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February 19, 2021

U.S. Environmental Protection Agency
EPA Docket Center
OLEM Docket
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

ATTN: Docket ID No. EPA-HQ-OLEM-2020-0527

RE: Interim PFAS Destruction and Disposal Guidance

Dear Sir/Madam:

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) Interim PFAS Destruction and Disposal Guidance. 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 Contaminants of Emerging Concern (CEC) Steering Committee, which includes representatives from several State waste and remediation programs. These comments have not been reviewed or adopted by the ASTSWMO Board of Directors.

ASTSWMO thanks EPA for providing the opportunity to review the interim guidance document. In addition to our comments below, ASTSWMO requested our members – State waste management and remediation programs - to submit comments to the Docket as the content in the document may impact State RCRA permitting, corrective action and enforcement programs.

ASTSWMO and the CEC Steering Committee support the EPA's efforts to develop guidance regarding destruction and disposal of PFAS, which we advocate for in a soon to be public ASTSWMO Position Paper on Addressing PFAS. We also acknowledge that this is an area of understanding that is still developing and changing rapidly. Given the constraints of the deadline placed by the National Defense Authorization Act, we recognize that it would have been unreasonable to answer all pending questions and future areas of study within this interim guidance document. That said, this document fails to provide meaningful guidance and direction on how to advance PFAS destruction and disposal policy, regulation, and practices.

As an example, the recommendation of prioritizing interim storage within the hierarchy of destruction and disposal options fails to address some of the significant implications associated with taking this action. Without the consideration of what options may be available following this storage and with no discussion of the necessary or recommended storage requirements, or the

impacts of potential hazardous waste designation including but not limited to cost, the recommendation remains incomplete and without a path forward.

Understanding the behavior of PFAS within these treatment systems first requires addressing current information gaps and uncertainties including analytical methodologies capable of evaluating PFAS concentrations within complex matrices. Only after we are confident that sampling, analysis, and interpretation of data are being performed appropriately and accurately can we begin to understand how these contaminants are moving throughout these systems and the true extent of destruction, or stabilization and sequestration following disposal. In addition to a recommended hierarchy, guidance on destruction and disposal practices should also include the development of a timeline toward achieving these goals.

Many of the recommendations provided within the document correspond to the techniques and practices that are currently being employed. The inventory of technologies and the challenges associated with each does not clarify what actions currently are or will be taken to improve our understanding. While the ASTSWMO CEC Steering Committee supports the development of guidance documents, the development of the hierarchy of recommend practices without clear federal regulatory authority does not clarify what the direction of long-term actions may be, which we also advocate for in our forthcoming Position Paper on Addressing PFAS. The interim guidance lacks a schedule for the completion of the many activities and future work needed to clarify the questions raised. The Steering Committee agrees that there is a lack of research and information specific to the uncertainties associated with destruction and disposal of PFAS, but also see the need for a coherent and cohesive path forward.

State, federal, local municipalities and private entities are all navigating the many challenges presented by PFAS, including those outlined within the interim guidance. Ensuring that PFAS are successfully destroyed or isolated from potential release to the environment is essential for long-term management of these contaminants.

We appreciate EPA's engagement with its regulatory partners on the interim guidance document and thank you for your consideration of our input. If you have any questions about these comments, please contact me at: SliverS@Michigan.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Sliver".

Steve Sliver (MI)
Chair, ASTSWMO CEC Steering Committee