Stakeholder Meeting
NR 809 PFAS MCL

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Section Chief, Public Water Supply

Dino Tsoris
Dinking Water Monitoring Coordinator
Agenda

• Elements of an Economic Impact Analysis

• What other states are doing

• EPA Action Plan

• Next steps
Questions?

Here are two ways to participate:

Type your questions into the "CHAT" feature.

"Raise Hand" and your microphone will be unmuted by the moderator when called on.
Elements of an Economic Impact Analysis

• Fiscal Effect of implementing the rule
  – None
  – Indeterminate
  – Increase existing revenues
  – Decrease existing revenues
  – Increase costs
  – Decrease costs
  – Could absorb within agency’s budget
Who will the rule affect?

- State’s economy
- Local units of government
- Specific businesses/sectors
- Public utility rate payers
- Small businesses
Estimate of Costs

• Businesses
• Local governments
• Individuals
What is the Problem Being Addressed?
Comments/Participation

• Who provided comments on the EIA?
  – Businesses
  – Business sectors
  – Associations
  – Local governments
  – Individuals
Summary of Impact to Stakeholders

- Businesses
- Business Sectors
- Public Utility rate payers
- Local governments
- State economy
Implications?

• What are the benefits?
• What are the implications?
• What are the long range implications?
Comparison With Feds and Other States

• What is the EPA doing?
• Illinois?
• Iowa?
• Michigan?
• Minnesota?
Other States
SDWA, Wisconsin, Other States

- PFAS background
- Safe Drinking Water Act (SDWA)
- Proposed Wisconsin PFOA and PFOS MCLs.
- Other State proposed, guidance or PFAS drinking water levels.
PFAS Background

• PFAS compounds are synthetic chemicals used in industrial and consumer products since the 1940’s.
• Over 4000 PFAS compounds have been identified.
• Potential human health concerns identified over the decades.
• In 2006 the EPA initiated a program to encourage U.S manufacturers to eliminate some long chain PFAS compounds in manufacturing.

• PFOS and PFOA were two of six PFAS compounds included in drinking water monitoring under EPA’s 2013 UCMR 3 monitoring rule.
• In 2016 EPA updated provisional Health Advisories for PFOA and PFOS.

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2016</th>
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<tbody>
<tr>
<td>PFOA</td>
<td>400 ng/L</td>
<td>70 ng/L</td>
</tr>
<tr>
<td>PFOS</td>
<td>200 ng/L</td>
<td>70 ng/L</td>
</tr>
<tr>
<td>PFOA + PFOS</td>
<td></td>
<td>70 ng/L</td>
</tr>
</tbody>
</table>

ng/L = parts per trillion
Other States
PFAS Background


• EPA sets standards for drinking water based on scientific evaluation to protect against health risks, consideration of available technology, and cost.
Other States
PFAS Background

• Based on an evaluation certain contaminants are given national standards as part of the National Primary Drinking Water Regulations (NPDWR).

• There are currently over 90 contaminants regulated as part of the NPDWR and Safe Drinking Water Act.
Other States
PFAS Background

• EPA may delegate primary SDWA implementation and enforcement responsibility for public water systems to states. This is called primacy.

• The State of Wisconsin has primacy to implement SDWA regulations.
• On February 20, 2020 the EPA proposed regulatory determinations for perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) in drinking water.
Other States
PFAS Background - Continued

• A regulatory determination is a decision about whether or not to begin the process to propose and promulgate a national primary drinking water regulation (NPDWR) for an unregulated contaminant.

• After EPA considers public comment, EPA makes a final determination.
General Flow of SDWA Regulatory Processes

CCL
- Draft CCL
- Final CCL

UCMR
- Draft UCMR
- Final UCMR
- UCMR Monitoring Results

Regulatory Determination
- Preliminary Regulatory Determinations
- Final Regulatory Determinations

Rule
- Proposed Rule (NPDWR)
  - 24 months
  - No further action if decision is to not regulate
    May develop health advisory
- Final Rule (NPDWR)
  - 18 months

Public Review and Comment

Review

Six-Year Review of Existing NPDWRs
Other States PFAS Background - Continued

- A letter dated June 10, 2020 signed by 22 State Attorneys General supports EPA’s proposal for PFOS and PFOA regulatory determination and urges the EPA to finalize regulatory action and determine NPDWR (MCLs) for PFOS and PFOA.


June 10, 2020

Via Regulations.gov
Water Docket
Environmental Protection Agency
Mail Code: [28221T]
1200 Pennsylvania Ave. NW
Washington, D.C. 20460


Docket ID No. EPA-HQ-OW-2019-0583

Dear Administrator Wheeler:
Other States
PFAS Background - Continued

- Studies indicate exposure to PFOA and/or PFOS include health effects which may increase cholesterol, affect immune response, damage the liver, risk thyroid disease, affect pregnancies and potential increase in cancer risk.
Other States
PFAS Background

- No current EPA MCL for PFAS contaminants.
- In the absence of federal PFAS MCL standards states are developing PFAS drinking water guidance levels and/or developing drinking water standards.
Other States
PFAS Background - Continued

• Sections under s. 280 and 281, Wis. Stats., provide department authority to develop standards in obtaining drinking water for human consumption.
Other States

Wisconsin Proposed Standards

- PFAS – Per and Polyfluoroalkyl substances
- Two currently proposed WI standards
- PFOA - Perfluorooctanoic acid
- PFOS – Perfluorooctane sulfonate
- Wisconsin proposed drinking water standard for PFOA and PFOS is 20 ng/L (parts per trillion)
**Wisconsin Proposed Drinking Water Standards**

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Proposed MCL</th>
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<tr>
<td>PFOA</td>
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<tr>
<td>PFOS</td>
<td>20 ng/L</td>
</tr>
<tr>
<td>PFOA + PFOS</td>
<td>20 ng/L</td>
</tr>
</tbody>
</table>

ng/L = parts per trillion (ppt)
Other States
Proposed, Guidance or Final PFAS Levels

• Three states with drinking water standards, Vermont, New Hampshire, New Jersey.

• Six states with drinking water standards in the development phase.
  Maine                   Pennsylvania
  Michigan               Washington
  New York               Wisconsin
# Other State Proposed, Guidance, or Final PFAS Levels

<table>
<thead>
<tr>
<th>PFAS Levels/Limits</th>
<th>State</th>
<th>Status</th>
<th>Year</th>
<th>Drinking Water Limit (ng/L or ppt)</th>
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<td>20</td>
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<tr>
<td></td>
<td>New Hampshire</td>
<td>Effective</td>
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<td>New Jersey</td>
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<td></td>
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<td>20</td>
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<td></td>
<td>Massachusetts</td>
<td>Pre-Proposal Development Phase</td>
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<td>20¹</td>
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<td></td>
<td>Michigan</td>
<td></td>
<td>June 2019</td>
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<td></td>
<td>New York</td>
<td></td>
<td>Dec 2018</td>
<td>10</td>
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<tr>
<td></td>
<td>Pennsylvania</td>
<td></td>
<td>Feb 2018</td>
<td>Specific PFAS Targeted Not Yet Announced</td>
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<tr>
<td></td>
<td>Washington</td>
<td></td>
<td>May 2019</td>
<td>10</td>
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</tbody>
</table>

* Compounds with this symbol shown are included in a group limit

Modified from AWWA 2019
Other States
Proposed, Guidance or Final PFAS Levels

• Eleven states with Health Based Guidance Levels.
  - Alaska
  - California
  - Connecticut
  - Maine
  - Massachusetts
  - Michigan
  - Minnesota
  - New Jersey
  - North Carolina
  - Pennsylvania
  - Rhode Island
  - Vermont
Other State Proposed, Guidance, or Final PFAS Levels

<table>
<thead>
<tr>
<th>(PFAS Levels) Limits</th>
<th>State</th>
<th>Status</th>
<th>Year</th>
<th>Drinking Water Limit (ng/L or ppt)</th>
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<td></td>
<td>California</td>
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<td>July 2018</td>
<td>70</td>
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<tr>
<td></td>
<td>Connecticut</td>
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<td>Dec 2016</td>
<td>70</td>
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<td></td>
<td>Maine</td>
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<td>Jan 2017</td>
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<td></td>
<td>Massachusetts</td>
<td>Effective</td>
<td>June 2018</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>Michigan</td>
<td>Effective</td>
<td>Feb 2019</td>
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<td></td>
<td>Minnesota</td>
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<td>70</td>
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<tr>
<td></td>
<td>Pennsylvania</td>
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<td>2016</td>
<td>70</td>
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<td></td>
<td>Rhode Island</td>
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<td>70</td>
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<td></td>
<td>Vermont</td>
<td>Effective</td>
<td>July 2018</td>
<td>20</td>
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</tbody>
</table>

* Compounds with this symbol shown are included in a group limit
1 Combined PFAS MCL includes six PFAS: PFOS, PFO, PFHxS, PFNA, PFHpA and PFDA
2 Notification Levels
3 Response Levels based on running four-quarter average

Modified from AWWA 2019
Other States Proposed legislation to Develop PFAS DW

<table>
<thead>
<tr>
<th>STATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
</tr>
<tr>
<td>Colorado</td>
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<tr>
<td>Delaware</td>
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<tr>
<td>Florida</td>
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<tr>
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</tr>
<tr>
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<tr>
<td>Virginia</td>
</tr>
<tr>
<td>Washington</td>
</tr>
<tr>
<td>West Virginia</td>
</tr>
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</table>
EPA PFAS Action Plan

• EPA Released the Plan in February 2019

• EPA worked with stakeholders to develop the plan; other federal agencies, states, tribes, industry groups, associations, local community, and the public.
EPA PFAS Action Plan - Background

• The action plan describes EPA’s:
  – approach to identifying and understanding PFAS.
  – Ways to address current PFAS contamination.
  – Prevent future contamination.
  – Actions the EPA is currently taking to address PFAS.
Initiate steps to evaluate the need for a maximum contaminant level (MCL) for (PFOA) and (PFOS);
EPA Action Plan for Drinking Water

- Method 533 - December 2019
- Method 537.1 – November 2018
- We can now measure 29 PFAS chemicals
- WI State Lab & private labs – 36 compounds
<table>
<thead>
<tr>
<th>Analyte</th>
<th>Abbreviation</th>
<th>CASRN</th>
<th>Method 533</th>
<th>Method 537.1</th>
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<td>11-Chloroeliosafluoro-3-oxaundecane-1-sulfonic acid</td>
<td>11CI-PF3OUdS</td>
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<td>ADONA</td>
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<td>Perfluorobutanesulfonic acid</td>
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<td>Perfluorodecanoic acid</td>
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</tbody>
</table>
Regulation Determination?

- February 2020 - EPA makes preliminary determination to regulate PFOA & PFOS and create MCLs
- Public comment on proposal
Next Steps

Rulemaking process and timeline

- **2019**
  - Scope statement approved by Governor
  - Preliminary public hearings
  - NRB approves scope

- **2020**
  - All year: Rule drafting begins
  - Advisory groups meet
  - Preparation of proposed rule
  - Solicitation of info for EIA
  - Draft EIA

- **2021**
  - Winter: Public hearings on proposed rule
  - Summer: NRB meeting for rule adoption
  - Winter: Rule approved by Governor

- **2022**
  - Spring: Legislative review
  - Summer: Rule signed by DNR secretary
  - Summer: Rule becomes effective
Stakeholder Presentations

• Stakeholder presentation meeting

• Notice to go out soon

• Time allotted depends on response
Dates

- January 2021 – Propose rule language for Natural Resources Board
- January 2021 - Complete EIA
- February 2021 - Solicitation of comments on EIA
- August 2021 - Public Hearings and solicitation of comments on Rule 42
Questions or Comments

Here are two ways to participate:

Type your questions into the "CHAT" feature

"Raise Hand" and your microphone will be unmuted by moderator when called on
Thanks for your participation!