Association of State
Drinking Water Administrators

February 22, 2021

Mr. Barry Breen, Acting Assistant Administrator
Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: EPA Interim PFAS Destruction and Disposal Guidance
Docket ID: EPA-HQ-OLEM-2020-0527-0003

Dear Mr. Breen,

The Association of State Drinking Water Administrators (ASDWA) appreciates the opportunity to provide comments on EPA's "Interim Guidance on the Destruction and Disposal of Per- and Polyfluoroalkyl Substances (PFAS) and Materials Containing PFAS." ASDWA is the non-partisan professional association that serves the men and women (and their staff) who lead the 57 state and territorial drinking water programs serving as the primacy agencies to administer the Safe Drinking Water Act (SDWA). Following are our overarching comments, as well as comments on Section 4 and 5 of the interim guidance.

Overarching Comments

ASDWA has provided multiple PFAS comment letters to EPA on several *Federal Register* notices under the Toxic Substances Control Act (TSCA). In these comments, ASDWA has urged EPA to use a holistic lifecycle approach that includes close coordination with other Federal agencies to administer all possible federal regulatory authorities to assess, address, and remove or prevent PFAS from entering the environment (and drinking water sources) from all contributing media. This includes consideration of impacts from disposal and incineration under each regulatory authority to ensure that the responsibility and cost for removing PFAS is not passed on from one to another. ASDWA recommends that these costs and responsibilities should not be passed from regulated private companies to community water systems to clean up contamination from their manufacturing and disposal actions, in order for these systems to provide safe drinking water and to protect public health.

ASDWA and its members are particularly interested in this interim guidance because the destruction and disposal of PFAS is a significant concern for state drinking water programs and drinking water utilities. Contamination of both groundwater and surface water sources of drinking water from PFAS is extensive. Many drinking water utilities across the country have had to install expensive treatment to remove PFAS from drinking water sources contaminated by the manufacture, use, and disposal of PFAS and PFAS-containing materials through air deposition, landfill leachate, industrial wastewater streams, wastewater treatment facilities,

and groundwater discharges. Drinking water utilities must also consider actions to incinerate or regenerate carbon, and dispose of filters, resins, and waste streams from PFAS treatment (described in section 2.e), which also can put PFAS back into the environment if not disposed of properly.

Section 3

ASDWA recommends that EPA provide more guidance (either within this guidance or separately) for drinking water treatment disposal and destruction technologies that are safe, easily implemented, and affordable. While ASDWA appreciates the inclusion of financial considerations for drinking water treatment disposal and spent GAC reactivation costs in Section 3, more guidance is needed for all drinking water utilities, and especially small systems with limited resources, on how to increase their capacity to select the appropriate treatment and disposal for treating PFAS-contaminated water and to properly dispose of the spent materials.

Section 4

ASDWA recommends that Section 4 on," Considerations for Potentially Vulnerable Populations Living Near Likely Destruction or Disposal Sites," be expanded to clearly explain how all PFAS exposure pathways in the conceptual model (Figure 4.1 on page 84) fit together. This includes providing more details on how each of the exposure pathways impact the other, and how they impact drinking water sources. Public health protection is of utmost concern for ASDWA and our members and while we welcome the pointers and references to existing information provided in this section, more is needed to understand the whole lifecycle of PFAS through the environment and the relevant exposure pathways. ASDWA also recommends that EPA provide more information in Section 4.d.ii (page 87-88) on "Incorporating vulnerability into risk assessment" about what the links to the multiple documents and data sources are. For example, the link to the "Supporting Documents for Drinking Water Health Advisories for PFOA and PFOS" does not spell out the words "drinking water" or say what the document is. ASDWA recommends that this section include a link to EPA's Drinking Water Mapping Application to Protect Source Waters (DWMAPS) and emphasize that state drinking water programs and drinking water utilities also have maps of source water protection areas that can be used to assess PFAS vulnerability, and that the states and utilities are important stakeholders.

Section 5

ASDWA appreciates the extent of information provided in the entirety of the interim guidance and the acknowledgement of limitations in current research and data for PFAS destruction and disposal that are outlined in Section 5. ASDWA also appreciates EPA's continuing work with the Department of Defense (DoD) and others to conduct additional and needed research to better characterize, measure, assess effectiveness and costs, improve and/or develop new methods for PFAS disposal and incineration, and develop PFAS monitoring methods for air, effluent, and soil releases. For example, the Chemical Data Reporting (CDR) and Toxics Release Inventory (TRI) datasets noted in the interim guidance will help to ensure that regulated entities report and provide information on the location, volume, and concentration of PFAS in waste streams,

as well as spills or leaks during the production, handling, transport, or use of PFAS-containing materials, and will be critical to improve our understanding of how to assess and address PFAS across all media. The cost and performance models in Section 5.d for existing and innovative technologies (e.g., electrochemical oxidation) that compare technologies on a cost and efficacy basis will also be very important for drinking water utilities to plan and prepare for eventual changes to their treatment operations.

In closing, ASDWA emphasizes that in addition to federal and state programs and regulated entities responsible for implementing this disposal guidance, EPA must directly engage with state drinking water programs and drinking water utilities. Additionally, EPA must directly engage with other important stakeholders to ensure the complete consideration for the entire lifecycle of PFAS in the environment, and for relevant state regulations, policies, and protocols for assessing and addressing PFAS in all media that are impacted by PFAS destruction and disposal.

ASDWA recommends that EPA use all its possible pathways, both regulatory and non-regulatory, to prevent PFAS from entering drinking water sources. Using a holistic approach to reduce or eliminate the use of PFAS, and to prevent these compounds from entering the environment and drinking water sources throughout any part or all of the chemical's lifecycle - from manufacturing through processing, distribution, and disposal - is much more effective and less expensive than having to remove them once contamination has occurred. Protecting drinking water sources (and preventing contamination) is essential for sustaining safe drinking water supplies, protecting public health and the economy, and has many additional environmental benefits.

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.

Sincerely,

J. Alan Roberson, P.E.
Executive Director

Cc: Radhika Fox – EPA OW
Jennifer McLain – EPA OGWDW
Casey Katims – EPA OCIR