



To: Commissioner Katie Dykes, Co-Chair, Interagency PFAS Working Group
Commissioner Renee Coleman-Mitchell, Co-Chair, Interagency PFAS Working Group

From: Elizabeth Gara, Executive Director, CWNA

Date: October 15, 2019

Re: Draft PFAS Action Plan

The Connecticut Water Works Association (CWNA), which represents municipal, regional and private water companies throughout Connecticut, appreciates the opportunity to provide comments on the Interagency PFAS Working Group's draft Action Plan, which outlines recommendations for addressing concerns regarding per- and polyfluoroalkyl substances, generally referred to as PFAS.

As stewards of the environment, Connecticut's public water suppliers are committed to providing residents and businesses with safe, high quality public water supplies at a reasonable cost. Accordingly, CWNA respectfully requests consideration of the following comments in finalizing and implementing the draft PFAS Action Plan.

I. Testing of Public Water Supplies

As acknowledged in the draft Action Plan, the state Department of Public Health Drinking Water Section has already taken a number of steps to address concerns regarding PFAS and drinking water. From 2013-2015, public water suppliers serving more than 10,000 customers monitored their drinking water sources for six perfluoroalkyl substances under the Safe Drinking Water Act Third Unregulated Contaminant Monitoring Rule (UCMR3). None of the public water suppliers had detections of any of the six substances above the UCMR3 minimum reporting limits.

In response to the state Department of Public Health Drinking Water Section's Circular Letter 2018-20, which directed public water suppliers to complete PFAS Vulnerability Assessments, nearly all of Connecticut's water companies serving 1000 or more customers have completed or are finalizing those assessments in order to identify risks and prioritize any testing.

DPHDWS has indicated that they intend to pursue mandatory, phased-in testing of public water supplies for PFAS compounds. Some water companies have begun or are in the process of beginning to test for PFAS compounds. However, given the lack of established standards or action levels and other concerns, such as whether the state has sufficient laboratory capacity

and how to appropriately communicate results to customers, prior to phasing in mandatory statewide testing, CWWA urges the state to fully address the following issues:

- 1) **Clear, Consistent Regulatory Guidance** – Although the United State Environmental Protection Agency (EPA) and the state Department of Public Health Drinking Water Section (DPHDWS) provided guidance in 2018, it is our understanding that the guidance is in the process of being updated. In addition, clearly defined standards and/or regulated action levels have not been finalized by EPA or DPHDWS. As such, test results may create significant uncertainty regarding how water companies and state agencies should address elevated PFAS levels. Moreover, without clear guidance and appropriate action levels, test results may create unnecessary confusion and concerns for water companies, their customers and the general public.
- 2) **Addressing Test Results** – DPHDWS issued a Circular Letter in 2018 which indicates that if a water company tests for PFAS and its sample results exceed 50% of the DPH Action Level of 70 parts per trillion (ppt), it must notify DPHDWS and collect confirmation samples. However, it is unclear what steps a water company must take in addressing PFAS levels that exceed 50% of 70 ppt. For example, is the response and treatment design based on results at a single point in time or a running average or other criteria? To date, such sample results have been addressed on a case-by-case basis. If testing is mandated on a statewide basis, we are concerned that DPHDWS lacks the staff and resources to provide the necessary technical assistance to water companies and affected communities to adequately address PFAS issues and engage in a process for determining the appropriate response based on the specific system needs.
- 3) **Laboratory Capacity** - Prior to mandating testing on a statewide basis, regulators must determine whether Connecticut has sufficient laboratory capacity and appropriate analytical methodologies in place to perform testing in a timely manner. Several members of the Human Health Committee noted that such testing is labor intensive because of the complexity of the extraction and need for strict quality control in determining ppt. It is estimated that the state laboratory could accommodate testing of only 10 samples per week. In addition, if the state or EPA sets a lower limit, it is unclear whether the instruments currently used in the labs can reach those limits.
- 4) **Laboratory Testing Protocols** – The testing protocol must be finalized to ensure the integrity of the sample results. Sampling protocols, sample bottles and sampling cautions (i.e. certain gloves, aluminum foil prohibition, waterproof clothing, etc.) must be standardized.
- 5) **Communicating Test Results** – While DPHDWS has provided templates for public notification, state and local health officials, including toxicologists, must be available to assist water companies in communicating clear, consistent, accurate information regarding any potential PFAS health risks to customers and the general public. We are encouraged by the concept discussed in the Human Health Committee of creating a

'rapid response team' with various experts on the subject to respond to an event, but question whether there will be adequate staff and resources should multiple water companies detect PFAs at any levels, regardless of whether or not they exceed any proposed standard or action level. In addition, the Action Plan should include recommendations regarding reasonable public notice requirements to ensure that the public and state and municipal officials are kept apprised of issues relating to PFAS.

II. **Prioritizing Testing of Drinking Water**

CWWA agrees with the recommendation in the draft Action Plan that indicates that testing of drinking water should be prioritized based on public water supply service areas in which there are known PFAS generators as identified in the Vulnerability Assessments completed by public water suppliers serving more than 1000 customers. However, we have concerns with the recommendation that requires prioritizing testing for systems that serve vulnerable populations and in disadvantaged communities. If PFAS generators have not been identified in these areas, prioritizing testing is not warranted. Given the costs associated with testing, this would add unnecessary costs to public water suppliers and their customers.

III. **Application of Testing Requirements**

The state must address issues regarding PFAS in a comprehensive manner. Accordingly, testing requirements and application of action levels should not be limited to the state's larger public water suppliers. The Action Plan should include recommendations for addressing potential PFAS contamination in small community and non-community public water systems, including public and private schools as well as in private wells.

IV. **Drinking Water Standards**

Given concerns regarding the possible health risks associated with certain PFAS chemicals and EPA's protracted toxicological process for setting standards for such contaminants under the Safe Drinking Water Act, CWWA understands that the Action Plan may call for state specific criteria in drinking water. In fact, several states have developed or are in the process of developing drinking water standards or action levels. If the PFAS Action Plan calls for regulating state drinking water for PFAS, CWWA recommends the following approach:

- a. **Scientific, Risk-based Process** - Standards must be developed using a scientifically defensible risk-based and data-driven process.
- b. **Reasonable Drinking Water Standards** – Despite the absence of reliable health risk data, many states are rushing to adopt drinking water standards utilizing conflicting risk assessment principles and practices, resulting in levels being set that vary significantly from state to state. Drinking water standards should be sufficient to protect the public health but not set arbitrarily low, which will trigger unnecessary treatment costs and/or water supply disruptions if systems must be taken offline. Given that EPA will be promulgating a rule in the future, we would recommend that any requirements in Connecticut before EPA acts be 'Action Levels' and not MCLs to allow the water companies to work with health officials on appropriate system specific action plans with solutions which take into consideration available supplies and the timing to implement treatment.

- c. **Safe Drinking Water Advisory Council** – CWWA supports the draft Action Plan’s recommendation to establish a Safe Drinking Water Advisory Council to provide guidance in developing drinking water standards. Given the complexity and costs associated with determining scientifically based drinking water standards for PFAS, and the potential implications for residents, municipalities, and businesses in the state, the establishment of this council will ensure that standards are developed using a collaborative process that relies on the expertise of toxicologists, hydrologists, scientists, engineers, and other water professionals. We recommend, however, that this section be clarified to ensure that such council utilizes a transparent process that includes the opportunity for public input and comment and that any recommendations be subject to the agency’s formal rulemaking process, including an analysis of the fiscal impact of such recommendations, and not adopted via a circular letter.
- d. **Impact on Available Public Water Supplies** – If sources of supply must be taken offline if PFAS compounds are detected above certain levels, this will result in water shortages in some communities, particularly those largely dependent on groundwater supplies. This situation will be unnecessarily exacerbated if the PFAs levels are set arbitrarily low.

V. Reasonable Compliance Timeframes

Given the complexity and costs associated with testing for the presence of PFAS chemicals and addressing exceedance levels, any recommendations must provide public water suppliers with a reasonable schedule for compliance and appropriate guidance. This is particularly important because it will take time to select, secure and fund the appropriate treatment, which typically requires expensive techniques such as filtration through granular activated carbon or ion exchange. The use of such techniques also generates waste streams that demand specialized disposal methods not readily available in many areas and DEEP must be prepared to address this issue. In addition, the potential impact on ratepayers will need to be considered and communicated to customers and elected officials, particularly if a utility has multiple sources that are impacted by the new requirements.

VI. Financial Assistance for Infrastructure Improvements

CWWA supports the Action Plan recommendation which calls for financial support to address the need for any infrastructure improvements needed to address PFAS contamination, including treatment and interconnections. Such assistance should be available to municipal, regional and private water suppliers. In addition, the state should prioritize approval of permits for interconnections to nearby public water supplies to ensure that residents and businesses do not face disruptions in service.

VII. Comprehensive Approach to PFAS Regulation

Given the wide range of possible contributors of PFAS in the environment, CWWA appreciates that the draft Action Plan includes recommendations to assist in 1) preventing the introduction of PFAS in the environment, including the land, air, and water; and 2) determining areas that have been contaminated with PFAS compounds and remediating such areas. Preventing the

introduction of PFAS in the environment and remediating areas contaminated with PFAS compounds can help ensure that public water supplies are not contaminated, which may create disruptions in water service in some areas and/or require treatment, system upgrades and the development of new sources of supply.

VIII. Health Effects Data

As acknowledged during the committee process, the state needs to develop and utilize comprehensive health effects data regarding PFAS exposure to ensure that the implementation of the Action Plan recommendations, including health advisory, action levels or maximum contaminant levels are protective of the health and not based on based on unjustified or arbitrary factors.

IX. Limiting the Use of PFAS Containing Products

Reasonably limiting the use of PFAS compounds in products available in Connecticut will help protect Connecticut's public drinking water supplies by preventing the pollution of the environment and water resources with these compounds. Preventing pollution is considerably less costly than treatment processes to remove chemicals downstream. In addition, CWWA supports efforts to direct EPA to take action under the Toxic Substances Control Act (TSCA) to a) determine the number of PFAS compounds that have been developed, in what quantities, and the location in which they were produced; b) restrict production, use and import of PFAS compounds; and c) appropriately regulate PFAS compounds and provide sufficient resources to state agencies and public water suppliers to address PFAS contamination.

X. Remediation

The Action Plan should direct the state Department of Energy & Environmental Protection (DEEP) to investigate possible generators of PFAS contamination, including those identified by public water utilities in the PFAS vulnerability assessments submitted to DPHDWS, such as existing and former landfill sites, metal plating industries, airports, fire training areas, paper mills, car washes and chemical manufacturing sites, and abate them accordingly.

XI. Adoption and Implementation of Action Plan Recommendations

Given the complexity of establishing standards and action levels for drinking water as well as other recommendations included in the draft Action Plan, such recommendations must be developed and adopted in compliance with the Uniform Administrative Procedures Act, which requires public notice and comment as well as the preparation of fiscal notes. We appreciate that the co-chairs of the Human Health Committee acknowledged this during the committee process. The regulation of PFAS compounds is complex and may have significant financial ramifications for water companies and their customers as well as for businesses, municipalities, non-profits and the public.

Again, Connecticut's public water suppliers are committed to ensuring the continued safety and quality of the state's drinking water.

We stand ready to work with lawmakers and state regulators to develop appropriate measures to address concerns regarding PFAS compounds and drinking water.

The Connecticut Water Works Association, Inc. (CWWA) is an association of private, municipal and regional public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut.