



USEPA Announces Final National Primary Drinking Water Regulation for PFAS Compounds

Client Advisories

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On April 10, 2024, the United States Environmental Protection Agency (USEPA) announced the final National Primary Drinking Water Regulation (NPDWR) to establish legally-enforceable Maximum Contaminant Levels (MCLs) for certain per- and polyfluoroalkyl substances (PFAS) in drinking water. The individual compounds covered by the proposed regulation are: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, sometimes referred to as “GenX” compounds), and perfluorohexane sulfonic acid (PFHxS). Additionally, the final rule covers PFAS mixtures containing at least two or more of PFHxS, PFNA, HFPO-DA, and perfluorobutane sulfonic acid (PFBS) using a Hazard Index MCL to account for the combined and co-occurring levels of these PFAS in drinking water.

USEPA also finalized health-based, non-enforceable Maximum Contaminant Level Goals (MCLGs) for these PFAS. Unlike MCLs, MCLGs are not legally-enforceable standards and are instead aspirational thresholds.

USEPA’s announcement on the final NPDWR can be found [here](#).

The final MCLs and MCLGs are as follows:

PFAS Compound	Final MCL	Final MCLG
PFOA	4 parts per trillion (ppt)	Zero
PFOS	4 ppt	Zero
PFHxS	10 ppt	10 ppt
PFNA	10 ppt	10 ppt
HFPO-DA (sometimes referred to as	10 ppt	10 ppt

“GenX” compounds)

Mixtures containing two or more PFHxS, PFNA, HFPO-DA, and PFBS	1.0 (unitless) Hazard Index	1.0 (unitless) Hazard Index
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The final NPDWR comes just over a year after USEPA first announced proposed MCLs. While the final MCLs for PFOA and PFOS match the proposed MCLs, the proposed MCLs for PFNA, HFPO-DA, PFHxS, and PFBS were 1.0 (unitless) on a Hazard Index. Archer’s prior client alert on the proposed MCLs can be found [here](#).

In addition to setting the final MCLs and MCLGs for the various PFAS compounds, the proposed rule also requires public water systems to: (1) monitor for these PFAS compounds and have three years to complete initial monitoring, followed by ongoing compliance monitoring; (2) provide the public with information on the levels of these PFAS in their drinking water beginning in 2027; (3) within five years, implement solutions that reduce these PFAS if monitoring shows that drinking water levels exceed the MCLs; and (4) beginning in 2029, provide notification to the public of public water systems that have PFAS in drinking water which violates one or more of these MCLs.

The final NPDWR may have an even more immediate impact on the regulated community, as the groundwater remediation standard in many jurisdictions is tied to drinking water MCLs. As a result, parties responsible for groundwater remediation at sites where PFAS compounds are present above the new MCLs may be required to now remediate those PFAS compounds to a lower level than was previously required.

USEPA will be holding three information webinars about the final PFAS NPDWR on April 16, April 23, and April 30, 2024. Registration is required to attend the webinars.

PFAS are a class of synthetic, man-made chemicals that have been used since the 1940s to make products that are resistant to water, heat, and oil. These products include cookware, carpets, clothing, fabrics for furniture, paper packaging for food, and other materials that are resistant to water, grease, or stains. They are also used in firefighting foams and in a number of industrial processes.

For questions about or issues concerning the final PFAS NPDWR, please contact [David Edelstein](#) at dedelstein@archerlaw.com or 856-354-3125, or [Charles Dennen](#) at cdennen@archerlaw.com or 856-673-3932.

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