



**PFAS PROTECTION ACT
HB 3189**

September 12, 2023 update

EPA's proposed MCL (March 2023)

Compound	Proposed MCLG	Proposed MCL (enforceable levels)
PFOA	Zero	4.0 parts per trillion (also expressed as ng/L)
PFOS	Zero	4.0 ppt
PFNA (10)	1.0 (unitless) Hazard Index	1.0 (unitless) Hazard Index
PFHxS (9)		
PFBS (2000)		
HFPO-DA (commonly referred to as GenX Chemicals) (10)		

Results of Finished Drinking Water at 37 intakes

- **19 hits above the new proposed MCL(17 ground water and 2 surface water)(6 PFOA)(12 PFOS)(1 GENX)**
- **9 hit below 4.0 ppt**
- **27 hits above the new Health advisory**
- **7 have Hazard Index above 1.0**

The PFAS Protection Act: HB 3189

1. DEP shall initiate a study to test the finished drinking water for the 100 sites with PFAS hits above the HA that have not been tested
2. Industries which manufacture, use, or have used PFAS chemicals in their production process must report the use to DEP, and the DEP is required to add quarterly monitoring of the chemical to the discharge
3. Requires DEP to develop action plans to identify and address the sources of PFAS in raw water
4. After EPA establishes a recommended WQS for PFAS, DEP shall propose adopting appropriate criteria by rule
5. Water companies must report findings of PFAS in UCMR5 to the customers

1. DEP shall initiate a study to test the finished drinking water for the 100 sites with PFAS hits above the HA that have not been tested (initiate by December 2023)
 - DEP has initiated a contract with USGS to test 106 additional finished water samples, testing will begin in October 2023.
 - To be consistent with EPA UCMR5 requirements all samples will be run by method 533 and 537.1.
 - The cost of the study is \$446,000 for collection and running 106 samples twice, once by each method. USGS is contributing \$45,000, so DEP cost is \$401,000

2. Industries which manufacture, use, or have used PFAS chemicals in their production process must report the use to DEP, and the DEP is required to add quarterly monitoring of the chemical to the discharge (December 31, 2023)
 - A letter was sent to all NPDES permit holders on August 28th to notify them of their reporting responsibility under HB 3189.
 - Additionally, letters were sent to all POTW's with industrial dischargers, notifying them of the industrial dischargers responsibility to report under HB 3189

3. Requires DEP to develop action plans to identify and address the sources of PFAS in raw water (for the first 37 by July 1, 2024)
 - WVDEP in partnership with 20 NGO's has applied for a \$1 million grant for public outreach and participation with the communities to gather information to write the action plans. Grant notification is expected in October.
 - WV PFAS Work Group will meet in September and begin planning schedule to complete action plans

4. After EPA establishes a recommended WQS for PFAS, DEP shall propose adopting appropriate criteria by rule
 - In EPA's PFAS Strategic Roadmap, EPA has stated that the human health water quality recommended criteria is expected to be finalized in fall of 2024.

5. Water companies must report findings of PFAS in UCMR5 to the customers

- UCMR5 data is beginning to be received by the Bureau of Public Health and water companies will be reporting that data to customers as required by EPA regulations.

Questions