



PFAS and Lead and Copper Rule Updates

CONNECTICUT WATER WORKS ASSOCIATION FALL CONFERENCE

Bob Melvin | Emily Deans | Emilee Mooney Scott

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Of Note

We note that in this presentation we are only providing general information; the information contained in this presentation does not constitute legal advice. No attorney-client relationship has been created. If legal advice or other assistance is required, please contact us directly.

Agenda

- PFAS
 - Drinking water standards (MCLs)
 - UCMR5 data
 - Effluent Limits
 - CERCLA
 - Litigation
- Lead and Copper Rule
 - Timeline of Revisions
 - Lead and Copper Rule Improvements (LCRI)
 - Related Litigation

PFAS: Drinking Water Standards

- Maximum Contaminant Levels were set in April 2024

| Compound | MCL (parts per trillion/ppt) |
|--|---------------------------------|
| PFOA | 4 |
| PFOS | 4 |
| PFNA | 10 |
| PFHxS | 10 |
| HFPO-DA (“GenX”) | 10 |
| Hazard Index (GenX, PFNA, PFHxA, PFBS) | Unitless Hazard Index of 1 |

- Maximum Contaminant Level Goals (MCLGs) for PFOA and PFOS are zero.
 - Standards could continue to fall as technology improves.

PFAS: Drinking Water Standards

- **MCLs for PFOA and PFOS look secure, but watch for movement on the others**
- EPA announced its intention to retain and defend MCLs for PFOA and PFOS in May 2025, but to reconsider standards for the others.
- *AWWA v. EPA* (US Court of Appeals for DC Circuit)
 - AWWA challenged MCLs for PFNA, PFHxS, and Gen-X, and unitless hazard index standard
 - EPA skipped a step by setting standards for PFNA, PFHxS, GenX and PFBS at the same time it was making the decision to regulate them in the first place.
 - A hazard index is neither an MCL nor a treatment technique, the two forms of standards permissible under the SDWA.
 - PFNA, PFHxS, GenX and PFBS not known to occur in public water systems to an extent that would cause concern.
 - Standards (including 4 ppt for PFOA and PFOS) not feasible to achieve.
 - EPA has requested that the court vacate the regulatory determinations and MCLs for PFNA, PFHxS, GenX and PFBS.

PFAS: Unregulated Contaminant Monitoring Rule 5

- UCMR 5 promulgated in 2021, requires monitoring for 29 PFAS 2023-25
- July 2025 data: PFOS and PFOA are the drivers.

Nationwide UCMR 5 PWSs with avg. PFAS conc. > MCL

| | Large | Medium | Small |
|-----------|--------------|-------------|-------------|
| PFOS | 11.9% | 6.3% | 6.6% |
| PFOA | 10.4% | 5.3% | 4.9% |
| GenX | 0.03% | 0.03% | 0.0% |
| PFHxS | 1.1% | 0.4% | 0.6% |
| PFNA | 0.1% | 0.1% | 0.0% |
| Haz Index | 1.2% | 0.5% | 0.6% |
| Total* | 15.0% | 8.4% | 8.0% |

*Without double counting

Data source: EPA, The Fifth Unregulated Contaminant Monitoring Rule (UCMR 5) Data Summary, July 2025

PFAS: Wastewater

- EPA working on POTW Influent PFAS Study
 - Proposed Information Collection Request in March 2024.
 - Draft questionnaire in October 2024
 - Stalled?
- CT DEEP General Pretreatment Permit for SIU Discharges to POTWs expected soon
 - April 2025 draft included:
 - PFAS sampling requirements for specified industry categories (e.g., metal finishing, printing, photo processing, commercial laundries)
 - Source identification and reduction plan for same industries above
- CT DEEP individual NPDES permits increasingly adding PFAS sampling and source control requirements

PFAS: CERCLA

- Comprehensive Environmental Response, Compensation, and Liability Act a.k.a. Superfund
 - Framework for addressing sites contaminated by hazardous substances and identifying potentially responsible parties (PRPs).
 - POTWs are sometimes identified as PRPs.
- EPA has designated PFOA and PFOS as hazardous substances under CERCLA in 2024
 - Administrator Zeldin announced that this designation will be retained and defended.
 - Framework rule to be developed before other PFAS are considered for hazardous substance designation.
- Water utilities have argued that they should be shielded from liability as “passive receivers” of PFAS.
 - In September 2025 EPA urged Congress to pass a statutory fix shielding passive receivers from liability.

PFAS: Litigation

- Multi-district litigation related to AFFF contamination – class of public water systems pursuing compensation for contaminated drinking water.
 - Defendants: 3M, DuPont, Chemours, and Corteva.
 - Settlements have been reached
 - 3M: Up to \$12.5 billion
 - DuPont, Chemours, and Corteva collectively: Up to \$1.19 billion
- Water utilities as defendants
 - Consumers allege personal injury related to consuming contaminated water

Lead and Copper Rule

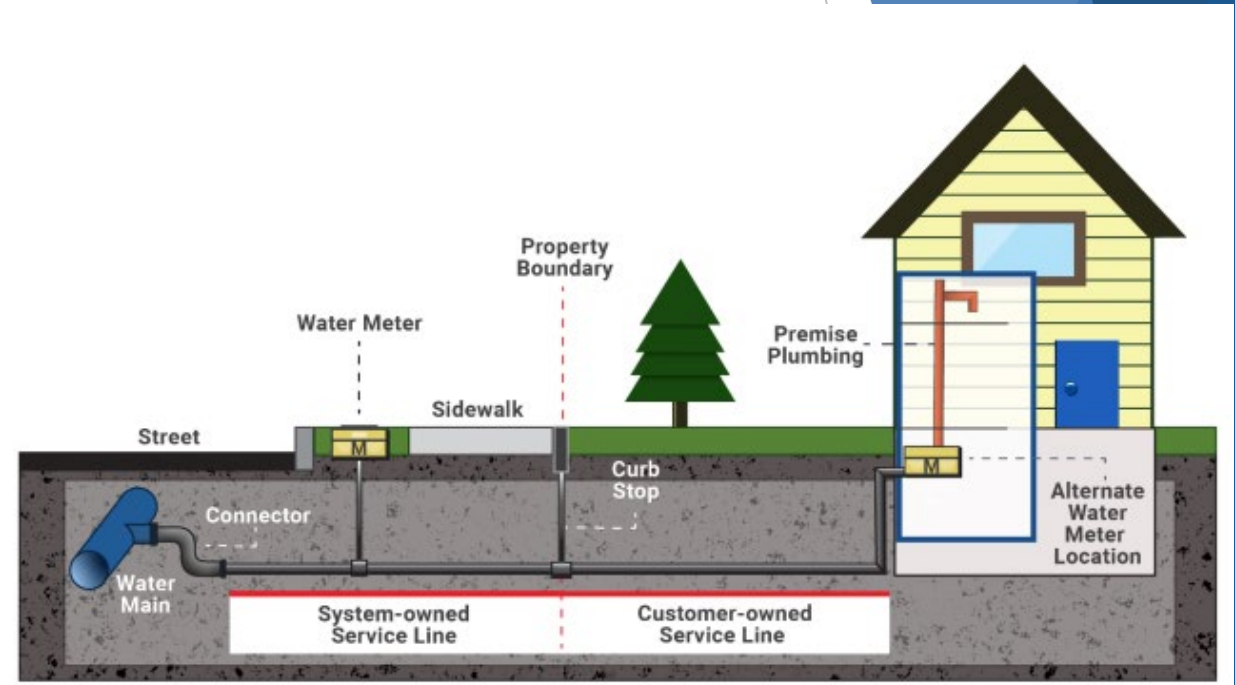
- 1974: Safe Drinking Water Act
- 1991: Lead and Copper Rule
- 2000 – 2007: Minor Revisions, Corrections, and Short-Term Revisions
- 2021: Lead and Copper Rule Revisions (LCRR)
- 2024: Lead and Copper Rule Improvements (LCRI)
 - 11/1/27: Compliance date with lower action level, updated sampling requirements, baseline service line inventory, developing lead service line replacement plan and updated public education and outreach requirements
 - 11/1/37: Deadline for CWSs to complete replacement of all lead service lines

2024: Lead and Copper Rule Improvements

- Lead service line replacement required within 10 years after 3-year compliance period
- Required to regularly update lead service line inventories and identify materials of all service lines of unknown material
 - Baseline inventories required within 3 years
- Create service line replacement plan
- Tap sampling requirements
 - Collect first-liter and fifth-liter samples at sites with lead service line
 - Must use the higher of the 2 values when calculating the system's 90th percentile lead level
- Lead action level lowered from 15 µg/L to 10 µg/L
 - When the 90th percentile lead sampling result exceeds this level, system is required to: notify the public, install or adjust corrosion control treatment (CCT), conduct public education

LCRI Litigation

- American Water Works Association v. EPA, et al.
 - EPA defending the LCRI
 - But has noted it will provide “flexibilities” including possible extensions and other guidance
 - NRDC and other groups intervened to defend LCRI
- AWWA Brief filed 9/12/25
 - Requiring near-total replacement of lead service lines (LSLs) by 2037 is costly and infeasible
 - Mandate to replace LSLs on private property where waters systems have “access” exceeds EPA’s authority
 - SDWA jurisdiction limited to lines where systems have “control”



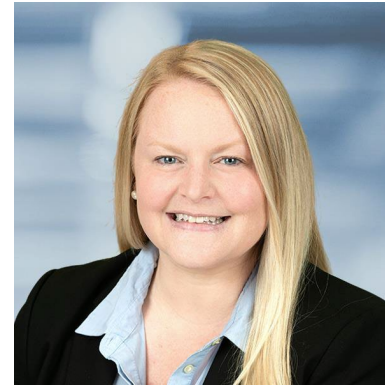
Presenters



Emilee Mooney Scott
escott@rc.com
860-275-8362



Bob Melvin
rmelvin@rc.com
860-275-8251



Emily Deans
edeans@rc.com
860-275-8302