AWWA NJ POSITION STATEMENT REGARDING PFAS

The New Jersey Section of the American Water Works Association (AWWA NJ) supports the March 25, 2019 Statewide poly- and perfluoroalkyl substances (PFAS) Directive, Information Request and Notice to Insurers (“Directive”) issued by Catherine R. McCabe, Commissioner of the New Jersey Department of Environmental Protection (NJDEP). Five (5) companies (“Respondents”) have been listed as responsible for this contamination in the Directive.

The Directive states that the Respondents, not New Jersey residents, pay for the investigation, monitoring, testing, treatment, cleanup and removal of the PFAS. The Directive requests that the Respondents provide the NJDEP with an immediate understanding of the Respondents’ current development, manufacture, transport, use storage, release, discharge, and/or disposal of PFAS as well as for replacement chemicals. The Directive identifies specific responsibilities for the Respondents for perfluorononanoic acid (PFNA), perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and associated replacement chemicals, where the replacement chemicals may have similar toxicity.

In September 2018, New Jersey became the first state to adopt a maximum containment level (MCL) of 13 parts per trillion (ppt) for PFNA in drinking water and the NJDEP issued proposed rule amendments for regulation of PFOA at 14 ppt and PFOS at 13 ppt on April 1, 2019. The State adopted specific ground water quality standards for PFNA of 10 ppt in January 2018 and has placed for public comment Interim Specific Groundwater Quality Criteria for PFOA at 10 ppt and PFOS, also at 10 ppt.

AWWA NJ supports existing State law used to establish MCLs for drinking water not regulated at the Federal level. This pragmatic approach incorporates recommendations made by New Jersey’s Drinking Water Quality Institute (DWQI) for establishing drinking water standards based on health effect data with an emphasis on reliable and accurate sample collection and analysis techniques and a full assessment of treatability. This will ensure that all consumers will be protected from these contaminants utilizing the best available treatment technologies available to the entire drinking water industry.