

EPA's May 2026 Proposed Drinking Water PFAS Regulations: What Do You Need To Know?

In May 2026, EPA proposed two draft drinking water PFAS regulations:

- 1. PFAS Rescission Rule
- 2. PFOA and PFOS Compliance Extension Rule

1 PFAS Rescission Rule

- Rescind the regulatory determinations and all provisions, including Maximum Contaminant Levels (MCLs) for PFHxS, PFNA, HFPO-DA (GenX) & Hazard Index (HI) for the mixture of these three PFAS and PFBS.
- EPA Administrator Lee Zeldin stated (May 18, 2026) that these compounds are “still important” & may be regulated in the future by “possibly stricter standards.”

2 PFOA and PFOS Compliance Extension Rule Summary:

- No proposed changes to the 2024 PFAS rule in terms of PFOA & PFOS compliance requirements
 - The initial monitoring requirements remain the same for April 2027.
 - The MCL deadline remains the same for April 2029.
- New rule proposes a detailed, defensible national framework for the process by which primacy agencies may grant 2-year MCL compliance exemptions
 - Public water systems (PWS) that “opt-in” receive a two-year extension until April 26, 2031, if the required criteria are met under the provisions of the existing Safe Drinking Water Act (SDWA).
 - PWS with PFOA or PFOS levels above 12 ng/L threshold required to implement interim control measures to receive exemption.

Which Drinking Water Systems Would be Eligible for Federal Exemptions by EPA?

As outlined in SDWA Section 1416, under the proposed rule, any public water system may seek the exemption from EPA if they are:

- Subject to the requirements of the 2024 PFAS NPDWR for PFOA & PFOS;
- In operation on or prior to June 25, 2024;
- Not currently under a SDWA section 1415(e) variance for small systems for the PFOA & PFOS MCLs
- Located in a state, territory, or Tribe that does not have primacy for the 2024 PFAS NPDWR (states with primacy could follow this framework to offer similar exemptions).

What Information Needs to be Provided for Exemption & When?

Need to submit a request in writing with the following info within 180 days of final rule promulgation to a Regional Administrator.

1. System name, PWSID, system type (wholesale and/or consecutive), a list of all consecutive system(s) for wholesale system, a list of all wholesale system(s) for consecutive system
2. Initial date of system operations

3. Most recent PFOA & PFOS drinking water sample results including the locations, number of samples taken at each location, dates, and concentrations reported
4. Certified statement that the system cannot comply with the MCLs by April 26, 2029, due to economic or other compelling factors, that an alternative water source is not available to meet the PFOA and PFOS MCLs, and the system cannot reasonably make management changes or restructure to meet the requirements of the rule
5. Certified statement that the system is:
 - Taking all practicable steps to meet the standard; and either
 - Cannot meet the standard without capital improvements which cannot be completed prior to April 26, 2029; or
 - In the case of a system which needs financial assistance for the necessary improvements, the system has entered into an agreement to obtain such financial assistance, or assistance pursuant to section 1452 of the Act or any other Federal or State program is reasonably likely to be available within the period of the exemption; or
 - Has entered into an enforceable agreement to become a part of a regional public water system.
6. PWS with levels of PFOA or PFOS at or above 12 ng/L: certified statement that their water system will implement two of the six required control measures during the period of the exemption to reduce exposure to their consumers

What Happens Once all Information is Submitted?

- Any exemption request that meets the requirements is granted.
- Any exemption may be terminated upon a finding by the Regional Administrator that the system has failed to comply with any requirements of the exemption.
- For exemptions granted, the schedule for compliance is April 26, 2031.
- More details to come on how to submit the required information concurrent with the final rule.

For Systems with PFOA or PFOS Levels of ≥ 12 ng/L, What are the Interim Control Measure Options?

Intent of these interim control measures is not to meet MCLs but to minimize exposure during the exemption period, and systems cannot solely include the two public outreach options:

1. Provide pitcher filters: ANSI-certified to reduce PFOA and PFOS;
 - Utilities need to provide replacement filters & instructions upon request
2. Alternative sources of water with lower levels of PFOA and PFOS (including bottled water);
 - Temporarily switching to a new water source or blending of water supplies to reduce finished water levels
 - Bottled water distribution requires 1) developing a monitoring program with reasonable assurances that it meets all MCLs and 2) obtaining certification from the bottled water company that the product has been taken from an approved source, the bottled water company has conducted monitoring, and the bottled water does not exceed other MCLs
3. Install, operate & maintain point-of-use (POU) or point-of-entry (POE) devices ANSI-certified to treat PFOA and PFOS;
 - Required for utilities to operate and maintain "POU/POE systems with an "approved monitoring plan," maintain "the microbiological safety of the water," and provide certification of performance, testing, and engineering design.
 - "The State must be assured that use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap."
4. Develop source water controls: implementing actions and plans to decrease PFOA and PFOS levels in sources of drinking water by meeting one of the following requirements:
 - The water system must have an agreement with an entity directly discharging PFOA and PFOS into the source water that establishes reduction of discharges.
 - The source water of the system are subject to regulations that reduce PFOA and PFOS discharges.
 - The water system has a source water assessment that identifies and addresses known and potential non-point and point sources of PFOA and PFOS.
 - The water system has funding or technical assistance to implement source water assessment planning or activities focused on addressing and reducing PFOA and PFOS.

5. Public education: Distributing written public education materials to consumers on PFOA and PFOS exposure sources
 - Detailed requirements on general explanation, health effects, possible sources, how to reduce PFAS exposure, levels in drinking water and the actions that PWS is taking (EPA to provide guidance and example materials)
 - Deliver written materials at the time of Consumer Confidence Report (CCR) distribution
 - Contact the following organizations within the service area to deliver materials: Local public health agencies, Women, Infants and Children (WIC) & Head Start Programs, public & private hospitals and medical clinics, pediatricians, obstetricians-gynecologists & midwives
6. Conducting community outreach activities: At least two of the following activities every 6 months until April 26, 2031 to discuss sampling results, mitigation steps being taken by PWS, measures consumers can take to reduce risk, and how to obtain pitcher filter if distributed:
 - Conduct a public meeting.
 - Participate in a community event where the system can make information about ongoing PFOA and PFOS sampling results available to the public.
 - Contact customers by phone call or voice message, text message, email, or door hanger.
 - Conduct a social media campaign.

What About Systems Whose Levels are Above 4 ng/L but Below 12 ng/L?

- No control measures required, but must provide public notification, per the requirements below

Public Notification (PN) Requirements for Systems with Exemptions

- Tier 3 PN within one year after operating under the exemption (no later than April 26, 2030), repeat annually as long as the exemption continues and must include:
 1. An explanation of the reasons for the exemption;
 2. The date on which the exemption was issued;
 3. A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the exemption;
 4. A notice of any opportunity for public input.
- Failure to comply with exception requirements: Tier 2 PN within 30 days
- CCR language requirements for issuing between April 26, 2029 and April 26, 2031.

Very Important Privacy Considerations

Check with your state regulators on their plans of accepting the federal exemptions!

- If “the state wishes to continue the federal exemptions after gaining primacy, then those primacy agencies must incorporate the EPA-issued exemptions into their adopted state regulations and primacy applications.”
- “States may also decide not to allow the federal exemptions to continue after obtaining primacy, as states can choose to be more stringent.”
- “Some state laws may prohibit exemptions from drinking water requirements for PWSs; in those states, the EPA’s proposed exemptions would have no effect, regardless of whether the state has primacy.”
- Some states have moved forward adopting the 2024 PFAS rule as promulgated.

Contact our experts for more information



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