

SEFLUC
Regulatory Update
August 13, 2018

- **FDEP Clarification of Rule 62-550.822 Disinfection Byproducts (DBP) Requirements: TTHM and HAA5**
 - **July 25 – Follow up Email with DEP (Joni and Jamie)**
 - “We reached out to the (DOH) Offices and discussed the clarification memo.”
 - **Has anyone heard from DOH regarding past alleged violations or clarification of the memo?**
 - July 5 - DOH in Broward County (DOH-Broward) decided to voluntarily discontinue the delegation of authority from the DEP to DOH-Broward for implementation of the Federal Safe Drinking Water Act and the corresponding Florida Safe Drinking Water Act.
 - **Effective September 12, 2018 all DOH-Broward responsibilities for implementation of SDWA will be fully transferred to DEP.**
 - June 29 – Conference call with DEP (Joni Synatschk, MPH, CPM, Program Administrator, Capacity Development Supervisor/Division of Water Resource Management – Drinking Water and Aquifer Protection Program/Drinking Water and Jamie Shakar, Environmental Administrator/Division of Water Resource Management) to clarify intent of May 10, 2018 Guidance Memo.
 - Items discussed/clarified
 - Both DEP and EPA are encouraging utilities to develop means/methods other than free chlorine burns to comply with the DBP requirements.
 - Confirmed 21 day max referred to in the memo was intended to be per chlorine burn.
 - Confirmed the 21 day max per/chlorine burn is not based on any adopted rules and is the result of an EPA Work Group. Therefore, the 21 day max per/chlorine burn is only recommended best management practice.
 - 2x per year chlorine burn was not included in memo but raised in verbal communications from DEP to County DOH and is also only a recommended best management practice.
 - Informed DEP that the AWWA manual “A Guide for the Implementation and Use of Chloramines” (2004) was actually a Water Research Foundation Guide and only WRF members can purchase and is not listed in 62-550 F.A.C. They are looking into additional guidance manuals they can reference.
 - DEP will reach out to DOH to clarify intent of guidance memo and that it cannot be relied upon for enforcement of 21 day per/chlorine burn / 2x per year limits.

Text from Memo:

- For systems that monitor quarterly, regulatory offices must review DBP monitoring plans to identify the specific week of the quarter that will be sampled. For systems on annual monitoring, schedules must designate the specific month that will be sampled.
- Clarification:
 - a. 62-550.822 F.A.C adopted 40 CFR 141, Subpart U (Section 141.600-141.605) and 40 CFR 141, Subpart V (Section 141.620-141.629).
 - b. As stated in Subpart V in 40 CFR 141.621(a)(2) Footnote 2, Subpart U in §141.605(b) Footnote 2 and §141.605(e), systems on quarterly monitoring must sample every 90 days. The 90-day rule was developed to allow an equal amount of time between sampling. It is understood that there are more than 90 days in some quarters and that a specific day may fall on a weekend in certain years. To work with these factors, facilities can collect samples during the designated week of monitoring. For example: the 2nd week of the 2nd month for each quarter.
 - c. Samples used for compliance purposes must be designated in the system's State approved monitoring plan. Systems may collect more than the required number and frequency of sampling. However, in order to be used in the calculation of the quarterly average used for compliance purposes, the additional samples must be included in the monitoring plan and approved prior to collecting samples. Consideration should be given to assuring that the sampling is equally separated.
 - d. The definition of “normal operating conditions” include any routine maintenance practices. An event such as a chlorine burn, a switch from chloramine to chlorine, is considered to be part of the normal operations of a system for periodic maintenance. A water line break or other disruptive event which is outside the control of the facility is considered non-normal operating condition.
 - e. **The length of chlorine burns should be kept to a maximum of 21 days. Whenever possible, systems should try to optimize processes using guidance such as AWWA manual “A Guide for the Implementation and Use of Chloramines” (2004).**
- **Potable Reuse Commission Meeting**
 - **June 15 Meeting** – discussed draft outreach plan; consideration of technical, managerial and financial requirements in regulatory framework; operator training and certification; source control; website
 - **July 12 Meeting** – discussed framework
 - **July 25 Workshop** - Water Research Foundation provided a summary of recommendations based on stakeholder input.

- **EPA Toxicological Profile for Perfluoroalkyls**

- **Comments due July 23**

- The Agency for Toxic Substances and Disease Registry (ATSDR), within the Department of Health and Human Services (HHS) announces the availability of the Draft Toxicological Profile for Perfluoroalkyls for review and comment. All toxicological profiles issued as “Drafts for Public Comment” represent ATSDR's best efforts to provide important toxicological information on priority hazardous substances.
 - ATSDR is seeking public comments and additional information, reports, and studies about the health effects of these substances. Although ATSDR considers key studies for this substance during the profile development process, this document solicits any relevant, additional studies. ATSDR will evaluate the quality and relevance of such data or studies for possible inclusion into the profile. ATSDR remains committed to providing a comment period for this document as a means to best serve public health.
 - The Tox Profile is accompanied by a fact sheet that utilities may find helpful in putting drinking water PFAS exposure in context for customers.
 - EPA is expected to release draft toxicity values for perfluoro-2-propoxypropanoic acid (GenX) - a replacement chemical for PFOA, and perfluorobutane sulfonate (PFBS) in August.

- **PFOA/PFAS Standards**

- Currently, the EPA has a **non-enforceable** health advisory level of 70 parts per trillion for Perfluorooctanoic acid (PFOA) and Per- and polyfluoroalkyl substances (PFAS) combined.
 - The two compounds are the focus of several activities at EPA, including a national summit in Washington, D.C., in May. **The agency has committed itself to evaluating PFOA and PFAS for regulation in drinking water.**
 - Community outreach workshops in New Hampshire, Pennsylvania and Colorado.
 - EPA will initiate steps to evaluate the need for a maximum contaminant level (MCL) for PFOA and PFOS. We will convene our federal partners and examine everything we know about PFOA and PFOS in drinking water.
 - EPA is beginning the necessary steps to propose designating PFOA and PFOS as “hazardous substances” through one of the available statutory mechanisms, including potentially CERCLA Section 102.
 - EPA is currently developing groundwater cleanup recommendations for PFOA and PFOS at contaminated sites and will complete this task by fall of this year.

- EPA is taking action in close collaboration with federal and state partners to develop toxicity values for GenX and PFBS by this summer.
 - New Hampshire signed into law a state bill that will have his state’s Department of Environmental Services set drinking water maximum contaminant level standards for Perfluorooctanoic acid (PFOA) and Per- and polyfluoroalkyl substances (PFAS) by Jan. 1, 2019.
 - EPA conducted community engagement meeting on July 25
 - Vermont set its on MCLs for PFOA and PFAS at 20 parts per trillion in late 2016, while New Jersey set an MCL of 14 parts per trillion for PFOA last November.
- **EPA Requests Comments on Conduit Theory**
 - Monitoring Court Cases and EPA Action/No Change
- **State Assumption of CWA 404 Permit Program**
 - WAITING FOR DRAFT MOAs
 - Comment letters may still be provided