



June 10, 2019

Comment Clerk
ID: EPA-HQ-OLEM-2019-0229
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

**RE: Draft Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS,
[Docket #EPA-HQ-OLEM-2019-0229](#)**

The Association of State Drinking Water Administrators (ASDWA) appreciates the opportunity to comment on the “Draft Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS”. ASDWA is the independent, nonpartisan, national organization representing the collective interests of the drinking water program administrators in the 50 states, five territories, the District of Columbia, and the Navajo Nation who implement the Safe Drinking Water Act (SDWA) every day to ensure the protection of public health and the economy. The following comments are intended to broadly address the draft interim recommendations, but they do not necessarily reflect the concerns of individual states.

ASDWA has provided multiple comment letters to EPA about Per- and Polyfluoroalkyl Substances (PFAS) and most recently submitted a joint comment letter to EPA on its PFAS Action Plan with three other state environmental associations (ECOS ACWA, and ASTSWMO). As reflected in our previous comments, ASDWA suggests that EPA work closely with other Federal agencies to coordinate and administer all possible federal regulatory authorities to assess, address, and remove or prevent PFAS from entering the environment from all contributing media, including designating PFAS as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and using the Toxic Substance Control Act (TSCA) to keep non-essential PFAS compounds from being manufactured.

Additionally, ASDWA recommends that EPA address three of our comments on EPA’s Action Plan that are particularly relevant to these draft recommendations on groundwater contaminated with PFOA and PFOS when finalizing these recommendations:

- Expand EPA recommendations to include investigation and remediation actions for additional PFAS chemicals that are potentially harmful to human health and the environment, beyond PFOA and PFOS.
- Provide the opportunity for state review of related EPA guidance for CERCLA and Resource Conservation and Recovery Act (RCRA) federal facility cleanups and corrective action, as well as approved state RCRA corrective action programs. ASDWA also recommends that EPA cite existing guidance or develop guidance for emergency orders issued under the Safe Drinking Water Act that are referenced in footnote 1, page 1 as an exclusion in these recommendations, but should include considerations for PFAS compounds.
- Develop guidance and undertake actions to address PFOA and PFOS in surface water by limiting wastewater discharges under the Clean Water Act; developing analytical methods, water quality

standards, and monitoring guidance for impacted drinking water sources; and conducting research on treatment technologies to remove these chemicals from surface water.

Overarching Comments: [Draft Interim Recommendations to Address Groundwater Contaminated with Perfluorooctanoic Acid and Perfluorooctane Sulfonate](#)

The following ASDWA comments are being provided on these interim recommendations, and for using these recommendations in the broader context – for use by Superfund and other applicable programs to act to address groundwater contaminated with PFOA and PFOS.

Screening Levels and Preliminary Remediation Goals (PRGs): ASDWA suggests that language be included in the beginning of the document to capture the need for considering combined concentration screening levels and more stringent state levels, in addition to what is already included in the second to last paragraph on page four for PRGs.

- **Combined Concentration Screening Levels:** The proposed approach for using individual, rather than combined screening levels for PFOA or PFOS may result in cases in which PFOA and or PFOS are eliminated as a Contaminant of Concern (COC) despite the fact that the combined concentration of PFOA and PFOS could exceed EPA’s health advisory levels (HALs). This problem can be avoided by simply including the requirement that the concentrations of PFOA and PFOS individual or combined cannot exceed the screening level.
 - **Recommendation:** ASDWA recommends that language be added on page one to the first bullet stating that the PFOA and PFOS concentrations individually “or combined” cannot exceed the screening level of 40 ppt.
- **More Stringent State Levels:** ASDWA believes that these recommendations for screening levels and PRGs should include more direct statements regarding state drinking water standards and advisory levels that are more stringent than EPA’s HALs of 70 ppt for PFOA and PFOS, as the 40 ppt for screening level and 70 ppt PRG level will be too high for use at sites in these states. This is of concern for federal facility locations in states where they have set lower standards and advisory levels for PFOA and PFOS than EPA. We believe the current language in the second bullet on the first page, “...where no state or tribal MCL or other applicable or relevant and appropriate requirements (ARARs) exist,” is not adequate to address this issue.
 - **Recommendation:** ASDWA suggests that language be added on page two, at the end of the “Interim Recommendations” section and before the “BACKGROUND” section, to include two sentences as follows: “Some states have lower, more stringent drinking water and remediation standards, and/or advisory, response, or concentration levels than the screening and PRG levels provided in these recommendations. In these states, all facilities (including federal facilities) are expected to comply with the lower, more stringent state levels, in place of the 40 ppt groundwater screening level and 70 ppt PRG level.”

Use of these Screening Levels and PRGs for EPA Guidance: The following comments are being offered regarding the integration of cleanup guidance into the Records of Decisions (RODs) for locations near drinking water sources. While the interim recommendations in this document are focused on the screening levels and PRGs, EPA must consider additional actions in the broader context of cleanup

program efforts and in related guidance for Superfund and other applicable programs to act to address groundwater contaminated with PFOA and PFOS.

Recommendations: ASDWA recommends that EPA:

- Require sampling for PFOA and PFOS, and other pertinent PFAS compounds at Superfund sites as soon as possible, especially where they are located near sources of drinking water.
- Ensure that it (EPA) has adequate capacity to reopen Records of Decisions to address PFOA and PFOS, as we believe that the current guidance will only apply once it is integrated into the RODs.
- Ensure existing remedies for Superfund sites are appropriate for clean-up of PFOA and PFOS and are not inadvertently redistributing contamination, as certain remediation treatment systems in use for other contaminants may not remove them. Additionally, ensure that any existing Superfund remedies in place are not causing contamination, as with biosolids applications for landfill caps at Superfund sites.
- Re-assess the status of any closed Superfund sites near sources of drinking water for PFOA and PFOS.
- Enable responsible parties and public water systems to be innovative in responding to PFAS contamination. While ultimately the responsible party is responsible for restoring the environment, there may be a greater public health benefit by prioritizing funds associated with remediating a Superfund site to installing drinking water treatment systems or developing an alternative supply. While millions of dollars are being spent on the clean-up, the work will take many decades to complete and the water system will have already lost its water source. In some instances, a preferred use of the initial cleanup dollars would be to install a drinking water treatment system or develop a new source of water elsewhere.

While ASDWA's comments are intended to capture the diverse perspectives of states and state drinking water programs, EPA should also consider the recommendations that will likely come directly from individual states and territories.

Thank you for your considering the recommendations provided in this letter that are needed to ensure safe drinking water and public health protection. If you have questions or would like to discuss these comments in more detail, please contact Alan Roberson, ASDWA's Executive Director, at aroberson@asdwa.org or (703) 812-9507.

Sincerely,



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