



January 23, 2019

Mr. Andrew Wheeler, Acting Administrator and
Mr. David Ross, Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Mr. Wheeler and Mr. Ross,

The Association of State Drinking Water Administrators (ASDWA) is the independent, nonpartisan, national organization representing the collective interests of the drinking water program administrators in the 50 states, five territories, the District of Columbia, and the Navajo Nation. ASDWA's members implement the Safe Drinking Water Act (SDWA) by regulating and providing technical assistance and funding for the nation's 150,000 public water systems (PWS) to ensure the protection of public health and the economy.

ASDWA's members are facing challenges from water systems contaminated with per- and polyfluoroalkyl substances (PFAS) and/or other unregulated contaminants with adverse human health effects. Many water systems are having to conduct monitoring and to install or upgrade treatment for these contaminants, and these systems need to consider all potential sources of funding for the new or upgraded treatment.

Recommendation for EPA to Publish a Clarifying Memo with Guidance on Using the DWSRF for PFAS and Other Unregulated Contaminants

ASDWA recommends that EPA publish a memo clarifying that states can use the DWSRF to assess and address PFAS and other unregulated contaminants with adverse human health effects that may or may not have a published federal health advisory, toxicity, or reference dose levels. The language in the memo should explain that states can:

- Use the Drinking Water State Revolving Fund (DWSRF) to provide loans to water systems that need to install or upgrade treatment to remove PFAS and/or other unregulated contaminants.
- Use the 15% "Local Assistance and Other State Programs" (Capacity Development) set-aside for special (investigative/non-routine) water system monitoring for these types of contaminants.

As part of the memo, ASDWA also recommends that EPA provide guidance on how states can use health effects information, determine a health hazard, and use priority points for DWSRF loans to elevate projects to address PFAS or other unregulated contaminants. This memo could be similar to the previous memos EPA published in May 2016 on "[Clarification of DWSRF Eligibility of \(Lead\) Service Line Replacement on Private Property](#)," and in March 2010 on "[Eligibility for States to use DWSRF Capacity Development Set-aside for LT2 *Cryptosporidium* Monitoring](#)."

States already have a high degree of discretion for what could be funded by the DWSRF. ASDWA recommends that the EPA Regions work closely with their state drinking water programs to build awareness of the discretion allowed under the DWSRF program in order to provide funding for unregulated contaminants with adverse human health effects. States will also need to work with the EPA Regions to adjust their DWSRF Intended Use Plans and Performance Partnership Agreements to include provisions for additional water system treatment costs and the need to assess and address these unregulated contaminants.

State Challenges: Many states are having difficulties with providing DWSRF loans to water systems for installing treatment to remove PFAS and other unregulated contaminants because each state has their own unique criteria for DWSRF loans and priority points. The bullets below provide some additional details surrounding these difficulties:

- The language written in some states' Intended Use Plans and Performance Partnership Agreements limit DWSRF loans to only those water systems that need treatment to meet SDWA maximum contaminant levels (MCLs).
- The current DWSRF priority rating system does not assign enough points for a water system to get a loan if they do not have a violation of a primary or secondary drinking water standard.
- What is considered a "health hazard" to help a water system get a DWSRF loan is based on different state definitions and may not include unregulated contaminants.

Thank you for your considering the recommendations provided in this letter that are needed to ensure safe drinking water and public health protection. Please contact me at 730-812-9507 or aroberson@asdwa.org to provide more information or to ask questions.

Sincerely,

A handwritten signature in blue ink that reads "J. Alan Roberson". The signature is written in a cursive style with a large initial "J".

Alan Roberson, Executive Director
Association of State Drinking Water Administrators

Cc: Jennifer McLain – EPA OGWDW