National Primary Drinking Water Regulation - Primacy Support Documents

Control of Per- and Polyfluoroalkyl Substances (PFAS)

Office of Water (4606M)

EPA 815-B-25-006

September 2025

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Foreword

The EPA is providing these documents to its primacy agency partners (i.e., states, Tribes, and territories) so that they may start their planning and application process for their primacy program revisions to incorporate the Per- and Polyfluoroalkyl Substances Rule (PFAS) National Primary Drinking Water Regulation (NPDWR), published on April 26, 2024, at 89 FR 32532. This support document includes a subset of letters and checklists for primacy agencies that plan to request extensions for submitting their primacy revision applications for the PFAS NPDWR. Each item has been formatted for ease of use by intended users.

PFAS Primacy Revision Extension Request Checklist

Primacy agencies can use the checklist below to guide the development of their program revision extension agreement.

| CFR Reference | Elements | EPA Findings/Comments |
| --- | --- | --- |
| 40 CFR 142.12(b)(1) | Primacy agency provides a final extension request before the deadline of April 27, 2026.1  |  |
| 40 CFR 142.12(b)(2) | Primacy agency demonstrates good faith effort to meet original deadline. |  |
| 40 CFR 142.12(b)(2) | Primacy agency requests an extension due to reasons beyond its control. |  |
| 40 CFR 142.12(b)(2) | Primacy agency’s application for extension includes a schedule with a timeframe for the submission of a final request for primacy agency program revision.2 |  |
| 40 CFR 142.12(b)(2) | Primacy agency’s application for extension includes sufficient information to demonstrate at least one of the following: |  |
| 40 CFR 142.12(b)(2)(i)(A) | * Primacy agency lacks legislative/regulatory authority to enforce the rule; or
 |  |
| 40 CFR 142.12(b)(2)(i)(B) | * Primacy agency lacks the program capability adequate to implement the rule; or
 |  |
| 40 CFR 142.12(b)(2)(i)(C) | * Primacy agency requests the extension to group two or more program revisions in a single legislative/regulatory action.
 |  |
| 40 CFR 142.12(b)(2);40 CFR 142.12(b)(3)(vi) | Primacy agency’s application for extension contains steps agreed to by the EPA and the primacy agency during the extension period to remedy the deficiencies related to the primacy agency’s lack of program capability to adequately implement the rule. |  |
| 40 CFR 142.12(b)(2)(ii) | Primacy agency’s application for extension includes sufficient information to demonstrate the primacy agency is implementing the EPA requirements pursuant to 40 CFR 142.12(b)(3) within the scope of its authority and capabilities.3  |  |

1 The two-year deadline would be April 26, 2026. However, because the deadline falls on a Sunday, EPA does not expect compliance until Monday, April 27, 2026.

2 While the primacy agency may request an extension of up to two years to submit the final request for program revision, the EPA Region has the discretion to approve the extension period based on a shorter timeframe. When the EPA Region grants an approval for a shorter extension period (i.e., less than the full two years), the EPA Region and primacy agency can re-evaluate the state’s, territory’s, or Tribe’s ability to obtain full primacy for the PFAS Rule and add any additional remedies that must be taken by the state, territory, or Tribe as a condition of the EPA Region granting a full two-year extension period.

3 See also PFAS Rule Primacy Agency and EPA Implementation Activities Checklist.

Example Extension Agreement Letter

An Extension Agreement should discuss the implementation, database, and enforcement activities for the new or revised rule and negotiate who—the primacy agency or EPA—is responsible for each activity. This example letter can be used to request a deadline extension for a primacy revision package. To complete the Extension Agreement Letter below, fill in the **{bracketed, bold, and underlined text}**.

**{Date}**

**{Regional Administrator Name}**

Regional Administrator

U.S. EPA Region **{Region}**

**{Street Address}**

**{City, State, Zip}**

RE: Request/approval for an Extension Agreement

Dear **{Regional Administrator}**:

The **{State/Commonwealth/Territory/Tribal Nation}** of **{Name of State/Territory/Tribal Nation}** is requesting an extension to the date that final primacy revisions are due to the EPA for the Per- and Polyfluoroalkyl Substances (PFAS) Rule until **{insert date - no later than April 26, 2028}**, as allowed by 40 CFR 142.12, and would appreciate your approval. Staff of the **{Primacy Agency}** have conferred with your staff and have agreed to the requirements listed below for this extension. This extension is being requested because the **{State/Commonwealth/Territory/Tribal Nation}** of **{State/Territory/Tribal Nation}**:

[ ]  Is planning to group two or more program revisions into a single legislative or regulatory action.

[ ]  Currently lacks the legislative or regulatory authority to enforce the new or revised requirements.

[ ]  Currently lacks adequate program capability to implement the new or revised requirements.

**{Primacy Agency}** will be working with the EPA to implement the PFAS Rule, within the scope of its current authority and capability, as outlined in the areas identified in 40 CFR 142.12(b)(3)(i) - (vi). The following activities will be carried out by the EPA and/or **{Primacy Agency}:**

i) Informing public water systems (PWSs) of the new EPA (and upcoming primacy agency) requirements and the fact that the EPA will be overseeing implementation of the requirements until the EPA approves the primacy agency program revision.

|  |  |  |
| --- | --- | --- |
| **Primacy Agency** | **EPA** |  |
| [ ] [ ] [ ] [ ]  | [ ] [ ] [ ] [ ]  | Provide copies of regulation and guidance to other primacy agency agencies, PWSs, technical assistance providers, associations, or other interested parties.Educate and coordinate with state/territorial/Tribal staff, PWSs, the public and other water associations about the requirements of this regulation.Notify affected water systems of their requirements under the PFAS Rule including but not limited to the monitoring requirements in 40 CFR 141.902, the maximum contaminant level (MCL) compliance requirements in 40 CFR 141.903, and the reporting and recordkeeping requirements in 40 CFR 141.904.Other: |

ii) Collecting, storing and managing laboratory results, public notices and other compliance and operation data required by EPA regulations.

|  |  |  |
| --- | --- | --- |
| **Primacy Agency** | **EPA** |  |
| [ ] [ ] [ ] [ ]  | [ ] [ ] [ ] [ ]  | Devise a tracking system for PWS reporting pursuant to the PFAS Rule.Keep PWSs informed of reporting requirements during development and implementation.Track violations and enforcement information in a state, territorial, or Tribal database system, such as Safe Drinking Water Information System (SDWIS)-State. Other: |

iii) Assisting the EPA in the development of the technical aspects of the enforcement actions and conducting informal follow-up on violations (telephones calls, letters, etc.).

|  |  |  |
| --- | --- | --- |
| **Primacy Agency** | **EPA** |  |
| [ ] [ ] [ ] [ ]  | [ ] [ ] [ ] [ ]  | Issue informal notices of violation (NOVs).Provide immediate technical assistance to PWSs with violations to try and bring them into compliance.Refer all violations to the EPA for enforcement if they have not been resolved within 60 days of the incident that triggered the violation. Provide information as requested to conduct and complete any enforcement action referred to by the EPA. Other: |

iv) Providing technical assistance to PWSs.

|  |  |  |
| --- | --- | --- |
| **Primacy Agency** | **EPA** |  |
| [ ] [ ] [ ] [ ] [ ]  | [ ] [ ] [ ] [ ] [ ]  | Conduct training within the primacy agency for PWSs on PFAS Rule requirements.Provide technical assistance through written and/or verbal correspondence with PWSs.Provide on-site technical assistance to PWSs as requested and needed to ensure compliance with the regulation.Coordinate with other technical assistance providers and organizations to provide accurate information and aid in a timely manner.Other: |

v) Providing the EPA with all information prescribed by the State Reporting Requirements in 40 CFR 142.15.

|  |  |  |
| --- | --- | --- |
| **Primacy Agency** | **EPA** |  |
| [ ] [ ]  | [ ] [ ]  | Report violations and enforcement information to SDWIS Fed each quarter. Other: |

vi) For primacy agencies whose request for an extension is based on a current lack of program capability to implement the new or revised requirements, taking the following steps to remedy the capability deficiency. (**Note**: this section is not necessary for primacy agencies that are grouping two or more program revisions into a single legislative or regulatory action or primacy agencies that currently lack the legislative or regulatory authority to enforce the new or revised requirements.)

|  |  |  |
| --- | --- | --- |
| **Primacy agency** | **EPA** |  |
| [ ]  | [ ]  | Acquire additional resources to implement these regulations **{Attach a list** **of specific steps being taken as an attachment, as needed.}** |
| [ ]  | [ ]  | Provide quarterly updates describing the status of acquiring additional resources. |
| [ ]  | [ ]  | Other: |

In addition, please see attached PFAS Primacy Revision Checklist and PFAS Rule Primacy Agency and EPA Implementation Activities Checklist for a full list of all PFAS Rule implementation activities.

I affirm that the **{Primacy Agency}** will implement provisions of the PFAS Rule as outlined in this letter and in the associated enclosures.

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**{Agency Director or Secretary}** **{Date}**

**{Name of Primacy Agency}**

I have consulted with my staff and approve your extension of the aforementioned regulation. I affirm that the EPA Region **{Region}** will implement provisions of the PFAS Rule as outlined in this letter and in the associated enclosures.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Regional Administrator **{Date}**

EPA Region **{Region}**

This Extension Agreement will take effect upon the date of the last signature and will remain in effect until **{Insert date until which the extension agreement is approved}**.

Enclosure(s): **{Include “List A,” if included, and “PFAS Rule Primacy Agency and EPA Implementation Activities Checklist”}**

PFAS Rule Primacy Agency and EPA Implementation Activities Checklist

This checklist lays out the various activities needed for implementing the PFAS Rule. For primacy agencies requesting a primacy revision application extension, the primacy agency and the EPA can use the checklist to specify roles and responsibilities. The primacy agencies and the EPA can use the information in this checklist to ensure all necessary steps are completed prior to the state, territory, or Tribe receiving primacy and to indicate who will be responsible for completing the actions (i.e., how the work will be shared). In some cases, the activity can only be completed by the primacy agency, in other cases the primacy agency or the EPA could complete the activity. The PFAS Rule Primacy Agency and EPA Implementation Checklist is divided into the following categories of activities:

1. Primacy agency planning activities during primacy revision process
	* Additional action items if primacy agency requests an extension
2. Monitoring requirements
	* General monitoring requirements
	* Initial monitoring
	* Compliance monitoring
3. Notifications and procedures
	* Procedures for notifications between primacy agency, PWS, laboratories, and third-party technical assistance
	* Public Notification (PN) and Consumer Confidence Report (CCR) procedures from the PWS to its customers
4. Technical assistance and training plans
5. Data management and recordkeeping
6. Primacy Agency Planning Activities During the Primacy Revision Process

Pursuant to 40 CFR 142.12, complete and final requests for approval of primacy program revisions to adopt new or revised EPA regulations must be submitted to the EPA Administrator (this may be delegated to a Regional Administrator) no later than two years after promulgation of new or revised federal regulations. A primacy agency may be granted an extension of up to two years to submit its application package. To facilitate the primacy revision application process, the following activities have been identified:

* Establish a process to coordinate and communicate with the EPA about PFAS Rule implementation activities to provide accurate information and aid in a timely manner.
* Provide the EPA with notification of the primacy agency’s general process for codification/regulations at least as stringent as the PFAS Rule.
* Provide the EPA with the anticipated date of primacy agency codification/regulations at least as stringent as the PFAS Rule.
* Provide the anticipated date of when the primacy agency will submit the draft PFAS Rule primacy revision application or extension request to the EPA.
* Develop schedule for submittal of a draft primacy crosswalk.
* Develop plan and timeline to address any deficiencies in the crosswalk.
* Provide the EPA with the anticipated date of submission for the complete and final primacy revision application.
* Provide the EPA with the General Overview/Description of primacy agency resource planning procedures and viability for implementation of the PFAS Rule.
* Provide the EPA with the General Overview/Description of primacy agency laboratory workload planning/assessment of capability for the PFAS Rule implementation.
* Provide the EPA with the General Overview/Description of primacy agency database management workload planning/assessment of capability for the PFAS Rule implementation.
* Meet milestones related to the primacy implementation and revision process provided by the EPA (see suggestions in narrative associated with this document on Primacy Rule Implementation and Revision Timetable for the PFAS Rule, along with the Primacy Revision Extension Checklist)

*Additional Action Items if Primacy Agency Requests an Extension*

* The primacy agency must notify its community water systems (CWSs) and non-transient non-community water systems (NTNCWSs) of the EPA’s implementation of the PFAS Rule.
* As part of this notification, the primacy agency should include contact information at the primacy agency (i.e., those who can answer questions about, for example, primacy agency’s lack of regulatory/statutory authority and the timeframes for the primacy agency to gain the regulatory/statutory authority to implement the PFAS Rule) and at the EPA (i.e., those who can provide information on PFAS Rule requirements).
* As part of this notification, the primacy agency should provide information about the respective roles and responsibilities of the primacy agency and the EPA to its water systems related to the PFAS Rule. To establish roles and responsibilities, the primacy agency and the EPA should meet to discuss the PFAS Rule activities.
* The primacy agency’s notification to the CWSs and NTNCWSs should also provide a description of how the primacy agency will work with the EPA and water systems for successful implementation of the PFAS Rule.
* The primacy agency should discuss with the EPA which meetings the EPA should attend to provide support and/or testimony on the need for the primacy agency to obtain PFAS Rule primacy in order to maintain full primacy for its Public Water System Supervision (PWSS) program.
1. Monitoring Requirements and Primacy Agency Activities

*General Monitoring Requirements*

* Notify water systems that they must provide all results from a laboratory to the primacy agency. This includes values below the practical quantitation levels. Zero must not be used in place of reported values.

*Initial Monitoring*

* Determine if the sampling point uses surface water, groundwater, groundwater under the influence of surface water (GWUDI), blended sources of surface water and ground water, or if the system changed the source water type at an entry point during the initial monitoring period.
* Determine if the water system is serving more than 10,000 people.
* Determine the frequency, depending on the water system’s size and source water, with which a water system must monitor a sampling point:
	+ Quarterly samples taken two to four months apart or
	+ Two samples taken five to seven months apart.
* Determine if the previously acquired data meets the initial monitoring requirements. Which are:
	+ Samples were collected on or after January 1, 2019.
	+ Result reporting limits do not exceed the MCLs if samples were collected prior to June 25, 2024, and result reporting limits did not exceed the trigger levels for samples collected on or after June 25, 2024.
	+ Samples were analyzed with EPA Method 533, EPA Method 537.1, version 1.0, or EPA Method 537.1, version 2.0, with no changes.
	+ Samples collected on or after June 25, 2024, were analyzed by a laboratory that meets the PFAS Rule laboratory certification requirements.
* Determine, for water systems using previously acquired data, if the system has collected sufficient additional samples in the required timeframes to meet initial monitoring requirements, if they had fewer than the required number of samples needed in a continuous 12-month period.
* Determine if the water system has multiple years of data, that the most recent data are being used.
* Determine if water systems have obvious sampling errors, and, if so, determine whether another acceptable sample was collected to satisfy initial monitoring requirements or require the water systems to collect another sample.
* Determine if the water systems have collected samples that satisfy initial monitoring requirements, including collecting a sufficient number of samples meeting PFAS rule requirements from each entry point to the distribution system for each regulated PFAS.
* Determine if the water systems reported results to the primacy agency by April 26, 2027.
* Determine initial monitoring requirements for new water systems that begin operation after, or water systems that use a new source of water, after April 26, 2027.

*Compliance Monitoring*

* Determine if, based on initial monitoring results, a sampling point begins on triennial or quarterly monitoring.
	+ If a sampling point is not eligible for triennial monitoring, then the water systems must monitor quarterly at the start of the compliance monitoring period beginning on April 26, 2027.
* Determine if water systems have obvious sampling errors, and, if so, require the water systems to collect another sample.
* Determine if sampling points on quarterly monitoring can reduce their monitoring to annual monitoring and when the sample is to be collected during the year.
	+ Includes determining if all regulated PFAS at sampling points are reliably and consistently below the MCL after considering, at a minimum, four consecutive quarterly samples collected during the compliance monitoring period.
* Determine if annual sample(s) meet or exceed an MCL or the primacy agency determines that the results are not reliably and consistently below the MCL for all regulated PFAS.
	+ If so, water systems must begin quarterly monitoring for all regulated PFAS beginning in the next quarter at the sampling point.
* Determine if sampling points on annual monitoring may switch to triennial monitoring and when the sample is to be collected during the triennial period.
	+ After three consecutive years, water systems with annual samples that are all below all trigger levels are allowed, with primacy agency approval, to begin triennial monitoring.
* Determine if sampling points on triennial monitoring continue to meet the requirements to remain on triennial monitoring or would be required to begin quarterly monitoring due to an exceedance of any trigger level.
* Determine if the water systems have collected annual or triennial samples in the quarter assigned, with the highest concentrations during the most recent round of quarterly sampling.
* Determine if the water systems reported results to the primacy agency fully.
* Determine if, for water systems monitoring quarterly, the water system reported the running annual average (RAA) at each entry point.
* Determine whether any sample concentrations met or exceeded the trigger levels.
* Determine whether any sample result met or exceeded an MCL levels.
* Determine whether there has been an MCL violation.
* Determine if the system failed to notify the primacy agency following an MCL violation and/or failed to submit required monitoring data and committed a reporting violation.
1. Notifications and Procedures

*Procedures for Notifications between Primacy Agency, PWS, Laboratories, and Third-Party Technical Assistance Providers*

* Develop notification procedures to inform CWSs, NTNCWs, and laboratories for the following areas:
	+ Schedules for completing activities, including compliance monitoring for all water systems and initial monitoring for new water systems and water systems with a new source.
	+ Compliance monitoring timeframes, including monitoring quarterly, annually, or triennially, and any changes in the sampling frequency required of CWSs or NTNCWSs. This also includes the times designated by the primacy agency for sampling to occur, when sampling is not quarterly.
	+ When and how to contact the primacy agency.
	+ Requirements regarding Tier 2 and Tier 3 public notification (PN) and certification of meeting PN requirements.
	+ CCR requirements for CWS.
	+ Notification to laboratories of the PFAS Rule analytical methods, laboratory certification, and other sampling requirements.
	+ Reporting requirements, including how laboratories/water systems will report the sample results, at what frequency, and in what format.
	+ PFAS Rule training opportunities.
* Develop written materials to educate CWSs and NTNCWSs about:
	+ PFAS Rule requirements.
	+ PN requirements related to the PFAS Rule, including required certifications.
	+ PFAS Rule violations.
	+ Enforcement actions, e.g., Notices of Violation (NOVs), etc.
	+ Follow-up activities to prevent or resolve violations.
	+ Missing sample results.
	+ Sample collection and analysis best practices and requirements.
* Develop or distribute written materials to educate/notify a laboratory about:
	+ Invalidation of samples.
	+ Data reporting and formatting, including reporting data below the PQLs.
	+ QA issues.

*PN and Consumer Confidence Report (CCR) Procedures from the PWS to its Customers*

* Provide CWSs and NTNCWSs with required health effects language for PN under the PFAS Rule.
* Provide CWSs and NTNCWSs with primacy agency contacts for when the water system needs technical assistance with a Tier 2 or Tier 3 PN requirement.
* Communicate with CWSs on what information needs to be included in CCRs and associated timeframes.
	+ Can include additional information to address the requirements of the Consumer Confidence Report Rule Revisions, including the need for water systems serving greater than 10,000 persons to provide biannual CCRs starting in 2027.
	+ Identify reporting requirements for wholesalers and consecutive systems.
1. Technical Assistance and Training

Technical assistance and training are essential activities for ensuring water system compliance, and for assisting water systems when they violate the PFAS Rule requirements.

* Determine who will provide training to CWSs and NTNCWSs (i.e., primacy agency staff, third-party technical assistance providers, the EPA) and what the training should include (e.g., rule requirements, conducting sampling, PFAS Rule public notification procedures, treatment options).
* Identify PFAS Rule training curricula that are appropriate for operator continuing education credits.
* Provide training and technical assistance when water systems ask about system-specific requirements for the PFAS Rule.
* Provide on-site technical assistance or specify third parties that can provide on-site assistance.
	+ Can direct water systems to the EPA’s WaterTA Programs; see <https://www.epa.gov/water-infrastructure/forms/water-technical-assistance-request-form>; and the [homepage](https://www.epa.gov/water-infrastructure/tackling-emerging-contaminants-tec-water-technical-assistance-waterta) for the Tackling Emerging Contaminants (TEC) WaterTA initiative.
1. Data Management and Recordkeeping

Effective data management is essential to rule implementation. Below are some activities needed to manage PFAS Rule monitoring data.

* Document if the system met or exceeded a trigger level or MCL in any samples.
* Document the initial monitoring and compliance monitoring frequency, including all changes in monitoring frequency and, for water systems collecting samples on an annual or triennial basis, the time designated by the primacy agency to collect each sample.
* Document all reliably and consistently below the MCL determinations.
* Document whether the water systems reported all sample results, including the locations, number of samples taken at each location, dates, and concentrations, including concentrations below PQLs.
* Determine how the primacy agency will track all PFAS Rule requirements for PWSs.
* Determine who will have access to the data system and for which functions.
* Determine how laboratories/water systems will report the sample results, at what frequency, and in what format.
* Develop a procedure for assisting with resolving discrepancies between the water systems and the contracted laboratory.
* Identify and document MCL violations and determine how violations and corrective actions will be documented in the database.
* Collect, store and manage public notices and other compliance and operation data required.
* Report any violations incurred by water systems to SDWIS Fed each quarter.
* Report any enforcement actions taken against the water systems to SDWIS Fed each quarter.
* Report any new variance or exemption granted during the previous quarter to SDWIS Fed.
* Submit annually a summary of the status of each variance and exemption currently in effect.
* Keep records as specified in 40 CFR 142.14 and 40 CFR 142.15.