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Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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MASSDEP PRIVATE WELLS PFAS SAMPLING PROGRAM

QUESTIONS AND ANSWERS REGARDING THE MANAGEMENT OF PFAS¹ IN YOUR GROUNDWATER UNDER THE MASSACHUSETTS OIL AND HAZARDOUS MATERIAL RELEASE PREVENTION AND RESPONSE ACT

The purpose of this document is to provide owners of private wells who are considering participating in the MassDEP Private Wells PFAS Sampling Program with basic information about dealing with the presence of PFAS in their well². In Massachusetts, the notification, assessment and cleanup of environmental contamination is directed through the MassDEP Waste Site Cleanup Program. The applicable laws, regulations and guidance that support the program are available online, including an overview of the program at <https://www.mass.gov/guides/the-waste-site-cleanup-program>. Owners of private wells who seek additional information may wish to consult an attorney and/or a Licensed Site Professional (LSP) licensed by the Massachusetts Board of Registration of Hazardous Waste Site Cleanup Professionals. LSPs play an important role in the management of hazardous material releases in Massachusetts.

The following questions and answers address issues specific to how participation in the MassDEP Private Wells PFAS Sampling Program may be managed under the Waste Site Cleanup Program.

1. If I have a private well and one or more PFAS compounds are detected in my drinking water, where did they come from?

¹ "PFAS6" refers to six perfluorinated substances that are considered hazardous materials by the Massachusetts Department of Environmental Protection (MassDEP) under M.G.L. c. 21E. They are perfluorooctane sulfonic acid ("PFOS"), perfluorooctanoic acid ("PFOA"), perfluorononanoic acid ("PFNA"), perfluorohexane sulfonic acid ("PFHxS"), perfluorodecanoic acid ("PFDA") and perfluoroheptanoic acid ("PFHpA").

² MassDEP has recently established a drinking water standard for PFAS6 in public drinking water supplies of 20 parts per trillion (ppt). As described later, 20 ppt is also an important action level under the waste site cleanup program.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/EQIA Rights at 617-292-5761.

TTY/Mass Relay Service 1-800-438-4378

MassDEP Website: www.mass.gov/dep

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Drinking water from your private well is typically drawn from the groundwater on your property. If the groundwater on your residential property contains elevated levels of PFAS, the contamination may have migrated to your property from somewhere else. Common sources of PFAS are described on the Massachusetts Department of Environmental Protection's (MassDEP's) website at <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>. It is also possible that the PFAS could originate from activity at your property, but MassDEP believes that only in unusual circumstances would a residential property be the source of significant amounts of PFAS.

2. What Massachusetts laws apply to the management of PFAS6 in groundwater?

MassDEP does not directly regulate private drinking water wells under State law³. However, MassDEP does regulate the un-permitted release of oil and hazardous materials, including PFAS6, into the environment. These releases are governed by Chapter 21E of the Massachusetts General Laws (Chapter 21E) and the Massachusetts Contingency Plan (MCP) at 310 CMR 40.0000.

3. Am I responsible under Chapter 21E and the MCP for addressing PFAS contamination in my groundwater?

Yes, if you are the owner of a property with contaminated groundwater, you may have significant legal and financial responsibilities under Chapter 21E and the MCP.

MassDEP has established a "Reportable Concentration" of 20 parts-per-trillion (ppt) for PFAS6 in groundwater used as drinking water. If you have knowledge that PFAS6 exists in your groundwater in concentrations equal to or above 20 ppt, Chapter 21E and the MCP require you to notify MassDEP in a manner provided for in the MCP. If you decide to participate in the MassDEP Private Wells PFAS Sampling Program, this required notification will be made automatically. Your electronic signature on the "MassDEP Private Wells PFAS Sampling Program" agreement form indicates that you understand and agree that if PFAS6 is detected equal to or greater than 20 ppt in your well, that sampling results provided to the MassDEP Bureau of Waste Site Cleanup will satisfy "Reportable Concentration" notification requirements under the MCP.

The notification described above may trigger additional responsibilities and timelines under Chapter 21E and MCP. The nature of those responsibilities will depend primarily on whether the PFAS in the groundwater on your property migrated there from somewhere else.

³ MassDEP provides Drinking Water Guidelines for BOH consideration, but under Massachusetts General Law (MGL Ch.111 s.122), local Boards of Health (BOHs) have primary jurisdiction over the regulation of private wells. See <https://www.mass.gov/private-wells> for more information. You may wish to consult with your local board of health about any concerns you have with your private well water if your results show PFAS6 contamination.

- If MassDEP believes that testing indicates that your property is the source of PFAS contamination, meaning that the PFAS was released on your property and did not migrate there from elsewhere, you may be responsible for taking extensive assessment and cleanup actions to address the contamination, including actions beyond your own property. In such cases, MassDEP would issue a formal “Notice of Responsibility” and you would be required to hire a Licensed Site Professional to oversee the work. A person required to do this work is often called a “Potentially Responsible Party” or “PRP.”
- If PFAS migrated from elsewhere to your property, you may be eligible for a special status known as Downgradient Property Status (“DPS”), which limits your obligations under Chapter 21E and the MCP.
 - If a PRP has been identified for the site, they are responsible for taking required actions to address the contamination at all affected properties. This may include the installation of a drinking water treatment system or providing a substitute water supply, such as bottled water, to ensure the drinking water is safe. A DPS property owner is obligated to provide reasonable access to the property as the PRP conducts this work.
 - In the absence of a known PRP, a DPS property owner will in most instances be responsible for ensuring that the water consumed *on their property* is safe⁴ - DPS property owners would not be responsible for the contamination on adjacent properties, or the site as a whole.

While MassDEP believes that it would be unusual for a residential property to be the source of significant amounts of PFAS in groundwater, this possibility cannot be ruled out without actual testing. MassDEP is undertaking this private wells PFAS sampling project specifically to learn more about the levels of PFAS present in groundwater across the state and where the PFAS might be coming from.

4. Will MassDEP take action to address PFAS6 contamination in my private drinking water well?

MassDEP will take direct action in limited circumstances, as described below.

If MassDEP has identified the source of PFAS6 in the drinking water well, MassDEP will require the parties responsible for the contamination to take all necessary action to address the PFAS6.

⁴ Exceptions may apply if you can demonstrate that it is not financially feasible for you to take even these limited actions.

However, if the source of PFAS6 is unknown at the time a homeowner receives results from the MassDEP Private Wells PFAS Sampling Program, MassDEP will act based upon the sampling results, as described below.

PFAS6 Concentration Equal to or Greater Than 90 ppt.

Based on current science, MassDEP currently considers drinking water containing PFAS6 concentrations in excess of 90 ppt to require immediate action.⁵ If PFAS6 in your groundwater is equal to or greater than 90 ppt, MassDEP will provide you with technical assistance to help you take action to ensure that safe water is available. If you are unable to take the necessary actions, MassDEP may install appropriate treatment systems with your consent, or take other needed action.

PFAS6 Concentration Equal to or Greater Than 20 ppt (but less than 90 ppt).

If PFAS6 is found in your groundwater at levels equal to or greater than 20 ppt, the water is unacceptable for long-term use as drinking water. In these circumstances and in the absence of a PRP, it is the homeowner's responsibility to appropriately address the contamination. MassDEP will provide you with technical information to help you take action to ensure that safe water is available.

PFAS6 Concentration Less Than 20 ppt.

If PFAS6 is found in groundwater at levels that are lower than 20 ppt, no action is required, although you may consider continued monitoring and/or actions to reduce the PFAS concentrations further. MassDEP can provide you with technical information to support such efforts.

5. Will MassDEP bill me for work it performs in addressing any PFAS6 contamination in my groundwater?

The extent to which MassDEP will bill for work it performs depends on whether or not the PFAS6 migrated to your property from somewhere else. A DPS property owner, as described above, will not be billed. If, however, your property is a significant source of PFAS6 contamination, meaning that the PFAS6 did not migrate from somewhere else, and MassDEP incurs costs in responding to that release, then you may be liable for those costs under Chapter 21E, and you may be billed.

6. What will happen to information regarding PFAS6 in my groundwater?

MassDEP may publish sampling results from the MassDEP Private Wells PFAS Sampling Program in an anonymized, online system. However, these sampling results, including the location of the tested well and the identity of its owner, will constitute a public record, and MassDEP may be required to produce them in response to a request under the Massachusetts Public Records Law.

⁵ Immediate action is required to address contamination that is determined to be an "Imminent Hazard", as that term is defined in 310 CMR 40.0950.

Moreover, in cases where site assessment and cleanup are conducted under Chapter 21E and the MCP, either by MassDEP or a party responsible for the contamination, a "Release Tracking Number" (RTN) will be assigned to the site. The RTN creates a record in the Department's public database that provides access to all the reports created for the site, including groundwater monitoring data. This information is found online at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>. Certain site-related documents are also sent to the Chief Municipal Officer and Board of Health of your town.

For questions on this information contact MassDEP BWSC at 617-292-5500 or for general program information, email your questions to: BWSC.Information@mass.gov. For specific questions about waste site cleanup regulations and requirements email your questions to BWSC.Regulations@mass.gov.

THIS DOCUMENT CONTAINS IMPORTANT INFORMATION FOR YOUR SYSTEM. HAVE SOMEONE TRANSLATE IT FOR YOU OR SPEAK WITH SOMEONE WHO UNDERSTANDS IT.

If you need this document translated, please contact MassDEP's Diversity Director, Michele Waters-Ekanem, Diversity Director/Civil Rights: 617-292-5751 TTY# MassRelay Service 1-800-439-2370. You may also contact the Drinking Water Program at program.director-dwp@mass.gov.