

Mass Municipal Association Conference

The Path Forward on PFAS: State and Local Approaches

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Who we are...

MWWA is a non-profit based in Acton, MA. MWWA's 1,400+ members include public officials, water system managers and operators, regulators, consulting engineers, contractors.

- MWWA members provide their expertise on a number of state committees and workgroups.
- Mission Statement:

The Massachusetts Water Works Association is a membership organization dedicated to the advancement of the drinking water profession. Through education and advocacy, MWWA is committed to public health by promoting a safe and sufficient supply of drinking water to Massachusetts consumers



PFAS in Drinking Water in MA

Currently there is no Federal Drinking Water Standard for PFAS; EPA has a health advisory (non-regulatory, non-enforceable) MassDEP set a drinking water standard or Maximum Contaminant Level (MCL) for six PFAS compounds in October of 2020

- 20 Parts Per Trillion for PFOS, PFOA, PFHxS, PFNA, PFHpA, and PFDA. MassDEP abbreviates this set of six PFAS as "PFAS6." This drinking water standard is set to be protective against adverse health effects for all people consuming the water.
- MassDEP's PFAS Drinking Water Regulations are complex
- The science around PFAS is evolving
- The regulatory actions around PFAS are evolving
- MassDEP is required to review their MCL by December 31, 2023

Communicating with the public is a challenge when there are many more questions about PFAS than answers Public Education is required for the first confirmed result above 20 ppt Public Notice is required for a violation of the Maximum Contaminant Level (quarterly result above 20 ppt) Public Notice Language:

- "Some people who drink water containing PFAS6 in excess of the MCL may experience certain adverse effects. These could include effects on the liver, blood, immune system, thyroid, and fetal development. These PFAS6 may also elevate the risk of certain cancers."
- "Consumers in a sensitive subgroup (pregnant or nursing women, infants and people diagnosed by their health care provider to have a compromised immune system) are advised not to consume, drink, or cook with water when the level of PFAS6 is above 20 ng/L."



PFAS in Drinking Water in MA



- Map from MassDEP website 1/9/23
- 165 Public Water Systems have detections over 20 ppt – this map is updated when results are confirmed and PE/PN has been done.
- 18% of Community Public Water Systems are above MCL.

- This map does not reflect all PFAS detections and there are many between 10-20 ppt.
- Results reported to <u>EEA Data Portal</u> are about 3 weeks behind



PFAS in Drinking Water in MA

Treatment costs can be substantial

- Hudson \$4.3 million Chestnut St. Source
- Mansfield \$4.2 million Cate Spring Source
- Westfield \$12.2 million Dry Bridge Rd. Treatment Plant
- Littleton \$24.5 million Whitcomb Ave.
 Treatment Plant

2021, 2022 & 2023 State Revolving Loan Fund Drinking Water <u>Intended</u> <u>Use Plan</u> have a number of PFAS-related projects – these are loans and while at 0% interest, need to be paid back!

Funding provided by MA to-date to support drinking water remediation activities is not sufficient to cover the costs being incurred by Public Water
Systems and their ratepayers
Bipartisan Infrastructure Law will provide some principal forgiveness







Federal Actions by EPA

On June 15, 2022, EPA released four drinking water health advisories for per- and polyfluoroalkyl substances (PFAS). What are the Health Advisory Levels?

- Interim updated Health Advisory for PFOA = 0.004 parts per trillion (ppt)
- Interim updated Health Advisory for PFOS = 0.02 ppt
- Final Health Advisory for GenX chemicals = 10 ppt
- Final Health Advisory for PFBS = 2,000 ppt
- The values for PFOA & PFOS are below current detection levels for analytical methods
- Draft Maximum Contaminant Levels for PFOA and PFOS are imminent
 - Could result in a standard that is around the EPA's analytical detection level of 4 ppt

- Industrial Wastewater & Permitting Guidance PFAS
- Proposed Hazardous Substance
- Designation for PFOA & PFOS

- Test orders under the Toxic Substances Control Act
- Added 5 PFAS to Contaminated Site Clean Up Tables
 - Proposed Draft Aquatic Life Criteria for PFOA & PFOS
- Proposed Draft method to measure Adsorbable Organic Fluorine in water samples
- Expanding monitoring for PFAS in Drinking Water through UCMR5 – require sample collection for 29 PFAS



MA Interagency PFAS Task Force

Legislatively convened. Began meeting June 2021. Chaired by Speaker Pro Tempore Kate Hogan and Senator Julian Cyr <u>Final Report</u> issued April 2022 30 Recommendations under the following topic areas

- FUND PFAS DETECTION AND REMEDIATION
- SUPPORT ENVIRONMENTAL JUSTICE COMMUNITIES
- PHASE OUT PFAS IN CONSUMER PRODUCTS
- EXPAND PFAS REGULATION
- ENCOURAGE PRIVATE WELL PFAS TESTING AND REMEDIATION
- SUPPORT FIREFIGHTERS AND LOCAL FIRE DEPARTMENTS
- ADDRESS PFAS CONTAMINATION ACCOUNTABILITY
- ENHANCE PUBLIC AWARENESS OF PFAS

Omnibus Legislation is expected to be filed this session to address recommendations

PFAS in the Commonwealth of Massachusetts

FINAL REPORT OF THE PFAS INTERAGENCY TASK FORCE







So much focus on PFAS in drinking water and not enough education of other exposure points (consumer products, food, air) and source control (why are we allowing PFAS to be used in commerce)

Differing standards in MA than Federal, and even other states

Variability in Analytical Results (many samples fail QAQC, results vary by different labs, matrix interference could be an issue with some source waters)

Lab Reporting Delays

Ongoing sampling costs (results over 10 ppt are triggering monthly sampling)

Procurement law changes might be needed

Water Suppliers Concerns

Supply chain concerns for common treatment components

Provision of alternative water source to sensitive subpopulations can be expensive and logistically challenging (bottled water, bill credits, vending machine, filters, etc.)

Delays in investigating who is responsible for the contamination of the water

Determining who is responsible for paying for remediation of the contamination

Designing solutions/investing funds for a standard that might change in 3 years

Ongoing operational and maintenance costs

Loss of public confidence in the quality of tap water



Concerns for Municipalities

Addressing private wells

Public Water Supplies have an MCL but private wells do not – Boards of Health have jurisdiction over private wells

- Town of Harvard is requiring <u>testing</u> of wells in certain areas of town at construction or sale
- Groundwater clean up standard in MA subjects property owner to potential 21E wastesite investigation if PFAS is over 20 ppt
- MassDEP is requiring PFAS sampling in NPDES permits, yet there is no approved sampling method; each permittee must have their lab get approval from ORS
- Beneficial re-use of biosolids may be curtailed if standards are set for PFAS in sludge/biosolids

Wastewater treatment plants are seeing increased costs related to sludge disposal and are increasingly concerned sludge won't be accepted where it has traditionally been disposed of

What if the municipality is the responsible party?

- Town of Princeton is paying for remediation of private wells
- What about landfill contribution to contamination?
- Firefighting activity?

The current regulations are not really addressing the problem of eliminating PFAS, we are just moving it around (we take it out of water, but then we need to dispose of the media that contains PFAS)



Resources

 Massachusetts Clean Water Trust 0% Interest PFAS Remediation Loans Per- and polyfluoroalkyl substances (PFAS) Projects that have the purpose of reducing PFAS in water below the established Maximum Contamination Level of 	THE TRUST	MassDEP
	Sue Perez Executive Director <u>sperez@tre.state.ma.us</u>	Maria Pinaud Director <u>Maria.Pinaud@mass.gov</u>
20 parts per trillion, are eligible for 0% interest	Nate Keenan	Robin McNamara
ioans.	Deputy Director <u>nkeenan@tre.state.ma.us</u>	Deputy Director <u>Robin.mcnamara@mass.gov</u>
https://www.mass.gov/orgs/the-massachusetts-clea		
State Revolving Fund Loan Process The SRF financing process can take up to two years, depending on the community and project disbursed. MassDEP staff will provide assistance to the community from application submiss 1.Project Proposals 2. Final Intended	ect, from the initial project proposal to funding sion to project completion.	g being <u>GET YOUR</u> <u>PROJECTS</u>
Accepted Between July - August 2021 Use Plan Publication May 2022 City Council Vote June 30, 2022 Oc	Deadline Ectober 14, 2022 Deadline December 30, 2022	READY FOR SUBMISSION IN JULY-AUGUS
6. Project Bidding Timeframe between7. Contract Award Deadline for Loan8. Loan Agreements Approved and ExecutedJanuary 1 - June 30, 2023Forgiveness June 2023Executed	9. Project 10. Loan Repayment Funding Could Begin Once Begins 50% Project Funds Drawn	1 2023!!
	→ (5 ^{50%})	



For more information contact:

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