

Pennsylvania Adopts New PFAS Drinking Water Standards for Public Water Systems

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Pennsylvania has adopted stringent new drinking water standards for two forms of per- and poly-fluoroalkyl substances ("PFAS") that will have significant impacts on over 3,000 community, nontransient noncommunity, bottled, vended, retail, and bulk water systems in the Commonwealth. The new rule sets maximum contaminant levels ("MCLs") in drinking water for forms of PFAS - perfluorooctane sulfonic acid ("PFOS") and perfluorooctanoic acid ("PFOA"), intended to protect the public from adverse health effects linked to exposure to PFOS and PFOA. The new regulation was published in the January 14, 2023 *Pennsylvania Bulletin*. These requirements will apply not only to large public water systems throughout the state, but also smaller municipal systems and those operated by real estate developers or homeowner associations.

The rule sets an MCL of 14 parts per trillion (ppt) for PFOA and an MCL of 18 ppt for PFOS. The MCLs are intended to protect against adverse developmental effects (including neurobehavioral and skeletal effects), and adverse immune system effects (including immune suppression). The rule also specifies requirements to ensure compliance with the MCLs, including monitoring and reporting, analytical requirements and approved treatment technologies. The Department of Environmental Protection estimates that the cost of complying with these new MCLs is \$121.5 million annually.

Initial compliance monitoring for community and nontransient noncommunity water systems serving a population of greater than 350 persons and all bottled, vended, retail and bulk hauling water systems begins January 1, 2024; initial monitoring for community and nontransient noncommunity water systems serving a population of less than or equal to 350 persons begins January 1, 2025.

PFAS are a class of synthetic chemicals used since the 1940s to make water, heat and stain resistant products such as cookware, carpets, clothing, furniture fabrics, paper packaging for food, and other resistant materials. These chemicals are persistent in the human body and throughout the environment. PFAS are known to cause adverse health effects but are classified by scientists as emerging chemicals because the risks they pose to human health and the environment are not completely understood.

This is the first time that Pennsylvania has independently established its own MCLs. The Commonwealth has traditionally adopted MCLs established by the U.S. Environmental Protection Agency.

If you have any questions on how your water treatment system or business could be affected by the newly proposed federal or state PFAS regulations, please [contact me](#) or anyone in the [Barley Snyder Environment & Energy Industry Group](#).

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