



## **DELAWARE PFAS IMPLEMENTATION PLAN**

Pursuant to EPA's Final PFAS National Primary Drinking Water Regulation (NPDWR) published April 26, 2024, all Community Water Systems (CWSs) and Non-Transient Non-Community Water Systems (NTNCWSs) must monitor drinking water for PFAS chemicals and enforce strict limits on contaminant levels. Compliance requirements will come into effect 60 days from publication of the rule (June 25, 2024).

Below is the proposed PFAS MCL Implementation Plan for Delaware.

### **TIMELINE**

- September 2024 – Finalize regulatory proposal and submit to Registrar
- October 2024 – Publish regulations in the Delaware Registrar of Regulations
- November 2024 – Review & amend regulations (if needed) according in response to public comment
- January 2025 – Publish finalized regulations
- March 2026 – First mandatory samplings required by water systems

### **PROPOSED REGULATORY FRAMEWORK AND REQUIREMENTS**

- **Maximum Contaminant Levels (MCLs)**

Delaware's proposed PFAS Regulations establish enforceable limits for five individual PFAS: PFOS, PFOA, PFHxS, PFNA, and HFPO-DA, (otherwise known as "GenX Chemicals"). The regulations also set a limit for mixtures of two or more PFAS contaminants: PFHxS, PFNA, PFBS, and HFPO-DA.

The proposed MCLs for PFAS for Public Water Systems are as follows:

- PFOS – 4 parts per trillion
- PFOA – 4 parts per trillion
- PFHxS – 10 parts per trillion
- PFNA – 10 parts per trillion
- HFPO-DA – 10 parts per trillion
- PFAS Mixtures – Hazard Index of 1

- ✓ MCLs will come into effect April 26, 2029.
  
- ✓ Until 2029, exceedances will not be considered violations by the Office of Drinking Water (ODW). However, PWSs will be required to conduct both initial and ongoing compliance monitoring for PFAS before then. Systems will also be required to report annual PFAS test reports on the Consumer Confidence Report, beginning in 2027.

- **Maximum Contaminant Level Goals (MCLGs)**

The proposed PFAS Regulations also establish MCLGs for PFAS as follows:

- PFOS – 0
- PFOA – 0
- PFHxS – 10 parts per trillion
- PFNA – 10 parts per trillion
- HFPO-DA – 10 parts per trillion
- PFAS Mixtures – Hazard Index of 1

- **Trigger Levels**

The PFAS NPDWR has established trigger levels for the 5 individual PFAS chemicals as well as PFAS mixtures. Trigger levels are set at one-half of the MCLs and are used to determine the appropriate monitoring frequency for systems.

The proposed trigger levels are as follows:

- PFOS – 2.0 parts per trillion
- PFOA – 2.0 parts per trillion
- PFHxS – 5 parts per trillion
- PFNA – 5 parts per trillion
- HFPO-DA – 5 parts per trillion
- Hazard Index – 0.5 (unitless)

## **INITIAL MONITORING (2024 TO 2027)**

Within 3 years from publication of the Final PFAS NPDWR, PWSs must conduct initial monitoring at all entry points within the distribution system. Frequency of Initial Monitoring will be determined by the size and type of the system.

Please note: For all monitoring of regulated PFAS, systems must use only laboratories certified by EPA or the State, using only the following analytical methods for their analysis: EPA Method 533 or EPA Method 537.1, Version 2.0.

- Monitoring Frequency:
  - Surface Water Systems
    - 4 quarterly samples within a 12-month period (2 – 4 months apart)
  - Groundwater Systems serving more than 10, 000 people
    - 4 quarterly samples within a 12-month period (2 – 4 months apart)
  - Groundwater Systems Under the Influence of Surface Water
    - 4 quarterly samples within a 12-month period (2 – 4 months apart)
  - Groundwater Systems serving fewer than 10, 000 people
    - 2 semi-annual samples within a 12-month period (5 – 7 months apart)

\*At the discretion of ODW, water systems that have recent, existing sampling data for PFAS may be allowed to use this information to satisfy some or all requirements of Initial Monitoring.

## **COMPLIANCE MONITORING (STARTING 2027)**

Starting 3 years after publication of the PFAS NPDWR, water systems will be responsible for ongoing monitoring for PFAS. Sampling schedules for each PWS will be determined by the results of the Initial Monitoring period, based on the annual running average.

- PWSs with four consecutive quarters of results below the PFAS trigger level may be allowed reduced monitoring to every 3 years (triennial monitoring), during the quarter of highest analytical results.
- PWSs with initial sample results at or above the trigger level will revert to quarterly monitoring for at least 12 consecutive months.
  - If the annual running average remains under the MCL for 12 consecutive months, the system may be allowed reduced monitoring to 1 sample a year (annual monitoring), during the quarter of highest analytical results.
  - If the annual running average for 12 consecutive months exceeds the MCL, or if the running average for any quarter is high enough so that an exceedance would be inevitable for the full 12-month monitoring period, the PWS must continue with quarterly monitoring for another 12 consecutive months.
- PWSs on an annual monitoring schedule may qualify for triennial monitoring if, for 3 consecutive years, sample test results are below the trigger level.
- PWSs on a triennial monitoring schedule will revert to quarterly monitoring if a test result meets or exceeds the trigger level.

## **Violations**

Beginning in 2027, PWSs (CWSs & NTNCWSs) will be required to report PFAS testing results to ODW according to their prescribed monitoring schedules. Further, PWSs will be required to include annual PFAS results in their CCCR. Failure to perform any of the prescribed sampling or reporting for any period can result in a monitoring or reporting violation.

## **MCL COMPLIANCE (STARTING 2029)**

Beginning in 2029, PWSs (CWSs & NTNCWSs) will be required to comply with MCL requirements for all regulated PFAS contaminants. Failure to comply with MCLs during any of the required monitoring periods will be considered a violation.

PWSs will also be required to inform the public of any PFAS MCL violations.

## ACTIONS

- ODW is developing training on PFAS sampling which will be offered to water systems beginning in late June/early July 2024.
- DPH and DNREC will continue to coordinate efforts to strengthen water systems and to equip them for PFAS mitigation and regulatory compliance. This includes ongoing initiatives aimed at sharing data, expertise, and resources to support systems at risk of contamination.

Among them:

➤ Mobile Response Units

DPH and DNREC have established 2 PFAS Mobile Response Units to support systems with exceedances.

➤ PFAS Consortium

DPH and DNREC has re-launched the PFAS Stakeholder’s Consortium, a forum for discussion and information-sharing on key topics related to PFAS – from regulations and treatment techniques to public health challenges.

## References:

[Federal Register :: PFAS National Primary Drinking Water Regulation](#)