

**PFAS Policy and Regulations Subgroup  
Meeting Minutes**

In Person at the Madison Building and via WebEx

**3:30 pm, June 27, 2021 (following the PFAS Workgroup Meeting)**

Hosted by the Virginia Department of Health Office of Drinking Water

**Welcome and meeting overview:** ODW Policy Director, Nelson Daniel called the meeting to order at 3:35 pm. The meeting was held in-person at the Madison Building, 901 Governor Street, Richmond, VA following the PFAS Workgroup Meeting. Subgroup members were also able to join via WebEx due to continued COVID concerns.

**Meeting participants:**

- a. Subgroup members present
  - Phillip Musegaas (Potomac Riverkeeper Network)
  - Paul Nyffeler (Chem Law)
  - Jamie Hedges (Fairfax Water)
  - Wendy Eikenberry (Augusta County Service Authority)
  - Jessica Edwards–Brandt (Loudoun Water)
  - Nelson Daniel (Office of Drinking Water)
  - Russ Navratil (VA AWWA)
- b. Guests
  - Anna Jeng (ODU)
  - Mitchell Smiley (Virginia Municipal League)
  - Michelle Lapidus
- c. ODW Staff
  - Kris Latino

**Minutes from the June 21, 2021 meeting:** Subgroup members did not have any comments or corrections to the minutes from the June 21 meeting. They have been marked as final on Town Hall.

**Subgroup Objectives and Next Steps:** Nelson used the presentation from Workgroup meeting to discuss the next steps for the Subgroup. A copy of the presentation follows the minutes.

Nelson asked Subgroup members to prepare a summary of the PFAS limits in the states they have been monitoring. The information will be used in the report required by HB 586 and should include the specific limits in the state, citations and links to the authority (law and

regulations), and notes about the limits (e.g., effective date, pending litigation, pending legislation, etc.). Nelson will send a template for the summary in an email to Subgroup members.

Nelson also talked to the Subgroup about developing an outline for the HB 586 report. Subgroup members discussed topics they thought the report should address, including disposal of residue or waste from the treatment process (if waterworks install treatment to remove PFAS) and implications for Consumer Confidence Reports. Nelson will create a draft outline and send to members for review and comment. He asked Subgroup members to return comments prior to the next Subgroup meeting so that he can compile them. The objective is for the Subgroup to discuss the outline at the next meeting in August.

**Public Comment:** Nelson invited members of the public to provide comments or share concerns. No one commented.

**Next Meeting:** The next Policy Subgroup meeting is scheduled for August 16, 2021 at 11:00 am. The meeting will be by WebEx. Nelson will forward instructions at a later date.

**Nelson concluded the meeting at 4:05 pm.**

# PFAS Policy and Regulations Subgroup Update

Nelson Daniel

Virginia Department of Health  
July 27, 2021



# Subgroup Meetings

Subgroup has been meeting on the third Monday of the month, 11:00 a.m.

- May 17, 2021
- June 21, 2021

Changed meeting schedule with the end of the Declaration of Public Health Emergency

- July 27, 2021

# Subgroup discussions have focused on:

## Completing Communication Toolkit

- Template letter for situation where PFOA/PFOS > 70 ppt

## Sampling Study

## Legislative/Regulatory Action in Other States and U.S. EPA

- California
- Pennsylvania
- Rhode Island
- U.S. EPA

# Recent Legislative Highlights

## Rhode Island:

S0107 (2021) - proposed to add Chapter 32, the “PFAS in Drinking Water, Groundwater and Surface Waters Act” to Title 46 of the General Laws... passed Senate 6/15 (w/substitute), referred to House, left in committee (legislature adjourned 6/30/21)

- Would have established 20 ppt interim drinking water standard and testing requirements
- Individual or sum of 6 PFAS (PFOA, PFOS, PFHxS, PFNA, PFHpA, and PFDA)
  - (Same PFAS as Massachusetts)
- <https://webserver.rilegislature.gov/BillText21/SenateText21/S0107A.pdf>

# Recent Legislative Highlights

## Pennsylvania:

- 2017 petition from the Delaware Riverkeeper Network asking the PA Environmental Quality Board to set safe drinking water limits between 1 ppt to 6 ppt for PFOA, one of several PFAS chemicals.
- Rulemaking should be based on available data, studies, and science, and should consider all factors such as health effects, technical limitations, and costs. (factors in addition to health effects - as required by the Federal SDWA and Pennsylvania Regulatory Review Act)

# Recent Legislative Highlights

## Pennsylvania - PFAS Study

- PA had a \$500,000 budget and planned to collect samples from 360 targeted public water system sources and 40 baseline sources for a total of 400 samples
- PA used EPA Method 537.1 (18 PFAS - the original 6 from UCMR 3 (PFOS, PFOA, PFNA, PFHxS, PFHpA, PFBS) + others)
- Sampling began in 2019, halted March 2020 until August 2020, completed in March 2021
- Results released May, 2021



# Recent Legislative Highlights

## Pennsylvania:

- A Drexel University study on PFAS rules set by other states and statewide sampling published in January 2021:
  - Recommended a limit of 8 ppt for PFOA and 14 ppt for PFOS.
- Based on sampling, Delaware Riverkeeper requested PA set MCL for PFOA at 1 ppt or, in the alternative, 6 ppt (original request).
- PA [Environmental Quality Board](#) voted 18-1 (June 15, 2021) to pursue a MCL rule for the per- and polyfluoroalkyl substances found in public and private drinking water wells throughout the commonwealth.

# Legislative Actions - U.S. EPA

- Proposed a new rule under the TSCA requiring PFAS manufacturers and importers to report detailed information about their PFAS use, disposal, and potential health and environmental impacts (going back to Jan 1, 2011). This will enable EPA to better characterize the sources and quantities of manufactured PFAS in the United States.
  - 86 FR 33926, June 28, 2021; 60-day public comment period closes 8/27/2021
- Withdrew a Trump-era compliance guide that had narrowed a prior EPA Significant New Use Rule (SNUR) restricting the use, manufacture, and import of certain long-chain PFAS
- Added three PFAS chemicals to the Toxics Release Inventory (TRI) program
  - perfluorooctyl iodide, potassium perfluorooctanoate, and silver(I) perfluorooctanoate

# Next Steps

Develop state summaries - will discuss template at subgroup meeting today

Consider input and recommendations from Treatment Technologies and Toxicology Subgroups

When Sample Study results are available, begin discussion about whether to recommend MCLs for any, some, all PFAS specified in HB586, taking recommendations from other subgroups into consideration.

# Subgroup Members

- Phillip Musegaas (Potomac Riverkeeper Network)
- Paul Nyffeler (Chem Law)
- Jamie Hedges (Fairfax Water)
- Jillian Terhune (City of Norfolk)
- Wendy Eikenberry (Augusta County Service Authority)
- John Aulbach (Aqua Virginia)
- Russ Navratil (VA AWWA)
- Jessica Edwards-Brandt (Loudoun Water)
- Mike McEvoy (Western Virginia Water Authority)
- Andrea Wortzel (Mission H2O)
- Steve Risotto (ACC)
- Nelson Daniel (VDH Office of Drinking Water)