



## **Pennsylvania DEP Releases New PFAS Sampling Data and Proposes Additional Actions to Address “Forever” Chemicals**

On June 3, 2021, the Wolf administration released the complete results of sampling for perfluoroalkyl and polyfluoroalkyl substances (PFAS) by the Pennsylvania Department of Environment Protection (PADEP) from certain public drinking water systems located throughout the Commonwealth. PFAS, a “family” of manmade chemicals in use since the 1940s, have myriad applications in consumer, commercial, and industrial products. More recently, PFAS have been discovered in various environmental media (e.g., drinking water sources), plants, animals, and humans. Due to their persistence in the environment – they do not tend to break down naturally – PFAS have been called “forever” chemicals and some research suggests that exposure to PFAS can cause various adverse health effects.

Originally initiated in June 2019, the PADEP-led sampling effort targeted public drinking water systems within a half mile of potential PFAS sources (e.g., manufacturing, fire training, and military facilities). PADEP also sampled outside of the half-mile radius of potential sources to establish a baseline. Samples collected in 2019 were analyzed for six PFAS chemicals, but those collected in 2020 and 2021 were analyzed for 18 PFAS chemicals using U.S. Environmental Protection Agency (EPA) [Method 537.1](#) (updated November 2018). As part of the 2020 and 2021 sampling events, PADEP resampled the 2019 sites in order to obtain additional occurrence data.

Of the 18 PFAS chemicals analyzed from the 412 total samples, only eight were found at the sampled sites: PFOS, PFOA, PFNA, PFHxS, PFHpA, PFBS, Perfluorohexanoic acid (PFHxA), and Perfluoroundecanoic acid (PFUnA). PFOA and PFOS were the most common, being present at 112 and 103 sites, respectively. In only two locations, however, did the combined PFOA/PFOS concentration exceed the combined PFOA/PFOS 70 parts per trillion (ppt) Health Advisory Level (HAL) set by EPA, which is intended to identify the concentration of PFOA/PFOS in drinking water at or below which adverse health effects are not expected to occur over a lifetime of exposure. The two sites with combined PFOA/PFOS concentrations above the HAL are State of the Art, Inc. in Centre County, and Saegertown Borough in Crawford County. From these results, the Wolf administration concluded that PFAS contamination does not seem to be widespread.

While virtually all of PADEP’s sampling results are below EPA’s HAL for PFOA/PFOS, critics claim that the HAL is outdated, too high to be protective, and should be revised. In the absence of federal action to quickly develop lower standards, many surrounding states have promulgated their own standards. For example, New Jersey set drinking water standards for PFOA (14 ppt) and PFOS (13 ppt) much lower than EPA’s HAL and has also set a drinking water standard for PFNA (13 ppt). Similarly, New York has adopted MCLs of 10 ppt for PFOA and for PFOS. Many of the results from PADEP’s sampling effort have concentrations similar to or above the standards adopted by other states. As noted below, PADEP has announced its intention to establish MCLs for some PFAS compounds, but it is unclear if the agency will establish similarly low standards.

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Because Pennsylvania has not set drinking water standards for any of these PFAS chemicals, and because EPA's HAL for PFOA/PFOS is non-regulatory and not enforceable, PADEP's sampling results primarily serve to inform PADEP's current and future actions. The PFAS Action Team, established by Governor Tom Wolf via executive order in September 2018, and the Wolf administration have taken multiple actions to address PFAS in Pennsylvania. These include:

- For the first time in Pennsylvania, initiating the process for setting a Maximum Contaminant Level (MCL) for PFAS (for other drinking water contaminants, PADEP has adopted federal standards, but the federal government has not yet established such standards for PFAS);
- Moving to address PFAS remediation by proposing soil and groundwater medium-specific concentrations for PFOA, PFOS, and PFBS (the rule establishing the MSCs is currently undergoing final review; the proposed MSCs can be found [here](#));
- Working to assist communities and private well owners in the event PFOA/PFOS contamination exceeds EPA's HAL (70 ppt);
- Developing procedures for identifying and assessing commercial/industrial properties that have contaminated private and/or public drinking water sources.

Other actions and recommendations identified in the PFAS Action Team's [December 2019 Initial Report](#) include developing information-sharing protocols for informing and educating the public about PFAS, establishing processes for sharing information between the PFAS Action Team members (which include multiple state agencies), and exploring funding for PFAS remediation efforts. As a result of its sampling program and other factors, PADEP recommended that the Environmental Quality Board (EQB) move forward with a proposed rulemaking to establish a MCL for PFOA based on available data, studies, and science, considering factors such as health effects, technical limitations, and costs.

## Surface Water Sampling

The release of PADEP's public drinking water source sampling data comes on the heels of USGS's release of Pennsylvania surface water sampling results in March 2021. That sampling effort, a collaboration between the USGS Pennsylvania Water Science Center and PADEP, collected samples of raw untreated surface water from 178 PADEP Surface Water Quality Network (WQN) sites. The samples were analyzed for 33 PFAS chemicals and 18 PFAS precursors and found PFAS present in some of the discrete samples. These detections, however, fell below EPA's PFOA/PFOS HAL (note that because this sampling effort collected raw, untreated surface water and not finished drinking water, and used different laboratory methods, the HAL is not directly applicable).

While Pennsylvania has not acted as quickly as other states to promulgate regulations addressing PFAS compounds, its recent sampling efforts, analysis, and other activities show continued progress toward advancing such actions. PADEP's recommendation that the EQB move forward with a PFOA MCL rulemaking is one such action and we expect further announcements and developments in the coming months. PADEP's final public drinking water sampling results can be found [here](#), a summary of the USGS/PADEP surface water sampling can be found [here](#), and the surface water sampling data itself can be found [here](#).

Babst Calland's [environmental remediation attorneys](#) will continue to track the PFAS developments in Pennsylvania and are available to assist you with PFAS-related matters. For more information for this and other remediation matters, please contact Matthew C. Wood at (412) 394-6583 or [mwood@babstcalland.com](mailto:mwood@babstcalland.com), or any of our other attorneys in this practice.

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