
Pennsylvania Public |
Utility Commission |
v. | Docket Nos.:
Aqua Pennsylvania, Inc. | R-2024-3047822 (Water)
| R-2024-3047824 (Wastewater)
In-Person Public Input |
Hearing

Pages 360 - 416

Delaware County Community
College

STEM Building
Room #1403 (Auditorium)
901 S. Media Line Road
Media, PA

Wednesday, August 7, 2024
Commencing at 1:03 p.m.

INDEX TO EXHIBITS

Docket Nos. R-2024-3047822, R-2024-3047824

Hearing Date: August 7, 2024

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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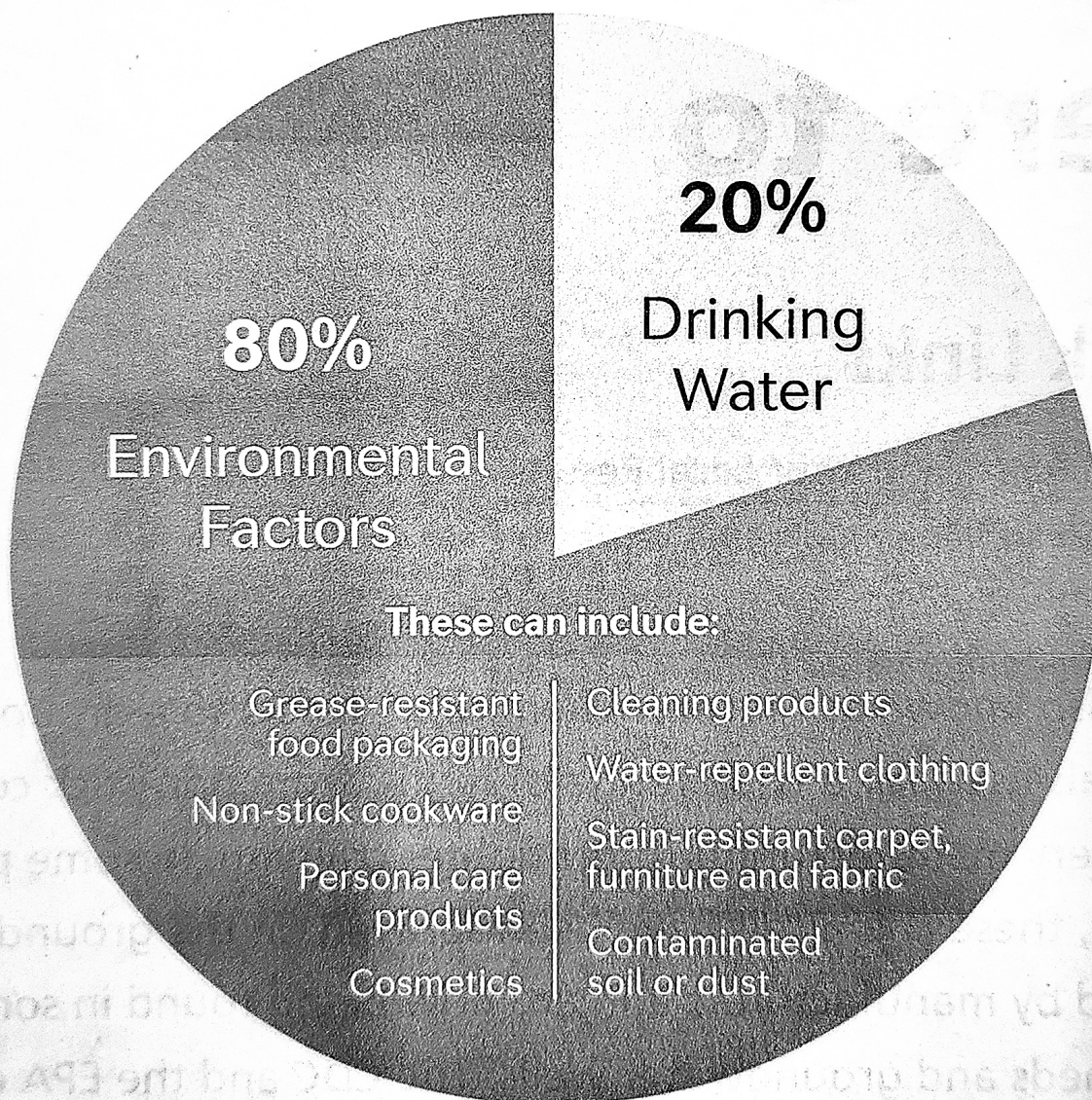
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PFAS, also known as “forever chemicals,” refers to a group of toxic chemicals used for a wide range of items, from non-stick cookware to upholstery manufacturing to firefighter training. In some parts of the country, these chemicals have been sprayed on the ground or dumped by manufacturers and are now being found in some watersheds and groundwater wells. The CDC and the EPA estimate that drinking water represents 20% of American’s overall exposure to PFAS chemicals.

On April 10, 2024 the U.S. Environmental Protection Agency announced the final regulation for six PFAS compounds, known as "forever chemicals," in our drinking water." We applaud the EPA for their action on PFAS, and we will continue our work to address these toxins to meet the new regulation.

Sources of PFOA Exposure



Source: U.S. Centers for Disease Control and Prevention (CDC)

At Aqua, we've been testing for PFAS chemicals since 2017, and in 2020, we talked with the CDC, state health officials, and other water experts and decided to set stricter limits on PFAS exposure in the

water systems we managed. At that time, the EPA health advisory said anything below 70 parts per trillion was safe; we set our own limit. We've been building treatment facilities and treating water that exceeds 13 parts per trillion since then. We include PFAS testing as part of our regular operations now – and started the work to treat water to the EPA's new federal limit.

Get a peek inside one of our treatment facilities

in this video (<https://www.nbcphiladelphia.com/investigators/how-water-company-filters-forever-chemicals-out-of-drinking-water/3177904/>)

We're trying to make those responsible pay for this cleanup. We have also filed lawsuits against the chemical companies and others who are responsible for PFAS chemicals being in the watershed and groundwater wells. We intend to use any money won from these lawsuits to help pay for the cleanup in our affected water systems so that you don't have to pay for their wrongdoing.

Find Your Local PFAS Level

3M Reaches \$10.3 Billion Settlement in 'Forever Chemicals' Suits

The deal followed an agreement by Chemours, DuPont and Corteva to pay \$1.19 billion to help resolve claims that the chemical manufacturers contaminated drinking water across the country.

By Lisa Friedman and Vivian Giang

June 22, 2023

The chemical and manufacturing giant 3M reached a \$10.3 billion settlement on Thursday with U.S. cities and towns over their claims that the company contaminated drinking water with so-called forever chemicals used in everything from firefighting foam to nonstick coatings.

Under the sweeping settlement, 3M said it would pay out the money over 13 years to any cities, counties and others across the country to test for and clean up perfluoroalkyl and polyfluoroalkyl substances, known as PFAS, in public water supplies.

3M, which is facing about 4,000 lawsuits by states and municipalities for PFAS contamination, did not admit any liability. The company said the settlement covered remediation to water suppliers that detected the chemical "at any level or may do so in the future."

In a statement, Mike Roman, the chairman and chief executive of 3M, called the agreement "an important step forward for 3M" and said it built on "our announcement that we will exit all PFAS manufacturing by the end of 2025."

The settlement, which requires court approval, would put an end to legal claims including a test case brought by the City of Stuart, Fla., that had been scheduled for a trial before a federal judge on June 5. Mike Mortell, the city manager of Stuart, said the community was "grateful" that the settlement had been reached.

The deal followed a similar agreement with Chemours, DuPont and Corteva, which agreed on June 2 to pay \$1.19 billion into a fund that will be used to remove PFAS from public drinking water systems.

PFAS have been linked to liver damage, developmental issues, reduced immune function and cancer, and are referred to as forever chemicals because of how persistently they remain in the human body and the environment. They have also been detected in hundreds

of wild animal species around the world.

The synthetic chemicals are so ubiquitous that nearly all Americans, including newborns, carry PFAS in their bloodstream, and as many as 200 million Americans are exposed to PFAS through their tap water, according to a peer-reviewed 2020 study.

Hundreds of communities across the country have sued 3M and other PFAS manufacturers, claiming that their soil and water were contaminated by the chemicals, which are also used in food packaging and a wide variety of other products to make them resistant to heat, water, oil and corrosion.

In one of those suits, the City of Stuart sued 3M and several other companies in federal court, claiming that its water supply had been contaminated by firefighting foam containing PFAS — used for decades in training exercises by the city's Fire Department.

But as 3M and the plaintiffs closed in on a settlement, they asked a federal judge in South Carolina to delay the trial so they could try to reach a deal instead. The judge gave the parties up to 21 days to reach a deal.

While the settlement will go far in helping cities and towns address PFAS water contamination, local taxpayers will still be left footing much of the bills for cleanup, Mr. Mortell, who was previously Stuart's city attorney, said in an earlier interview.

He noted that in 2016, Stuart closed and replaced wells that were contaminating the local water supply but was still incurring cleanup costs. The city had estimated the damages and cleanup costs for Stuart alone at \$100 million to \$120 million, he said.

"I don't think we'll ever get close to that much net to the city, so I think there is no making us whole," Mr. Mortell said.

Brunswick County, N.C., spent nearly \$100 million after extensive PFAS contamination was found in the Cape Fear watershed, and was still incurring about \$2.9 million annually in expenses, a 2021 study found. Orange County, Calif., has also estimated that infrastructure needed to lower the levels of PFAS in its drinking water could cost \$1 billion.

In addition to approval by the federal judge in South Carolina, who is overseeing the so-called multidistrict litigation, the settlement needs the plaintiffs to sign on. The judge must also approve the reasonableness of any fee request from the dozens of law firms representing plaintiffs in the litigation. It is not uncommon for plaintiffs' lawyers to take home as much as 30 percent of any settlement.

3M said in a statement that it would continue to address other PFAS litigation "by defending itself in court or through negotiated resolutions, all as appropriate."

Researchers have sought to put a dollar value on the health harms from PFAS in the United States: A 2022 study found the costs of treating diseases attributable to PFAS exposure to be as much as \$62.6 billion. And when the country proposed a rule last year to strengthen drinking water standards for PFAS, the Environmental Protection Agency calculated an annual benefit of \$533 million in improved cardiovascular health, \$300 million in reduced renal cell carcinoma and \$178 million from the reduction of low birth-weight births across the United States.

Analysts at Morningstar, a research firm, estimate that 3M's total liabilities related to PFAS could grow to as much as \$30 billion as state, foreign and personal injury claims are factored in.

PFAS cleanup efforts have taken on more urgency since the E.P.A. said the government would for the first time propose regulation to require near-zero levels of the chemicals in drinking water, after determining that almost no amount of exposure is safe.

Some industry groups said the Biden administration had created an impossible standard that would cost manufacturers and municipal water agencies billions of dollars. Industries would have to stop discharging the chemicals into waterways, and water utilities would have to test for the PFAS chemicals and remove them. Communities with limited resources will be hardest hit by the new rule, they warned.

Matthew Goldstein contributed reporting.

A correction was made on June 23, 2023: An earlier version of this article misstated the amount that Brunswick County, N.C., spent after the discovery of PFAS contamination in a watershed. It was nearly \$100 million, not nearly \$1 billion.

When we learn of a mistake, we acknowledge it with a correction. If you spot an error, please let us know at nytnews@nytimes.com. [Learn more](#)

Lisa Friedman reports on federal climate and environmental policy from Washington. She has broken multiple stories about the Trump administration's efforts to repeal climate change regulations and limit the use of science in policymaking. [More about Lisa Friedman](#)

Vivian Giang joined The Times as a senior staff editor in 2019. Prior to The Times, she was a freelance writer and editor covering the workplace. [More about Vivian Giang](#)

A version of this article appears in print on , Section B, Page 1 of the New York edition with the headline: 3M Reaches Settlement In Lawsuits With Cities



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Biden-Harris Administration Finalizes First-Ever National Drinking Water Standard to Protect 100M People from PFAS Pollution

As part of the Administration's commitment to combating PFAS pollution, EPA announces \$1B investment through President Biden's Investing in America agenda to address PFAS in drinking water

April 10, 2024

Contact Information

EPA Press Office (press@epa.gov)

WASHINGTON - Today, April 10, the Biden-Harris Administration issued the first-ever national, legally enforceable drinking water standard to protect communities from exposure to harmful per- and polyfluoroalkyl substances (PFAS), also known as 'forever chemicals.' Exposure to PFAS has been linked to deadly cancers, impacts to the liver and heart, and immune and developmental damage to infants and children. This final rule represents the most significant step to protect public health under EPA's PFAS Strategic Roadmap <<https://epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>>.

The final rule will reduce PFAS exposure for approximately 100 million people, prevent thousands of deaths, and reduce tens of thousands of serious illnesses. Today's announcement complements President Biden's government-wide action plan <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/18/fact-sheet-biden-harris-administration-launches-plan-to-combat-pfas-pollution/#:~:text=consistent%20with%20president%20biden's%20commitment,from%20discharging%20pfas%20into%20america's> to combat PFAS pollution.

Through President Biden's Investing in America agenda, EPA is also making unprecedented funding available to help ensure that all people have clean and safe water. In addition to today's final rule, EPA is announcing nearly \$1 billion in newly available funding <https://epa.gov/dwcapacity/emerging-contaminants-ec-small-or-disadvantaged-communities-grant-sdc> through the Bipartisan Infrastructure Law to help states and territories implement PFAS testing and treatment at public water systems and to help owners of private wells address PFAS contamination. This is part of a \$9 billion investment through the Bipartisan Infrastructure Law to help communities with drinking water impacted by PFAS and other emerging contaminants – the largest-ever investment in tackling PFAS pollution. An additional \$12 billion is available through the Bipartisan Infrastructure Law for general drinking water improvements, including addressing emerging contaminants like PFAS.

EPA Administrator Michael Regan will join White House Council on Environmental Quality Chair Brenda Mallory to announce the final standard today at an event in Fayetteville, North Carolina. In 2017, area residents learned that the Cape Fear River, the drinking water source for 1 million people in the region, had been heavily contaminated with PFAS pollution from a nearby manufacturing facility. Today's announcements will help protect communities like Fayetteville from further devastating impacts of PFAS.

“Drinking water contaminated with PFAS has plagued communities across this country for too long,” **said EPA Administrator Michael S. Regan.** “That is why President Biden has made tackling PFAS a top priority, investing historic resources to address these harmful chemicals and protect communities nationwide. Our PFAS Strategic Roadmap marshals the full breadth of EPA's authority and resources to protect people from these

harmful forever chemicals. Today, I am proud to finalize this critical piece of our Roadmap, and in doing so, save thousands of lives and help ensure our children grow up healthier.”

“President Biden believes that everyone deserves access to clean, safe drinking water, and he is delivering on that promise,” **said Brenda Mallory, Chair of the White House Council on Environmental Quality.** “The first national drinking water standards for PFAS marks a significant step towards delivering on the Biden-Harris Administration’s commitment to advancing environmental justice, protecting communities, and securing clean water for people across the country.”

“Under President Biden’s leadership, we are taking a whole-of-government approach to tackle PFAS pollution and ensure that all Americans have access to clean, safe drinking water. Today’s announcement by EPA complements these efforts and will help keep our communities safe from these toxic ‘forever chemicals,’” **said Deputy Assistant to the President for the Cancer Moonshot, Dr. Danielle Carnival.** “Coupled with the additional \$1 billion investment from President Biden’s Investing in America agenda to help communities address PFAS pollution, the reductions in exposure to toxic substances delivered by EPA’s standards will further the Biden Cancer Moonshot goal of reducing the cancer death rate by at least half by 2047 and preventing more than four million cancer deaths — and stopping cancer before it starts by protecting communities from known risks associated with exposure to PFAS and other contaminants, including kidney and testicular cancers, and more.”

EPA is taking a signature step to protect public health by establishing legally enforceable levels for several PFAS known to occur individually and as mixtures in drinking water. This rule sets limits for five individual PFAS: PFOA, PFOS, PFNA, PFHxS, and HFPO-DA (also known as “GenX Chemicals”). The rule also sets a limit for mixtures of any two or more of four PFAS: PFNA, PFHxS, PFBS, and “GenX chemicals.” By reducing exposure to PFAS, this final rule will prevent thousands of premature deaths, tens of thousands of serious illnesses, including certain cancers and liver and heart impacts in adults, and immune and developmental impacts to infants and children.

This final rule advances President Biden’s commitment to ending cancer as we know it as part of the Biden Cancer Moonshot, to ensuring that all Americans have access to clean, safe, drinking water, and to furthering the Biden-Harris Administration’s

commitment to environmental justice by protecting communities that are most exposed to toxic chemicals.

EPA estimates that between about 6% and 10% of the 66,000 public drinking water systems subject to this rule may have to take action to reduce PFAS to meet these new standards. All public water systems have three years to complete their initial monitoring for these chemicals. They must inform the public of the level of PFAS measured in their drinking water. Where PFAS is found at levels that exceed these standards, systems must implement solutions to reduce PFAS in their drinking water within five years.

The new limits in this rule are achievable using a range of available technologies and approaches including granular activated carbon, reverse osmosis, and ion exchange systems. For example, the Cape Fear Public Utility Authority, serving Wilmington, NC – one of the communities most heavily impacted by PFAS contamination – has effectively deployed a granular activated carbon system to remove PFAS regulated by this rule. Drinking water systems will have flexibility to determine the best solution for their community.

EPA will be working closely with state co-regulators in supporting water systems and local officials to implement this rule. In the coming weeks, EPA will host a series of webinars to provide information to the public, communities, and water utilities about the final PFAS drinking water regulation. To learn more about the webinars, please visit EPA's PFAS drinking water regulation webpage <<https://epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas#webinars>>. EPA has also published a toolkit of communications resources <<https://epa.gov/sdwa/pfas-communications-toolkit>> to help drinking water systems and community leaders educate the public about PFAS, where they come from, their health risks, how to reduce exposure, and about this rule.

“We are thankful that Administrator Regan and the Biden Administration are taking this action to protect drinking water in North Carolina and across the country,” **said North Carolina Governor Roy Cooper**. “We asked for this because we know science-based standards for PFAS and other compounds are desperately needed.”

“For decades, the American people have been exposed to the family of incredibly toxic ‘forever chemicals’ known as PFAS with no protection from their government. Those chemicals now contaminate virtually all Americans from birth. That's because for

generations, PFAS chemicals slid off of every federal environmental law like a fried egg off a Teflon pan — until Joe Biden came along,” **said Environmental Working Group President and Co-Founder Ken Cook.** “We commend EPA Administrator Michael Regan for his tireless leadership to make this decision a reality, and CEQ Chair Brenda Mallory for making sure PFAS is tackled with the ‘whole of government’ approach President Biden promised. There is much work yet to be done to end PFAS pollution. The fact that the EPA has adopted the very strong policy announced today should give everyone confidence that the Biden administration will stay the course and keep the president’s promises, until the American people are protected, at long last, from the scourge of PFAS pollution.”

“We learned about GenX and other PFAS in our tap water six years ago. I raised my children on this water and watched loved ones suffer from rare or recurrent cancers. No one should ever worry if their tap water will make them sick or give them cancer. I’m grateful the Biden EPA heard our pleas and kept its promise to the American people. We will keep fighting until all exposures to PFAS end and the chemical companies responsible for business-related human rights abuses are held fully accountable,” **said Emily Donovan, co-founder of Clean Cape Fear.**

More details about funding to address PFAS in Drinking Water

Through the Bipartisan Infrastructure Law, EPA is making an unprecedented \$21 billion available to strengthen our nation’s drinking water systems, including by addressing PFAS contamination. Of that, \$9 billion is specifically for tackling PFAS and emerging contaminants. The financing programs delivering this funding are part of President Biden’s Justice40 Initiative [🔗 <https://www.whitehouse.gov/environmentaljustice/justice40/>](https://www.whitehouse.gov/environmentaljustice/justice40/), which set the goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities that have been historically marginalized by underinvestment and overburdened by pollution.

Additionally, EPA has a nationwide Water Technical Assistance program to help small, rural, and disadvantaged communities access federal resources by working directly with water systems to identify challenges like PFAS; develop plans; build technical, managerial, and financial capacity; and apply for water infrastructure funding. **Learn more about EPA’s Water Technical Assistance programs** [<https://epa.gov/water-infrastructure/water-technical-assistance-programs>](https://epa.gov/water-infrastructure/water-technical-assistance-programs).

More details about the final PFAS drinking water standards:

- For PFOA and PFOS, EPA is setting a Maximum Contaminant Level Goal, a non-enforceable health-based goal, at zero. This reflects the latest science showing that there is no level of exposure to these contaminants without risk of health impacts, including certain cancers.
- EPA is setting enforceable Maximum Contaminant Levels at 4.0 parts per trillion for PFOA and PFOS, individually. This standard will reduce exposure from these PFAS in our drinking water to the lowest levels that are feasible for effective implementation.
- For PFNA, PFHxS, and “GenX Chemicals,” EPA is setting the MCLGs and MCLs at 10 parts per trillion.
- Because PFAS can often be found together in mixtures, and research shows these mixtures may have combined health impacts, EPA is also setting a limit for any mixture of two or more of the following PFAS: PFNA, PFHxS, PFBS, and “GenX Chemicals.”

EPA is issuing this rule after reviewing extensive research and science on how PFAS affects public health, while engaging with the water sector and with state regulators to ensure effective implementation. EPA also considered 120,000 comments on the proposed rule from a wide variety of stakeholders.

Background:

PFAS, also known as ‘forever chemicals,’ are prevalent in the environment. PFAS are a category of chemicals used since the 1940s to repel oil and water and resist heat, which makes them useful in everyday products such as nonstick cookware, stain resistant clothing, and firefighting foam. The science is clear that exposure to certain PFAS over a long period of time can cause cancer and other illnesses. In addition, PFAS exposure during critical life stages such as pregnancy or early childhood can also result in adverse health impacts.

Across the country, PFAS contamination is impacting millions of people’s health and wellbeing. People can be exposed to PFAS through drinking water or food contaminated with PFAS, by coming into contact with products that contain PFAS, or through workplace exposures in certain industries.

Since EPA Administrator Michael S. Regan announced the PFAS Strategic Roadmap <<https://epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>> in October 2021, EPA has taken action – within the Biden-Harris Administration’s whole-of-government approach – by advancing science and following the law to safeguard public health, protect the environment, and hold polluters accountable. The actions described in the PFAS Strategic Roadmap each represent important and meaningful steps to protect communities from PFAS contamination. Cumulatively, these actions will build upon one another and lead to more enduring and protective solutions. In December 2023, the EPA released its second annual report on PFAS progress

<<https://epa.gov/system/files/documents/2023-12/epas-pfas-strategic-roadmap-dec-2023508v2.pdf>>. The report highlights significant accomplishments achieved under the EPA’s PFAS Strategic Roadmap.

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LAST UPDATED ON APRIL 10, 2024



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