



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

September 30, 2025

MEMORANDUM

SUBJECT: Primacy Extension Request Documents for the 2024 Control of Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation

FROM: Marietta Echeverria, Division Director
Drinking Water Capacity and Compliance Assistance Division
Office of Ground Water and Drinking Water

TO: Water Division Directors, Regions I – X

On April 26, 2024, EPA published the Final Control of Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation, which inserts Subpart Z into Title 40, Part 141 of the Code of Federal Regulations (CFR) and modifies other portions of 40 CFR Part 141. On May 14, 2025, EPA announced its intent to keep the existing National Primary Drinking Water Regulations (NPDWR) for PFOA and PFOS, while extending their compliance deadlines: <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>. EPA also plans to rescind the regulations and reconsider the regulatory determinations for PFHxS, PFNA, HFPO-DA (commonly known as GenX), and the hazard index mixture of these three plus PFBS. EPA will follow the best science and data available in this review. For these reasons, EPA strongly encourages that primacy agencies seek an extension on applying for primacy for this regulation.

Under 40 CFR 142.12(b), primacy agencies (i.e., states, Tribes, and territories) must request an extension from EPA within two years of the publication of an NPDWR¹. By requesting an extension to submit a primacy revision package, primacy agencies can conserve resources until there is greater clarity with respect to the stringency and scope of the PFAS rule that they must adopt. Those primacy agencies that choose to submit an extension request should consult the extension criteria detailed in 40 CFR 142.12(b)(2). For example, under 40 CFR 142.12(b)(2)(i), a state could request an extension on the premise that it intends “to group two or more program revisions in a single legislative or regulatory action,” such as the original PFAS rule and any revisions to that rule. Primacy agencies with an approved 2-year extension request must submit a complete and final primacy application package to the EPA region no later than April 26, 2028. If primacy agencies do not request an extension, the final application package is due to EPA by April 27, 2026.

¹ SDWA 1413(a)(1) requires all new or updated NPDWR be adopted by primacy agencies two years after the date the regulations were promulgated by the Administrator, or to seek an extension request of up to two years. Because the two-year deadline of April 26, 2026 falls on a Sunday, EPA does not expect compliance until Monday, April 27, 2026.

The attachment to this memorandum includes support documents to assist primacy agencies in developing an extension request Control of PFAS NPDWR. Specifically, this includes:

- PFAS Primacy Revision Extension Request Checklist
- Example Extension Agreement Letter
- PFAS Rule Primacy Agency and EPA Implementation Activities Checklist

EPA recognizes that primacy agencies will be working toward program revisions and implementation for three drinking water regulations in the next few years: 1) Control of PFAS NPDWR; 2) Consumer Confidence Report (CCR) Rule Revisions; and 3) Lead and Copper Rule Improvements (LCRI) NPDWR. We look forward to working with you and our co-regulators to find ways to reduce burden and streamline implementation, while providing safe drinking water throughout the country.

Please distribute these materials to your primacy agencies.

Thank you for your continued commitment to the public health protection objectives of the SDWA. If you have questions, please contact Ed Moriarty at moriarty.edwardj@epa.gov.