests additional clarification in the final-form rulemaking on how the expected benefits offset the estimated costs, considering that pitcher filters and POU devices are not currently certified to remove PFOA or PFOS to a level below 12 ppt.

PA DEP would like to again thank you for the opportunity to comment on EPA's proposed Extending the Compliance Deadline for the PFOA and PFOS Maximum Contaminant Levels rule.

Sincerely,

A handwritten signature in cursive script that reads "Jessica L. Shirley".

Jessica Shirley
Secretary