

As EPA Weighs Plan, Rural Utilities Urge Wheeler To 'Resist' PFAS Limit

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As EPA prepares to consider its long-awaited plan to address per- and polyfluoroalkyl substances (PFAS), a group of rural utilities is urging acting Administrator Andrew Wheeler “to resist calls for a national” drinking water standard for PFAS, asking the agency instead to focus on alternative methods to deal with contamination rather than regulation.

The call by the National Rural Water Association (NRWA) underscores the competing pressures EPA is facing on the issue -- expected to be the centerpiece of its action plan -- as states, environmentalists and many lawmakers press the agency to craft a drinking water standard as way to prevent a growing patchwork of state standards and ensure consistent national cleanup requirements for the ubiquitous chemicals.

Drinking water standards known as maximum contaminant levels (MCLs) “are regulatory enforcement standards for local governments enforced by levying fines on local citizens (the ratepayers) for communities out of compliance,” the NRWA says in its [Nov. 21 letter](#) to Wheeler.

“What is actually needed in affected communities is assistance (i.e., funding for treatment, monitoring assistance, on-site technical assistance for emergency operations, credible public health information, emergency access to safe drinking water, and compensation from responsible parties),” NRWA says.

The group says it believes its recommendations will result in greater public health protection than the MCL regulatory alternative.

The letter is a stark contrast to the push from some states, lawmakers and an EPA advisory committee for the agency to develop a PFAS MCL, and an NRWA source says the group wanted to make sure their perspective was “included in the mix” of recommendations.

Wheeler's predecessor Scott Pruitt first [announced a plan](#) to develop a multi-media PFAS strategy in May, but the agency has not yet released the final plan as it struggles to determine whether to develop an MCL for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), two of the most common PFAS.

Wheeler told a [Nov. 28 Washington Post live event](#) that he expects a draft strategy to circulate through interagency review beginning this week and that he expects to have “something to announce in January.”

While agency officials have not yet determined whether to seek a standard, they have warned that if they do it would take years.

And Peter Grevatt, EPA's drinking water chief who is slated to retire from EPA next month, [has cautioned](#) that monitoring data suggests PFOA and PFOS contamination is relatively limited and are not the nationally ubiquitous substances that many believe.

While EPA's slow response is frustrating policymakers, EPA officials say there is little they can do to speed it up, [testifying](#) in late September that if the agency does move forward with a drinking water rule it will take years to promulgate.

Earlier this year, the Environmental Council of the States told EPA its members [were split](#) on whether the agency should quickly develop an MCL for PFOA and PFOS, with some states concerned that such regulations “could divert resources from other drinking water issues and impose unwarranted costs on water systems.”

EPA Deadline

But [bipartisan members](#) of the House Energy and Commerce Committee told Grevatt in September that there needs to be a national drinking water standard. Rep. Frank Pallone, Jr. (D-NJ), who is expected to chair the committee next year, noted that Democrats on the panel have long pushed to set a deadline for EPA to issue a stringent drinking water PFAS standard.

Senators from both parties have also urged EPA to develop a standard. And earlier this month, the agency's Local Government Advisory Committee [asked EPA](#) to provide leadership to communities on a “coordinated and comprehensive” approach of regulatory actions, including designating PFAS as hazardous under the Superfund law and setting an MCL.

The NRWA source says it is important to get the group's perspective before lawmakers. NRWA says the great majority of public water systems affected by any future agency action for PFAS will be small water systems, typically administered by local governments. The group notes that during EPA's PFAS Community Engagement Events held around the country earlier this year local government presenters detailed how they were taking immediate action to remediate PFAS contamination in their drinking water regardless of a federally enforceable standard, though this dynamic was not present in the privately owned water systems.

“Every local government detecting PFAS contamination prefers to have all traces of contamination removed from their drinking water and likely all local governments are advancing plans and policies toward that goal absent a federal regulation or MCL,” the letter says. “The promulgation of an MCL does not advance the goal of removal of all PFAS from community drinking water supplies in locally governed water utilities.”

NRWA emphasizes that local governments are not responsible for PFAS contamination and instead responsible parties should be held accountable for remediation, treatment and providing alternative sources of safe drinking water. But under the Safe Drinking Water Act, utilities that are unable to meet MCLs are subject to fines of up to \$25,000 per day, “which actually further penalize the communities whose drinking water was contaminated. This dynamic is especially acute and problematic for economically disadvantaged communities and populations,” the letter says.

An “MCL is a regulatory instrument, not a public health policy,” the NRWA source says.

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