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U.S. Environmental Protection Agency
EPA Docket Center, Office of Water Docket – Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

**Subject: Southeast Florida Utility Council Comments on
Proposed Rule Extending the Compliance Deadline for the
PFOA and PFOS Maximum Contaminant Levels
Docket ID No. EPA-HQ-OW-2025-1742**

Dear Administrator Zeldin:

I am writing on behalf of the Southeast Florida Utility Council (SEFLUC) to provide comments on the U.S. Environmental Protection Agency's (EPA) proposed rule, "Extending the Compliance Deadline for the PFOA and PFOS Maximum Contaminant Levels," 91 Fed. Reg. 29425 (May 20, 2026) (the "Extension Rule"). SEFLUC represents a network of water and wastewater utilities serving over 6 million residents and visitors in Southeast Florida. Our members are deeply committed to assuring their customers continue to be provided safe and reliable drinking water, and SEFLUC appreciates EPA's efforts to accomplish that same objective through its PFAS rulemaking efforts.

SEFLUC supports EPA's proposal to maintain the maximum contaminant levels (MCLs) for PFOA and PFOS while providing public water systems the ability to obtain two additional years, until April 26, 2031, to achieve compliance. As EPA recognizes in the Extension Rule, achieving compliance with the PFOA and PFOS MCLs will require many systems to undertake multi-year capital projects involving planning, piloting, design, procurement, financing, and construction. For many systems, these steps cannot be reasonably completed by April 26, 2029. Providing additional time for the systems that need it will, as EPA has explained, strengthen the practical implementation of the MCLs and promote durable and more cost-effective compliance for the communities our members serve.

SEFLUC offers the following two comments. Both are intended to foster compliance and to reinforce the goals of EPA's rulemaking efforts.

1. Consecutive Systems Should Be Permitted to Rely on Their Wholesale Supplier's Source Water Control Measure

This comment is intended to address one aspect of the proposed exemption framework: the application of the proposed control measure requirements on consecutive systems that receive their water as finished water from a wholesale supplier.

Under the proposed rule, a water system covered by the exemption that has any most recent PFOA or PFOS sampling result equal to or greater than 12 ppt must select, certify, and implement at least two of the six control measures identified in proposed 40 CFR 142.59 during the exemption period, and the two selected measures may not consist solely of public education materials and community outreach activities. 91 Fed. Reg. at 29434. Among the six proposed control measure options is "implementing actions and plans to decrease PFOA and PFOS levels in sources of drinking water."

A consecutive system that receives its water as finished water from a wholesale supplier controls neither the sources of that water nor its treatment. As a practical matter, the menu of six control measures therefore narrows considerably for these systems. Source water controls are not within a consecutive system's authority or practical ability to implement, and the provision of alternative water supplies or blending is generally infeasible for a system whose sole source is its wholesaler's

finished water. The remaining options are further constrained by the proposed prohibition on selecting the two education-based measures alone. The result is that consecutive systems—which have no control over the PFOA and PFOS levels in the finished water they purchase—face materially fewer feasible control measure options than the systems that control source water and treatment.

To address this issue, SEFLUC requests that the final rule provide that a consecutive system receiving 100 percent of its water from a wholesale supplier may rely upon, as a pass-through, the applicant wholesale system's selection and implementation of a control measure "implementing actions and plans to decrease PFOA and PFOS levels in sources of drinking water" as one of the consecutive system's two required control measures. This approach is fully consistent with the purpose of the control measures, which is to reduce PFOA and PFOS concentrations and associated exposure during the period of the exemption: actions taken by a wholesale supplier to decrease PFOA and PFOS levels in the sources of the water it treats and delivers directly reduce PFOA and PFOS levels in the finished water that its consecutive systems distribute to their consumers. Such qualifying consecutive systems would then select, certify and implement one additional measure of its choosing from the six options to comply with proposed 40 CFR 142.59 and obtain the two-year exemption.

The requested pass-through would be straightforward to implement under the currently proposed administrative framework for processing requested two-year exemptions. Proposed 40 CFR 142.58(b) already requires a wholesale system to identify the consecutive systems through which its water is distributed, and a consecutive system to identify the wholesale systems providing its finished water, as part of the exemption request, so EPA will have the information necessary to verify the relationship between the two systems. We note that EPA specifically requested comment on the six proposed control measures and on whether there are other measures the Agency should consider, 91 Fed. Reg. at 29434, and SEFLUC offers this comment in response to that request.

2. All Systems Should Be Provided Until January 2029 to Submit Their Exemption Requests

Under the proposed rule, a water system seeking the federal exemption must provide EPA with the information required by proposed 40 CFR 142.58(b) no later than 180 days following promulgation of the final rule. SEFLUC requests that EPA instead allow all systems until January 26, 2029 to submit their exemption requests.

A 180-day submission window would close well over two years before the exemption period begins on April 26, 2029. During that intervening period, the facts bearing on whether a particular system needs the exemption will continue to develop: systems will complete additional compliance monitoring; treatment pilot studies will conclude; capital project scopes and costs will be refined through design and competitive bidding; and applications for the federal and state funding that EPA identifies in the proposal as reasonably likely to be available, including Drinking Water State Revolving Fund and related programs, will be submitted and decided. An early, fixed submission deadline would force many systems to make protective requests based on incomplete information, and would foreclose relief for systems whose inability to comply by April 26, 2029, becomes apparent only after the window has closed.

Allowing submissions until January 26, 2029 would still afford EPA adequate time to receive and process requests before the exemption period begins, while ensuring that exemption requests are grounded in the most complete and accurate information available. In this way, the requested extension of the submission deadline reinforces the stated goals of the rulemaking: it maintains the PFOA and PFOS MCLs, strengthens the practical implementation of the rule, and reserves the exemption for those systems that genuinely need it.

SEFLUC appreciates EPA's recognition of the practical challenges facing public water systems as they work toward compliance with the PFOA and PFOS MCLs, and we appreciate the opportunity to provide these comments. We would welcome the opportunity to discuss these issues further with EPA staff as the Agency develops the final rule.

Sincerely,

Southeast Florida Utility Council



Maria Loucraft
SEFLUC Chair

CC: SEFLUC Members