
LAW & ODOR

DRINKING WATER UNIT

PFAS AND LEAD AND COPPER REGULATION

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TCAA
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A background image of a molecular structure with several spheres connected by rods, set against a dark blue gradient. The spheres vary in size and are arranged in a complex, interconnected pattern.

PFAS



Everyday Items

PFAS have been used in:

- Cleaning products,
- Raincoats, umbrellas & tents,
- Grease-resistant paper,
- Nonstick cookware,
- Shampoo, floss, nail polish,
- Fire extinguisher foam,
- Stain-resistant coatings on carpets, upholstery, etc.



Previously Unregulated

Before 2016, chemicals used in the U.S. were only regulated upon a showing that they caused harm. Businesses were relied upon to provide data about their products' harmfulness.



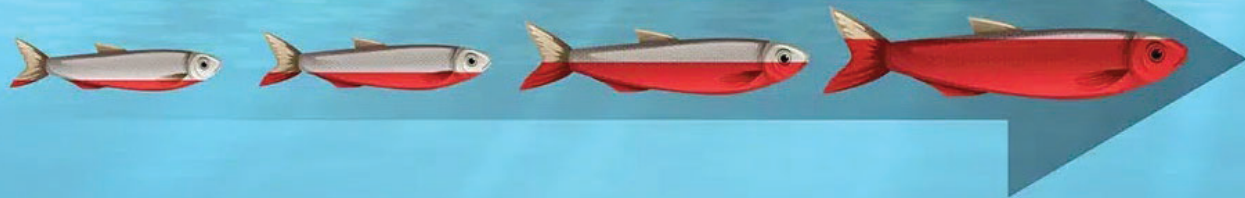
EPA's Basis for Regulation

PFAS has been linked to:

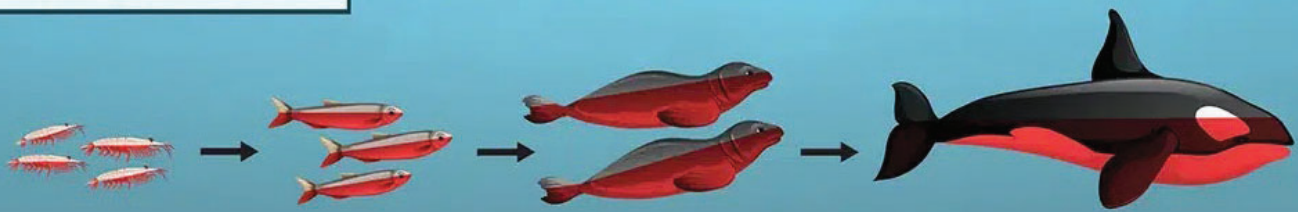
- Reproductive effects
- Developmental effects or delays in children
- Increased risk of cancer
- Reduced ability of the body's immune system to fight infections,
- Hormone interference

What is it about PFAS?

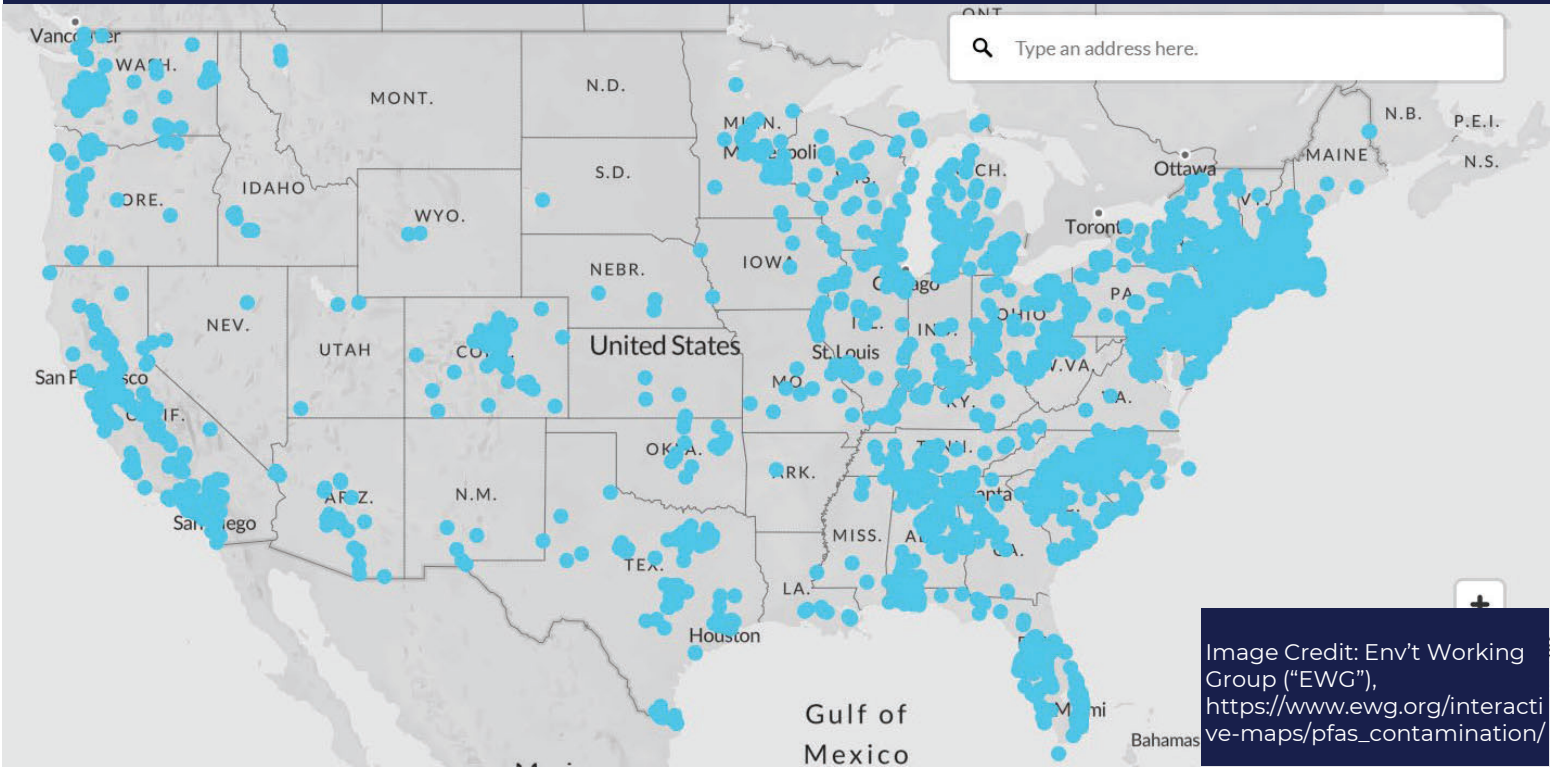
Bioaccumulation



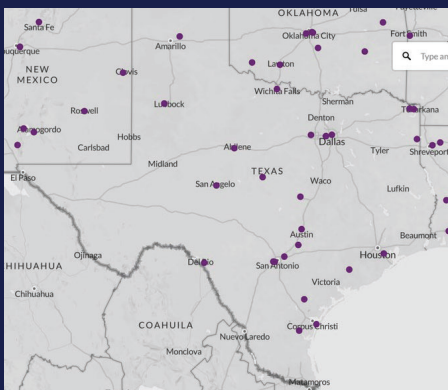
Biomagnification



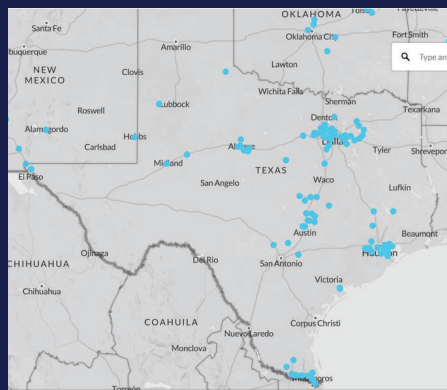
Areas with PFAS in PWS Above Reporting Levels (4 ppt)



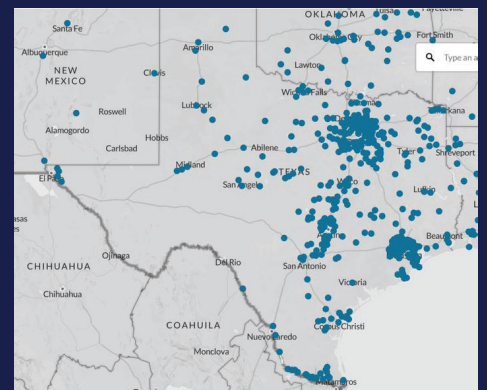
Where are PFAS found in Texas?



Air Force Bases: commonly used PFAS-laden aqueous firefighting foam



Areas where PFAS are above 4 ppt



Areas where PFAS are below 4 ppt

How do PFAS move through our environment?

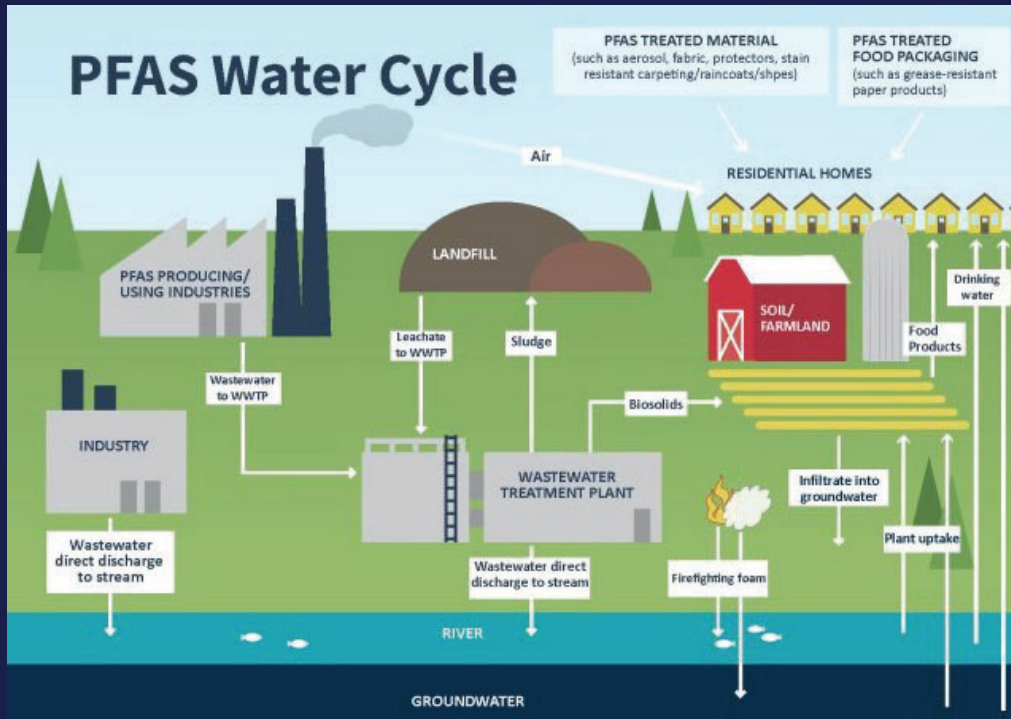
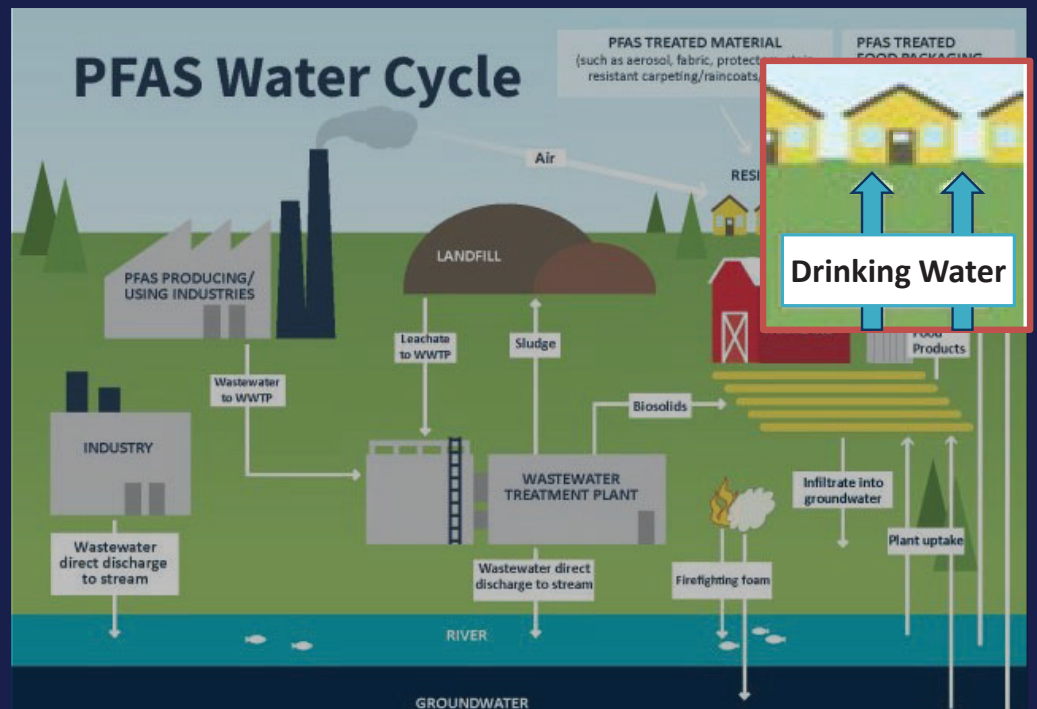


Image Credit: 3M Cordova, EPA (last updated June 30, 2025), <https://www.epa.gov/il/3m-cordova>.

Today's Discussion: Drinking Water

- Safe Drinking Water Act ("SDWA")
 - For Another Day*
- Clean Water Act ("CWA")
- Comprehensive Environmental Response, Compensation, & Liability Act ("CERCLA")
- Resource Conservation and Recovery Act ("RCRA")
- Toxic Substances Control Act ("TSCA")



Safe Drinking Water Act (“SDWA”)

- Who?
 - Public water systems (PWSs)
- What is required?
 - Monitoring for regulated and unregulated contaminants, and
 - Installing treatment techniques to decrease contaminant levels



Image Credit: Cynthia J Drake, 13 Things to Do in Round Rock, Texas, Southern Living Magazine (Sept. 10, 2024), <https://www.southernliving.com/round-rock-tx-8705916>.

Safe Drinking Water Act (“SDWA”)

How are contaminants regulated?

- **Regulatory determination** (1st)
 - May have an **adverse effect** on people’s health,
 - Known to occur or there is a substantial likelihood the contaminant will occur in PWSs with a frequency and level of public health concern, and
 - Regulation of the contaminant present a meaningful opportunity for health risk reduction for persons served by PWSs.
- **National Primary Drinking Water Regulation** (“NPDWR”) (2nd)
 - A maximum contaminant limit (“MCL”) and/or
 - Other methods of limiting the amount of a contaminant.



Image Credit: The Essential Guide to Clean Water: Why Water Filtration at Home is Crucial for Your Health (Oct. 9, 2024), <https://cleanlivingcoaching.com/post/the-essential-guide-to-clean-water-why-water-filtration-at-home-is-crucial-for-your-health>.

July 20, 2026: Comments are due.

May 20, 2026: Proposed rule to repeal the regulation of the other PFAS, and to streamline extension requests to comply with PFOA and PFOS by 2031.

May 2025: EPA announces a plan to propose a rule to extend the deadline for PFOA and PFOS deadlines to go into effect and to repeal its other PFAS designations and MCLs

2024: MCLs are set for PFOA & PFOS

More PFAS are designated contaminants and assigned MCLs (in the same rule)

2021: PFOA & PFOS are designated contaminants

SDWA: PFAS Regulatory Timeline

Streamline extension requests for 2031

PFAS Compound	MCLG	MCL	Deadline
PFOA	0 ppt	4.0 ppt	2029
PFOS	0 ppt	4.0 ppt	2029
PFHxS	10 ppt	10 ppt	2029
PFNA	10 ppt	10 ppt	2029
HFPO-DA (GenX)	10 ppt	10 ppt	2029
Mixtures containing PFBS and PFHxS, PFNA, HFPO-DA (GenX)	1 (unitless) Hazard Index	1 (unitless) Hazard Index	2029

**Chart above shows regulatory edits proposed in rules issued by EPA on May 20, 2026

SDWA: PFAS Regulations in Effect

May 20 2026: Proposed rule to repeal the regulation of the other PFAS, and to delay the compliance date for PFOA and PFOS.

2024: MCLs are set for PFOA & PFOS
More PFAS are designated contaminants and assigned MCLs (in the same rule)

2021: PFOA & PFOS are designated contaminants

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Take-Away: PFOA and PFOS remain actively regulated, and other PFAS regulations are active until they are **finally** repealed.

Be on the lookout for EPA's final SDWA PFAS rules!

- If EPA **completes** its rulemaking as proposed, the following regulations remain:

- PFOA & PFOS are regulated contaminants under the SDWA
- PWSs must meet MCLs of 4 ppt for PFOA and PFOS by 2029

- If EPA **does not** complete its rulemaking by 2029, PWSs can still be liable for:

- The 4 ppt limit on PFOA and PFOS in drinking water
- Complying with the 10 ppt limit on the other PFAS (PFHxS, PFNS, GenX, mixtures of these with PFBS).

SDWA: Action Plan

1. Continue **initial monitoring** for PFOA and PFOS in 2026, submit to TCEQ by April 26, 2027.
2. Conduct **ongoing compliance monitoring** starting in 2027.
3. Include monitoring results in **consumer confidence reports**, and issue **public notices** for violations of certain PFAS regulations.
4. Comply with PFOA and PFOS **MCLs by 2029**.
5. Watch for a **final rules** regarding
 - A. An extension request process to delay MCL compliance, and
 - B. The regulation of other types of PFAS (PFNA, PFHxS, HFPO-DA, and mixtures of these with PFBS).

SDWA: PFAS Monitoring Action Plan

- Initial Monitoring: must be completed by **April 26, 2027**

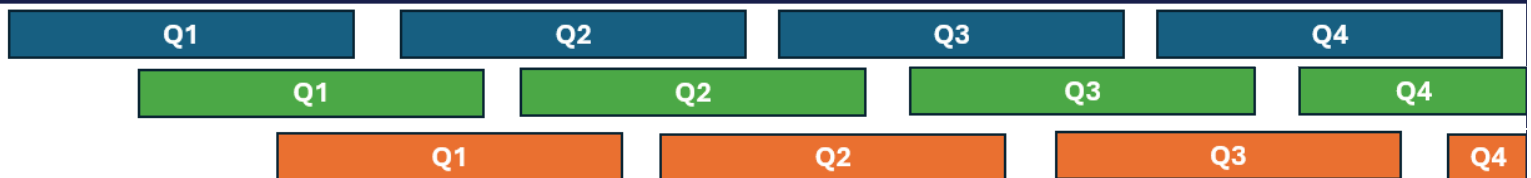
<p>Surface Water Systems serving all population sizes</p> <ul style="list-style-type: none"> Quarterly within 12-month period Samples collected 2 to 4 months apart. 	<p>Groundwater Systems serving > 10,000 customers</p> <ul style="list-style-type: none"> Quarterly within 12-month period Samples collected 2 to 4 months apart. 	<p>Groundwater Systems serving ≤ 10,000 customers</p> <ul style="list-style-type: none"> Twice within 12-month period Samples collected 5 to 7 months apart.
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- Ongoing Compliance Monitoring: 2027 and beyond
 - Frequency of sampling depends on whether PFAS concentrations are above trigger levels

Compounds	Trigger Level (ppt)	Maximum Contaminant Level (ppt)
PFOA & PFOS	2.0	4.0
PFHxS, PFNA, GenX	5	10
Hazard Index (mixtures with PFBS)	0.5 (unitless)	1 (unitless)

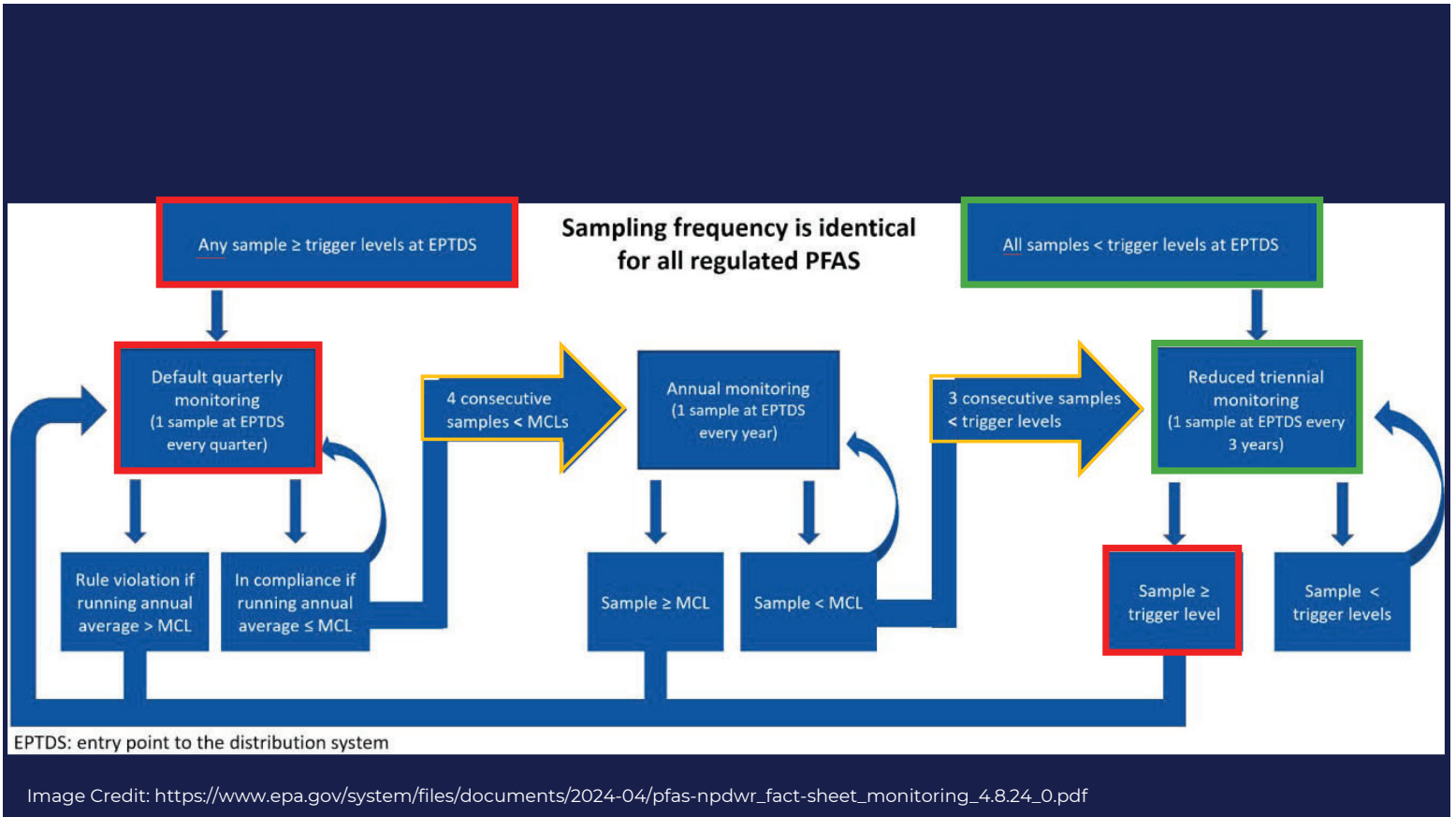
SDWA: PFAS Initial Monitoring Due to TCEQ April 26, 2027

May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr.



Q1 Most conservative approach

Q1 Samples could be taken in September (Q1) and April (Q4) and:
 • November (Q2) and January (Q3), or
 • December (Q2) and February (Q3).



SDWA: CCRs & Public Notice

Public Notice Tier 2

- Required for MCL violations (at or above the limit)
- Must be provided no later than 30 days after learning of violation



Public Notice Tier 3

- Required for monitoring and testing procedure violations
- Must be provided no later than one year after learning of violation (can be published in the annual CCR)

Annual CCR Notices

- PFAS monitoring results
- Exemptions (see proposed rule)



SDWA: MCL Compliance

Current Deadline under Current Rules
Compliance with the PFAS MCLs is required by:

April 26, 2029

EPA's Proposed Extension Process Rule

Proposes a streamlined process for EPA to grant compliance extensions for the **PFOA and PFOS** MCLs until

April 26, 2031

Proposed Deadline to Apply: **180 days** after rule is finalized

SDWA: Proposed Exemption by Rule

PWSs face several challenges to meeting the PFAS MCLs,

- a) Time is needed to make capital improvements
- b) Technological limitations
- c) Monitoring data is limited
- d) Federal and state support programs are still in their early stages
- a) Broader strategies have yet to be implemented (i.e., effluent guidelines for wastewater discharges)



SDWA: Proposed Exemption by Rule

Part of the reason to streamline exemptions is that many state's environmental agencies have yet to request authority to operate the PFAS SDWA program within their states.

Exemption would only be available to PWSs in Texas so long as the PFAS SDWA program was operated by EPA—not TCEQ.

TCEQ can continue the exemptions granted by the EPA, *if* TCEQ incorporates the proposed exemption process into state regulations and TCEQ's primacy agreement with the EPA.



SDWA: MCL Compliance

Compliance with MCLs **can be delayed** by EPA under SDWA § 1416 upon a PWSs' request, if certain statutory criteria are met.

1. **Compelling factors** demonstrate why the PWS is unable to comply,
2. PWS was in operation as of the requirement's effective **date**, or PWS can show no reasonable alternative source of drinking water existed,
3. Won't result in an **unreasonable risk to health**, and
4. **Management** and/or restructuring changes will not result in compliance.

SDWA: Proposed Exemption by Rule

Unreasonable Risk to Health: PWSs with PFAS samples submitted in their extension request over 12 ppt, must implement two of the interim control measures below to reduce risk:

- ❖ Alternative sources of water, including bottled water
- ❖ Installing and using point-of-entry or point-of-use devices
- ❖ Developing source water controls (i.e., effluent guidelines)
- ❖ Providing pitcher filters
- ❖ Public education
- ❖ Community outreach

Community outreach and public education **cannot** be used together to meet this requirement.

PFAS Take -Aways

Action Plan

1. Initial Monitoring due **April 26, 2027**.
2. Requirements for ongoing monitoring, CCRs, and PNs begin in **2027**.
3. PFAS MCL Compliance is required by **April 26, 2029**.

EPA's Proposed PFAS Rules for PWSs

Submit comments at <https://www.regulations.gov> by July 20, 2026.

1. Repeal of Regulatory Determinations and MCLs for Other PFAS
 - a. Docket ID No. EPA-HQ-OW-2025-0654
2. Extension Request Process (push compliance from 2029 → 2031)
 - a. Docket ID No. EPA-HQ-OW-2025-1742



LEAD & COPPER

Context

- Safe Drinking Water Act
 - 1975: 50 ppb for lead MCL
 - 1986: Congress found this MCL inadequate to protect health and safety
- Lead and Copper Rule (1991)
 - Established requirements regarding:
 - Monitoring, analysis, reporting, and recordkeeping
 - Notice and public education
 - Corrosion control techniques
 - Lead service line replacement
 - Source water treatment
 - Corrosion control, line replacement, and source water treatment are only required when lead reaches an “action level” of 15 ppb ($\mu\text{g/L}$).
 - Lead has no MCL, instead “action levels” are used to trigger the above requirements that will decrease the amount of lead in the water

2021 Lead and Copper Rule Revisions

- First major overhaul of LCR
- Major provisions included:
 - Water systems required to develop inventories of lead service lines identifying material type (lead, non-lead, galvanized requiring replacement (“GRR”), unknown)
 - Testing required at school and childcare facilities
 - New “trigger level” of 10 ppb
 - Expanded public notice requirements
 - Utilities required to identify and publicly disclose lead service line locations
- Initial service line inventories were due to TCEQ by October 2024

2024 Lead and Copper Rule Improvements

- Requires identification and replacement of lead pipes within 10 years
- Establishes additional requirements including:
 - Locating legacy lead pipes
 - Improving tap sampling
 - Lowering the lead action level to 10 ppb
- Kept the initial service line inventories October 2024 deadline

LCRI Applicability

30 Tex. Admin. Code § 290.117

(a) Applicability. The requirements of this section apply to **community and nontransient, noncommunity public water systems** . These regulations establish requirements for monitoring, reporting, corrosion control studies and treatment, source water treatment, lead service line replacement, and public education...

Water System Obligations under LCRI

- October 16, 2024: Submit initial inventories to TCEQ
- November 16, 2024: Notify customers with lead service lines, GRR, or unknown material
- November 1, 2027: Submit updated baseline inventory and service line replacement plan to TCEQ
- January 30, 2029 (annually): Submit updated inventory
- December 31, 2037: 10-year replacement deadline

No Partial Line Replacement

- PWSs are required to replace all lead and galvanized requiring replacement (“GRR”) service lines “under the control of the water system,” including the private side of the line
- What constitutes control?
 - Legal and Physical Access
 - Landowner Permission

Legal Access

- Legal access is determined on a PWS -specific basis by a series of factors, including:
 - State and local laws
 - Water tariff agreements
 - Permission from individual property owners

Physical Access

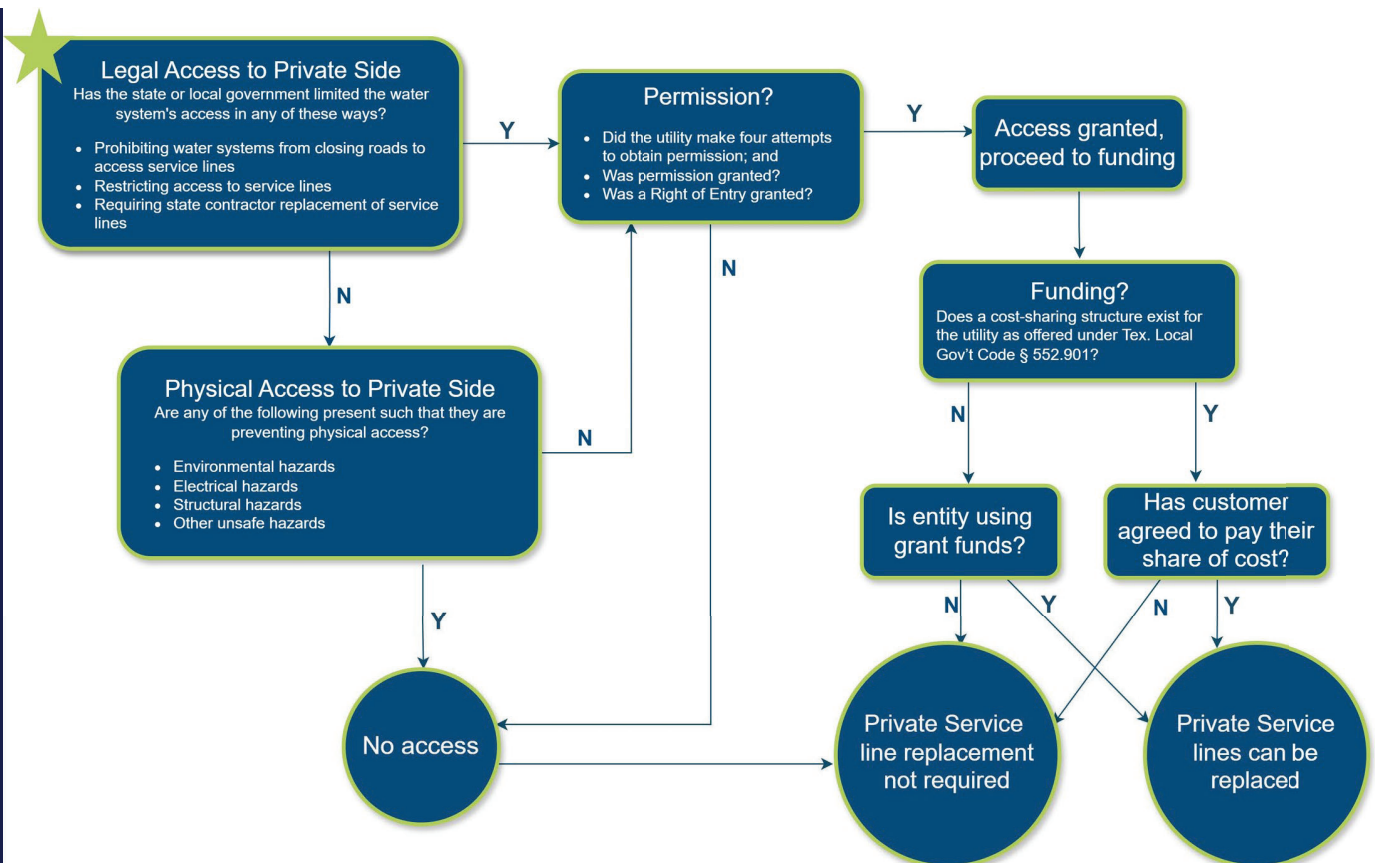
- Issues related to safety of water system personnel, such as:
 - Environmental hazards
 - Electrical hazards
 - Structural hazards
 - Other unsafe conditions

Landowner Permission

- Utility must make a “reasonable effort” to obtain permission
 - Four attempts
 - At least two different methods of communication (phone call, text, email, written letter, door hanger, etc.)

Funding

- Constitutional prohibition on use of public funds for private property (Tex. Const. Art. XI, Sec. 12)
- Outside Grant
 - Drinking Water State Revolving Fund
 - Water Infrastructure Finance and Innovation Act Program
 - Water Infrastructure for the Nation
- Cost-Recovery from customers
 - Texas Local Government Code Section 552.901 authorizes utility to pay upfront and property owner repays over 5 years



Public Notice

- Initial notification due 30 days after completion of initial inventory
- Repeat notification must be provided on an annual basis
- Must provide notice for new customers at the time -of- service initiation
- Notice may be discontinued when the entire service line is no longer lead, GRR, or unknown

Questions?

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