



Department
of Health

PFOA, PFOS and 1,4-Dioxane

Regulatory Implementation
Update

Drinking Water Standards

- On August 26, 2020, NYS adopted new drinking water standards for public water systems that set maximum contaminant levels (MCLs) of 10 parts per trillion (10 ppt) each for PFOA and PFOS, and 1 part per billion 1 ppb for 1,4-dioxane.
- MCLs require public water systems to regularly monitor for contaminants, notify health departments and the public of confirmed exceedances, work with health departments on a timetable to bring water systems into compliance.

Drinking Water Standards

- The MCLs for PFOA, PFOS and 1,4 dioxane are among the most protective for these contaminants in public water of any state.
- NYS is the first state to develop an MCL for 1,4-dioxane.
- Because MCLs are set at levels with a large margin of protection, an exceedance of an MCL does not mean that water is unsafe for use while the public water system takes actions to reduce the levels.

MCL Development

- A maximum contaminant level, or MCL, is the highest level of a contaminant allowed in drinking water delivered by public water systems. They are enforceable regulatory limits.
- MCLs are set far below levels that cause health effects. These levels are set to also consider the availability of drinking water treatment technologies, the ability to accurately measure the contaminant, and the cost associated with removing the contaminant to acceptable levels.

Monitoring Deadlines

- Sample collection must begin by:
 - > 10,000 population – October 25, 2020
 - 151 systems
 - 3,300 – 9,999 – November 25, 2020
 - 167 systems
 - <3,300 – February 25, 2021
 - 3,242 systems
- This does not mean all samples will be collected by this date, and it does not mean that all data will be available for regulatory review by these dates.

MCL Violation

- Enforcement process involving LHD and PWS.
- BWSP assists in advisory capacity when requested.
- LHD issues Notice of Violation (NOV) with compliance steps
 - Deadline for public notice (Tier 2 – 30 days);
 - Compliance timelines established by LHD; and
 - Description of any additional monitoring, if appropriate.
- Data code entered into SDWIS that indicates the system is in violation and tracks enforcement actions.

DOH Implementation

- Virtual conference calls with industry stakeholders and public water suppliers upon request.
- Updates to Safe Drinking Water Information System (SDWIS) for PFAS compounds.
- Approval for EPA 533 laboratory method for PFAS by ELAP
- Fact sheet for the public is available at:
https://health.ny.gov/environmental/water/drinking/docs/water_supplier_fact_sheet_new_mcls.pdf

DOH Implementation

- FAQ for Local Health Departments (LHD) and Public Water Suppliers (PWS).
- Deferral application template and instructions.
- American Water Works Association New York Section and New York Rural Water Association Virtual Q&A Sessions.
- Training for DOH engineering staff on GAC and AOP plan review.
- Updated internal policy documents to assist LHDs.

MCLs and Health Risks

- MCLs are set at levels well below those that have caused health effects in laboratory animal studies. The U.S. Environmental Protection Agency (USEPA) and DOH rely largely on animal studies to set drinking water standards because controlled laboratory experiments provide the strongest evidence for understanding risks of health effects in people.
- Human studies are also reviewed in setting MCLs, but these studies are less controlled and therefore have more uncertainties.

MCLs and Health Risks

- Because MCLs are set at levels with a large margin of protection, an exceedance of an MCL does not signal an immediate health risk; it signals the need for water systems to take actions to reduce exposures.

Deferral

- Enforcement process involving BWSP, LHD and PWS.
- BWSP is lead on deferral review and issuance.
- A deferral approval letter is issued to the PWS that includes
 - Deadline for public notice and requirements of supplemental public engagement;
 - Compliance timelines or concurrence with timelines as proposed; and
 - Description of additional monitoring.

Deferral

- Maximum 2-year period.
- Can be revoked if PWS does not adhere to conditions.
- Violation code is not entered into SDWIS.
- Deferrals provide an additional layer of review and accountability, require public availability of data, and provide enforceable deadlines for water system compliance.

Deferral

- Final totals:
 - 31 applications received
 - 31 applications reviewed
 - 28 applications approved
 - 3 applications denied

Engineer Plan Review & Lessons Learned

- Continue to review plans in Albany for PFOA, PFOS and 1,4-Dioxane.
- Supply chain issues that can impede implementation
 - American iron & steel (where applicable)
 - Contactor vessels
 - UV units
- Human capital – qualified engineering firms, construction companies, LHD and BWSP staff.

EPA Updates

- EPA has published proposed UCMR 5 rule.
- Lead and Copper Rule Long Term Revisions published January 15, 2021. Undergoing agency review by Biden-Harris Administration.
- Positive regulatory determination for PFOA and PFOS.
- Other rulemaking activities by EPA include modifications to the consumer confidence rule as a result of AWIA.