July 3, 2019

Mr. Darrin Polhemus  
Deputy Director, Division of Drinking Water  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

RE: Notification Levels and Response Levels for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS)

Dear Mr. Polhemus:

The Association of California Water Agencies (ACWA) has been alerted that the State Water Resources Control Board’s (State Water Board) Division of Drinking Water (DDW) plans to lower the Notification Levels and Response Levels for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as early as July 8. As you are aware, PFOA and PFOS are two contaminants in the per- and poly-fluoroalkyl substances (PFAS) family of synthetic chemicals that have recently received substantial and prominent public attention due to their potential impacts to public health through exposure in drinking water.

Currently, DDW has established interim Notification Levels of 14 parts-per-trillion (ppt) for PFOA and 13 ppt for PFOS and a combined PFOA-PFOS Response Level of 70 ppt. Additionally, under the State Water Board’s PFAS Phased Investigation Approach, public water systems are conducting and monitoring testing for PFOA and PFOS at hundreds of sites across the state.

ACWA is concerned about the unintended consequences resulting from lowering the Notification Levels and Response Levels and ensuring the public’s confidence in the safety and quality of our state’s drinking water sources. Many sites that currently test below the existing levels would test above the new levels. Although Response Levels are not regulatory per se, the public will expect water agencies to provide drinking water only below DDW’s established Response Levels since DDW recommends that water systems remove sources from service if contaminants are detected at concentrations above those levels. Providing drinking water above those levels would undermine the public’s confidence in the overall safety and quality of their drinking water supplies. Water systems would therefore be compelled to remove numerous wells – at least 30% or more for many impacted water systems – that, notwithstanding PFOA and PFOS, are in compliance of existing drinking water regulations.
Additionally, not all water systems can easily obtain replacement water. Those systems will face the difficult challenge of supplying water for their customers’ basic needs. For agencies that can use alternative sources, switching to different sources will affect the quality – and potentially the treatment – of drinking water delivered to customers.

ACWA understands DDW’s role in safeguarding the quality of drinking water in our state, especially given the unique public attention to potential PFAS contamination. Allowing more time and broader public notice before DDW changes the PFOA and PFOS Response Levels and releasing the scientific study reviewed by the Office of Environmental Health Hazard Assessment that justifies the changes would be helpful to convince water agencies and their customers of the deliberateness and necessity of DDW’s actions.

ACWA strongly urges DDW to consider how its plans to test and monitor for potential PFAS contamination will unintentionally impact water systems and customers. ACWA further urges DDW to work with local water agencies by providing assistance and issuing additional guidance that agencies can use to prevent undermining the public’s confidence in the safety and quality of California’s drinking water.

Sincerely,

Adam Borchard
Regulatory Advocate
Association of California Water Agencies

cc: The Honorable Jared Blumenfeld, Secretary, California Environmental Protection Agency
    The Honorable Joaquin Esquivel, Chair, State Water Resources Control Board
    Ms. Eileen Sobeck, Executive Director, State Water Resources Control Board
    Ms. Cindy Tuck, Deputy Executive Director for Government Relations, ACWA
    Mr. Dave Bolland, Director of State Regulatory Relations, ACWA