



**ASSOCIATION OF
METROPOLITAN
WATER AGENCIES**

LEADERS IN WATER

1620 I Street, NW, Suite 500
Washington, DC 20006

P 202.331.2820 F 202.785.1845
amwa.net

February 22, 2021

Carlos Pachon
Office of Land and Emergency Management
U.S. Environmental Protection Agency

Via Regulations.gov

Re: Docket ID: [EPA-HQ-OLEM-2020-0527-0003](#), Interim PFAS Destruction and Disposal Guidance

Dear Mr. Pachon:

The Association of Metropolitan Water Agencies (AMWA) is an organization representing the largest publicly owned drinking water utilities in the United States. AMWA thanks the U.S. Environmental Protection Agency (EPA) for the opportunity to comment on its Interim PFAS Destruction and Disposal Guidance. AMWA has been actively engaged throughout EPA’s work to address per-and polyfluoroalkyl substances (PFAS) under the agency’s PFAS Action Plan. As stated in previous comments to the agency, it is essential to prevent problematic PFAS from entering source waters to begin with, rather than shifting the burden to local drinking water treatment works. It is easier, more effective, and more equitable to control pollutants at the source, where they are highly concentrated, than it is to remove them at the consumer’s expense after they have entered a water body or supply source. We thank the agency for actively engaging stakeholders throughout EPA’s work to address PFAS and support EPA in its continued work to effectively manage these problematic substances. The association has reviewed the interim guidance and is pleased to provide the following recommendations.

AMWA understands that the National Defense Authorization Act for Fiscal Year 2020 required EPA to produce this guidance within one year. However, the science surrounding PFAS is evolving rapidly, and as EPA acknowledges, there are many data gaps within this guidance document. AMWA appreciates EPA’s decision to update this guidance periodically and encourages the agency to continue engaging stakeholders in the development of those updates by allowing ample time for review and comment to ensure that these documents are informed by robust and sound science. AMWA recommends that in future updates, the agency work to expand the information included to better address specific PFAS, rather than as a single large

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group. While all classified as PFAS, individual substances can have extremely varied properties, and these differences should be considered when developing guidance such as this.

AMWA's most significant request of EPA regarding this guidance document is to remove underground injection entirely as a technological solution for disposing of PFAS until EPA has completed its regulatory process to designate PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. How a substance is managed under EPA's underground injection control regulations is dependent upon a substance's classification as hazardous or non-hazardous. While both categories of substances can be disposed of within a Class I well, the safety standards which a well operator must comply with are more stringent for wells that manage hazardous substances than those that do not. Specifically, an operator must demonstrate that "the waste will remain where it has been injected for as long as it remains hazardous (defined under regulation as a period of up to 10,000 years)." To achieve this, Class I hazardous waste well operators must receive approvals of "no-migration petitions" from EPA. Currently, no PFAS are listed as hazardous substances but the agency was directed to begin this process for PFOA and PFOS under the PFAS Action Plan. Until this designation is made, EPA should not encourage the disposal of these substances via underground injection.

Secondly, even after this designation is made for PFOA and PFOS, AMWA urges EPA to strongly consider whether underground injection is a safe disposal method for any PFAS. This is because within this guidance document, EPA highlights uncertainties and unknowns regarding the efficacy and safety of underground injection for PFAS, stating:

"Understanding of the long-term fate and transport properties of PFAS (including precursors) in the injection zone is currently limited. Studies have shown wide ranges in PFAS chemical properties, and these can be altered by mixture effects and interactions with co-contaminants. This creates uncertainty in predictions of PFAS contaminant migration and longevity in the injection zone. For disposal of PFAS in Class I hazardous waste wells, these uncertainties need to be considered in the development of the required no-migration petition." (p. 82)

Highlighting these significant uncertainties but still advocating for the use of underground injection could prove to be detrimental to public health. Since EPA plans to update this guidance as new information is received, AMWA sees no reason for EPA to promote a disposal method that lacks such crucial information about PFAS fate and transport. AMWA believes that the risk of improper management due to an absence of appropriate data is too high. Therefore, EPA should remove underground injection as an option for disposal entirely from this version of the guidance. If, at a later time, EPA has sufficient information to alleviate these concerns the agency could release a revised guidance and include underground injection as a viable option.

AMWA would also like to highlight an apparent conflict within the guidance document. On page three of the introduction, EPA states, "Storage of PFAS and PFAS-containing materials is not

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discussed as a destruction or disposal technology. In some cases, however, interim storage may be an appropriate strategy...” However, on page five of the introduction, the guidance states, “Managers of PFAS materials could consider the following existing destruction and disposal options in the order of lower uncertainty to higher uncertainty while considering the other factors mentioned above to come up with a decision that is as protective of the environment as possible.” This text is then immediately succeeded by a list where “interim storage” is the first option listed. This seems to conflict with page three and incorrectly imply that interim storage is the preferred disposal or destruction method. AMWA suggests that EPA remove “interim storage” from this list to avoid unnecessary confusion.

AMWA also suggests that a link to [EPA’s Drinking Water Mapping Application to Protect Source Waters \(DWMAPS\)](#) be included among the tools listed in section 4.d.ii, “Incorporating vulnerability into risk assessment” (page 87-88). This tool helps state and utility drinking water professionals update their source water assessments and protection plans and could be used to help assess PFAS vulnerability.

Finally, AMWA also recommends that in the references for government documents, EPA note the country that produced the document in the citation. For example, the references cite “U.S. EPA” but not U.S. DOE or U.S. DoD, simply DOE and DoD. In addition, the Bureau of Economic Analysis should be identified as a U.S. organization. Finally, there is at least one reference from a state in Australia (i.e., Queensland), which is not specified.

Thank you for the opportunity to comment. If you have any questions about these comments, please contact Stephanie Hayes Schlea, AMWA’s Director of Regulatory and Scientific Affairs, at schlea@amwa.net.

Sincerely,



Diane VanDe Hei
Chief Executive Officer
Association of Metropolitan Water Agencies

Cc: Jennifer McLain, Office of Ground Water and Drinking Water