

May 30, 2023

Michael S. Regan  
Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

*Via electronic submission*

**Re: Docket ID #: EPA-HQ-OW-2022-0114; PFAS National Primary Drinking Water Regulation Rulemaking**

Dear Administrator Regan,

The undersigned organizations appreciate the opportunity to comment on the Environmental Protection Agency's (EPA) proposed Per- and Polyfluoroalkyl Substances (PFAS) National Primary Drinking Water Regulation (NPDWR). Our respective organizations have a vested interest in protecting public health from PFAS and therefore have examined the details of this rulemaking. Individual comments have been submitted by these organizations representing each organization's perspective; however, we collectively would like to raise certain issues that EPA must address as it works to address PFAS.

**Feasibility of Implementation**

EPA's proposed three-year compliance timeline is insufficient and infeasible for compliance. EPA has proposed a three-year compliance time for water systems to address the presence of PFAS in their water supply above the proposed maximum contaminant level (MCL). The proposed NPDWR rulemaking indicates that EPA does not plan to issue a waiver for a two-year extension for systems that need to install PFAS treatment technologies or facilities. Water systems that need to install treatment facilities will need a minimum of five years to complete projects. The process for completing such projects is complex and time-consuming, involving various approvals, pilot studies, local land use or zoning processes, design and development, procurement, and construction. These steps require coordination with multiple entities, including boards, councils, other elected officials, and the public. Additionally, utilities are currently facing challenges, such as increased pricing, supply chain disruptions, and labor shortages, which further extend project timelines and increase costs. For these reasons, many utilities that must install treatment facilities to address PFAS will not be able to reasonably meet a three-year compliance timeline.

We recommend that EPA use its authority to provide a nationwide two-year extension for the compliance timeline for systems installing capital improvements. A two-year extension will address the concerns outlined above to alleviate burdens on water systems and allow for feasible compliance by water systems addressing PFAS contamination.

**Accurately Reflecting Costs and Household Affordability**

A major concern our groups have is the enormous cost of this rulemaking, which will be imposed on water systems, communities, and their ratepayers. With this rule, communities will be financially responsible for expensive treatment technologies to remove PFAS from water down to the lowest

level that can be reliably detected. While EPA's costs and benefit analysis estimates that the costs of this proposal amount to \$770 million to \$1.2 billion annually, other available data from existing facilities and industry work estimate that the cost could exceed \$3.2 billion annually<sup>1</sup>.

Water systems are responsible for addressing various public health risks while also working to maintain affordable rates for their community. Regulations must not impose excessive financial burdens on ratepayers that drive rates beyond affordable levels for low-income households, as economic hardships can force difficult choices between water bills and essential needs. Our groups acknowledge the funding that the Bipartisan Infrastructure Law provides for PFAS, but given the estimates of organizations signing this letter, we reiterate to EPA and to Congress that this money is nowhere near enough to cover the cost of compliance.

A robust and accurate cost and benefit analysis is crucial for making sound decisions that are protective of public health and appropriately prioritize investments. EPA should improve its cost analysis, and subsequently the household affordability analysis, to be more reflective of available information on PFAS treatment costs. This is imperative to ensure that the proposed rule is not only accurately reflecting the financial impacts on communities as a whole but also examines affordability for low-income households specifically.

### **Meaningfully Advancing a Holistic Approach to Address PFAS**

The undersigned organizations support regulation based on scientific evidence that protects human health. We emphasize the shared goal of public water systems and EPA in ensuring access to safe drinking water to the public and we encourage EPA to meaningfully advance this objective through the implementation of its PFAS Strategic Roadmap. The responsibility for pollution remediation should not rest solely on public water systems and their ratepayers.

We recommend that EPA take more proactive measures to identify sources of PFAS and limit their discharges, as prevention is more cost-effective than attempting to clean up pollution later and maintains the polluter pays principle. Advancing regulatory actions that provide source water protection will also reduce the number of systems with PFAS contamination above the proposed drinking water standards. EPA should also work to collaborate with other agencies to address other pathways of public exposure to PFAS, such as food and household products.

As the Administrator, you are responsible for advancing these regulatory actions to protect communities from contamination and the financial burden of mitigating this contamination.

We welcome any opportunity to discuss this matter with EPA further. Please feel free to contact our respective organizations with any questions.

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<sup>1</sup> Black & Veatch, 2023. WITAF 056 Technical Memorandum Update: PFAS National Post Model Report. Prepared for American Water Works Association. May 26, 2023.

Sincerely,

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Association of Metropolitan Water Agencies

**Matthew Holmes**  
Chief Executive Officer  
National Rural Water Association

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