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June 10, 2019

Stiven Foster
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Mail Code: 5103T
Washington, DC 20460

Docket ID No. EPA-HQ-OLEM-2019-0229

RE: Draft Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS

Dear Mr. Foster,

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciates the opportunity to provide comments on the U.S. Environmental Protection Agency's (EPA's) Draft Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS. ASTSWMO is an association representing the waste management and remediation programs of the 50 U.S. States, five Territories, and the District of Columbia (States). These comments are being submitted by ASTSWMO's PFAS Workgroup, which includes representatives from ASTSWMO's Board of Directors and program Subcommittees. These comments have not been reviewed or adopted by the ASTSWMO Board of Directors.

ASTSWMO thanks EPA for providing the opportunity for the States to review the draft recommendations, which we and other state media associations have requested in previous comment letters. In addition to our comments below, ASTSWMO asked our members to submit individual State comments to the Docket as these groundwater recommendations may impact CERCLA and RCRA federal facility cleanups and corrective action as well as approved state RCRA corrective action programs.

As stated in previous comments submitted to EPA, there are many more PFAS chemicals potentially impacting human health and the environment, not just PFOA and PFOS. We encourage EPA to include recommendations for investigation and remediation actions for additional PFAS chemicals in either this recommendations document or another guidance document.

The document states that the recommendations "are consistent with existing EPA guidance and standard practices, in addition to applicable statutes and regulations." ASTSWMO agrees, however, the document needs to provide clear guidance on applicable or relevant and appropriate requirements (ARARs). Including additional guidance on ARARs is critical because EPA's health advisories for PFOA and PFOS are non-enforceable, non-regulatory values and States have or are in the process of developing their own regulatory standards for PFOA and PFOS that are more

stringent than the federal advisories. We recommend that EPA add the following statement specific to ARARs:

“Where State regulations qualify as ARARs for PFOA and PFOS, the remediation goals established shall be developed considering the State regulations that qualify as ARARs, as well as other factors cited in the NCP (see 40 CFR 300.430(e)(2)(i)(ff)). Final remediation goals and remedy decisions are made in accordance with 40 CFR 300.430 (e) and (f) and associated provisions.”

Similar language is provided in current EPA guidance and policy documents for perchlorate and has been used in site cleanup documentation by other federal agencies. ASTSWMO also recommends that the final recommendations cite OLEM Directive 9200.2-187, *Best Practice Process for Identifying and Determining State Applicable or Relevant and Appropriate Requirements Status Pilot*, which establishes a process for meeting CERCLA’s requirement to identify and determine state and federal ARARs when selecting remedial cleanup actions.¹

Once EPA establishes federal authorities to address PFOA and PFOS under CERCLA and RCRA, ASTSWMO recommends that the EPA add a recommendation to investigate CERCLA or RCRA corrective action sites for PFOA and PFOS contamination in or near source protection areas for drinking water and reevaluate current remedies if contamination is found in concentrations above federal advisory levels or state regulatory standards. EPA must also ensure that existing remedies are appropriate for removing PFOA and PFOS contamination. In addition, ASTSWMO requests the inclusion of recommendations to address indirect sources of groundwater contamination, specifically those resulting from discharges to surface water that migrate to groundwater, and from air deposition that ultimately find their way to groundwater.

Thank you for your consideration of this input. If you have any questions about these comments, please contact me at daniar@astswmo.org or 202-640-1061.

Sincerely,



Dania E. Rodriguez
ASTSWMO Executive Director

¹See ASTSWMO Position Paper, *State Concerns with the Process of Identifying Comprehensive Environmental Compensation and Liability Act (CERCLA) Applicable, or Relevant and Appropriate Requirements*, February 2018: http://astswmo.org/files/policies/Position_Papers/ARARs-Position-Paper-Feb-2018.pdf