



March 22, 2023

Ms. Nancy Rice
Minnesota Department of Health
Health Risk Assessment Unit
P.O. Box 64975
St. Paul, MN 55164-0975

Subject: Comments on Minnesota Department of Health Proposed Health Risk Limits for PFAS

Dear Ms. Rice:

The Metropolitan Council appreciates this opportunity to comment on the Minnesota Department of Health's (MDH) proposed amendments to its recommended Health Risk Limits (HRLs) for drinking water. Metropolitan Council promotes sustainable water supplies and high-quality drinking water for all consumers within the Twin Cities Metropolitan Area.

MDH proposes amendments to the HRL Rules approximately every two years. This allows new and updated human health-based water guidance values to be considered for adoption into rule. The water guidance values for the contaminants listed on MDH's website at [Health Risk Limits Rules for Groundwater Rules Amendments - Contaminants - MN Dept. of Health \(state.mn.us\)](https://www.health.state.mn.us/groundwater/rules/amendments/contaminants) are under consideration for the next HRL Rules amendment process. MDH has also published recommended health risk limits and an overall health index (HI) for six PFAS compounds, including PFBS, PFBA, PFHxS, PFHxA, PFOA, and PFOS. The current amendments include the PFAS compounds of PFBS, PFHxS, and PFHxA. The list of contaminants does not include amendments for PFBA, PFOA, or PFOS.

On June 15, 2022, the Environmental Protection Agency (EPA) tightened its recommended lifetime interim health advisory levels for two PFAS compounds that are globally widespread contaminants in drinking water, perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). For PFOA, the recommended interim health advisory level is 0.004 part per trillion (ppt) and for PFOS, 0.02 ppt. These levels are dramatically lower than the 70 ppt that the EPA recommended in 2016 for these two PFAS compounds. In addition, these levels are significantly lower than MDH's current recommended levels of 35 ppt for PFOA and 15 ppt for PFOS.

EPA proposed a National Drinking Water Regulation for PFOA and PFOS on March 14th, 2023. This proposed regulation will include a non-enforceable Maximum Contaminant Level Goal (MCLG) and an enforceable standard, or Maximum Contaminant Level (MCL). Under the Safe Drinking Water Act, public water systems are required to meet MCLs for contaminants. Public water systems are not required to meet MCLGs. EPA proposed regulating PFOA and PFOS as "individual contaminants," which would be regulated at four parts per trillion.

In addition to EPA proposing MCLs for PFOA and PFOS, EPA also announced on March 14th, 2023, that the Biden administration would establish legally enforceable levels for four additional PFAS compounds known to occur in drinking water and will build on previous EPA proposals and regulations. Under the

proposal, the four other PFAS compounds would be deemed "a mixture" and would limit the combined levels of those substances in water. Public water systems would also have to notify the public and work to reduce contamination if levels exceed the proposed regulatory standards according to EPA.

Multiple communities in the Metropolitan Area have been impacted by PFAS contamination based on the current recommended health advisory levels established by MDH. These communities will likely be impacted significantly more with EPA's stringent proposed MCLs for PFOA and PFOS and the four additional PFAS compounds that EPA is seeking to regulate. Additional communities that currently have acceptable health index values, based on current guidelines, may also be impacted by the upcoming PFAS MCLs for the very first time. Metropolitan Council notes that the current MDH health advisory levels for PFOA and PFOS are significantly higher than EPA's current recommended interim health advisory levels that will likely become enforceable MCLs in the near future. Because EPA's proposed MCLs for PFOA and PFOS are much lower than the current MDH recommended levels, the region's water suppliers may be significantly impacted. The new MCLs to be established by EPA for the four additional PFAS compounds could have additional impact on communities.

The Met Council supports partnering with state agencies, water suppliers and stakeholders to address PFAS contamination across the water cycle. We suggest this partnership start with understanding, together, how PFAS impacts water quality, public health, ecosystem health, and wastewater in order to put forth the most effective ways to address PFAS in the state and the Twin Cities region. In its water supply planning role, the Met Council is committed to working with MDH and the region's water suppliers to better understand the implications to water supplies and evaluate shared solutions to help water suppliers address PFAS. If you have any questions on these comments, please contact Greg Johnson, Principal Engineer, at the Metropolitan Council at 651-602-1016 or Greg.Johnson@metc.state.mn.us.

Sincerely,

Sam Paske

[Sam Paske \(Mar 23, 2023 08:51 CDT\)](#)

Sam Paske

MCES, Assistant General Manager