



**Department
of Health**

Regulatory Update - PFAS

**Bureau of Water Supply Protection
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NYS PFAS Existing & Proposed Rules

Existing Maximum Contaminant Levels

- NYS has an enforceable MCL of 10 ppt each for PFOA and PFOS. This MCL was promulgated in August of 2020.
- All community and nontransient noncommunity water systems are required to monitor for PFOA and PFOS quarterly with opportunities to reduce monitoring if PFOA and/or PFOS is not detected.
- Quarterly monitoring is required if either PFOA or PFOS is detected above the method detection limit. If PFOA or PFOS is detected, subsequent samples must include all analytes in the approved method.
- Any public water supply that exceeds the MCL must take corrective action such as discontinuing use of the source or providing treatment.

Emerging Contaminants in NYS

- Proposed rulemaking published in NYS Register on October 5, 2022.
- MCLs for PFNA, PFHxS, PFHpA, PFDA set at 10 ppt each.
- MCL for PFAS6: 30 ppt for the sum of PFOA, PFOS, PFNA, PFHxS, PFHpA and PFDA.
- Two notification level tiers
 - Notification level of 30 ppt for the sum of PFDoA, PFUnA, 11Cl-PF3OUdS, 9Cl-PF3ONS, GenX and PFHpS.
 - Notification of 100 ppt for the sum of PFBS, PFHxA, ADONA, 4:2FTS, 6:2 FTS, 8:2 FTS, NFDHA, PFBA, PFEESA, PFMBA, PFMPA, PFPeA, PFPeS.

EPA PFAS Proposal

National Primary Drinking Water Regulation

- EPA is proposing MCLs for 6 PFAS in drinking water.
 - PFOA and PFOS would be regulated individually
 - PFHxS, PFNA, PFBS, HFPO-DA (GenX) would be regulated as a mixture.
- EPA is also proposing MCLGs for the 6 PFAS.
 - MCLGs are non enforceable.
 - They are set at levels where there are no known negative health effects.

Proposed Action

- Public Water Systems would be required to:
 - Monitor for PFAS
 - Notify the public of the levels of PFAS; and
 - Reduce the levels of these PFAS in drinking water if they exceed the proposed standards.

Proposed Action

| Compound | Proposed MCLG | Proposed MCL |
|----------------|---------------------------|---------------------------|
| PFOA | 0 ppt* | 4.0 ppt* |
| PFOS | 0 ppt* | 4.0 ppt* |
| PFNA | | |
| PFHxS | 1.0 unitless hazard index | 1.0 unitless hazard index |
| PFBS | | |
| HFPO-DA (GenX) | | |

- A Hazard Index is a tool that's regularly used to inform risks of chemical mixtures.
- A Hazard Index considers how toxic each of the 4 PFAS are.
- PFOA and PFOS would be regulated individually based on a running annual average.

Hazard Index

- To determine the HI, a PWS would monitor and use those sampling results as inputs into a formula with their Health Based Water Concentration (HBWC)

| Compound | Health Based Water Concentration (ppt) |
|----------------|--|
| PFNA | 10 |
| PFHxS | 9.0 |
| PFBS | 2000 |
| HFPO-DA (GenX) | 10 |

Proposed Action

- For each of the four PFAS, the calculation first divides the results of the drinking water sample by the HBWC and then adds all the values for each PFAS. If the total value is greater than 1.0, it would be an exceedance of the proposed Hazard Index MCL as follows:

Equation

$$\text{Hazard Index} = \left(\frac{[\text{GenX}_{\text{water}}]}{[10 \text{ ppt}]} \right) + \left(\frac{[\text{PFBS}_{\text{water}}]}{[2000 \text{ ppt}]} \right) + \left(\frac{[\text{PFNA}_{\text{water}}]}{[10 \text{ ppt}]} \right) + \left(\frac{[\text{PFHxS}_{\text{water}}]}{[9.0 \text{ ppt}]} \right)$$

GenX_{water} = Monitored concentration of GenX

PFBS_{water} = Monitored concentration of PFBS

PFNA_{water} = Monitored concentration of PFNA

PFHxS_{water} = Monitored concentration of PFHxS

Funding Opportunities

Funding Opportunities for PFAS

DWSRF Base

\$23,065,000 in loans, subsidized interest rate financing and grants to disadvantaged communities.

Water Infrastructure Improvement Act

\$2B in grants since 2015 for water and wastewater projects, including projects to reduce emerging contaminants.

Bipartisan Infrastructure Law (BIL)

- BIL General Supplemental
 - \$98.3 in grant and 0% loans for FFY 2023
 - Any DWSRF-eligible project scope. All funding to DAC only

Other Funding Opportunities

Bipartisan Infrastructure Law (BIL)

- BIL-SDC
 - \$84M for small or disadvantaged communities.
 - Funding for projects that do not have a national primary drinking water regulation.
 - Focus on PFAS.
 - Program details are in development.

Environmental Bond Act

- \$4.2B total bonds issued with \$200M for water improvement and infrastructure grants.
- Program details are in development.