



TO: The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency (USEPA)

FROM: National Rural Water Association (contact: Mike Keegan, Analyst)

DATE: November 21, 2018

SUBJECT: Comments on Docket No. EPA-HQ-OW-2018-0270
PFAS National Leadership Summit and Engagement

Thank you for the opportunity to comment on regulatory considerations (including drinking water regulations, health advisories, or guidance) for per- and polyfluoroalkyl substances (PFAS).

Headquartered in Duncan (Oklahoma), the National Rural Water Association (NRWA) is the nonprofit association of the federated state rural water associations with a combined membership of over 30,000 small and rural communities. NRWA is the country's largest water utility association and the largest community-based environmental organization. State Rural Water Associations are non-profit associations governed by elected board members from the membership. Our member utilities have the very important public responsibility of complying with all applicable U.S. Environmental Protection Agency (EPA) regulations and for supplying the public with safe drinking water and sanitation every day.

We appreciate the many opportunities the Agency has provided to all stakeholders to participate in the development of Agency actions including the May 22-23, 2018, "PFAS National Leadership Summit and Engagement" forum and the many Community Engagement Events around the country. NRWA supports the Agency's outreach effort for seeking public and stakeholder participation in crafting PFAS-related federal actions.

The great majority of public water systems affected by any future Agency action for PFAS will be small water systems (typically administered by local governments). Local governments exist solely to protect and assist their citizens. The provision of safe drinking water is perhaps the most elemental purpose of local government as evinced by the PFAS Community Engagement Events where the local government presenters detailed how they were taking immediate action to remediate PFAS contamination in their drinking water regardless of a federally enforceable standard. It was also notable that this dynamic was not present in the privately owned water systems experiencing PFAS contamination.

Numerous stakeholders, including Members of Congress, have recently called on the USEPA to promulgate a federal regulatory standard or maximum contaminant level (MCL) under the Safe Drinking Water Act (SDWA) for PFAS compounds. NRWA urges the Agency to resist calls for a national SDWA MCL for PFAS and instead urges the Agency to rely on alternative federal

initiatives to assist communities dealing with PFAS contamination as opposed to regulating them. MCLs are regulatory enforcement standards for local governments enforced by levying fines on local citizens (the ratepayers) for communities out of compliance. What is actually needed in affected communities is assistance (i.e., funding for treatment, monitoring assistance, on-site technical assistance for emergency operations, credible public health information, emergency access to safe drinking water, and compensation from responsible parties).

The SDWA's mechanism of levying federal fines on local consumers for violations of MCLs is not a helpful solution for small and rural communities adversely affected by PFAS contamination. Federal civil enforcement fines of up to \$25,000 a day do not help a rural, low income community afford better water.

Alternatively, the federal government should identify the level where PFAS becomes unsafe in drinking water or acknowledge whether such a determination is impossible given the complexity of the analysis. MCLs are not based on public health levels, but rather are determined by what a large metropolitan community can "feasibly" afford. There is a level authorized in the Safe Drinking Water Act for EPA to identify a health base level, the so-called "*unreasonable risk to health*" level that has never been identified by EPA in the manner proposed under the SDWA.

The public wants to know what levels of PFAS in drinking water are safe or unsafe. The SDWA, as currently implemented, does not provide this essential information. Should a family feel safe if their drinking water concentration of PFAS is one part per billion under the current federal Health Advisory Level or a future MCL? Conversely, are there any significant health effects in PFAS drinking water concentrations that are one part per billion above the health advisory or a future MCL? Every local government detecting PFAS contamination prefers to have all traces of contamination removed from their drinking water and likely all local governments are advancing plans and policies toward that goal absent a federal regulation or MCL. The promulgation of an MCL does not advance the goal of removal of all PFAS from community drinking water supplies in locally governed water utilities. It may advance such a goal, however, in privately owned water utilities where the local citizens have limited governing authority.

Local governments are not responsible for PFAS contamination and responsible parties should be held accountable for remediation, treatment and providing alternative sources of safe drinking water. The SDWA mechanisms function as if the local communities are the responsible parties for contamination with a remedy of civil penalties which actually further penalize the communities whose drinking water was contaminated. This dynamic is especially acute and problematic for economically disadvantaged communities and populations.

Thank you for the opportunity to comment and participate. We are very appreciative of the Agency's many public outreach opportunities, and we believe that our recommendations will result in greater public health protection than the MCL regulatory alternative. Please contact Mike Keegan <keegan@ruralwater.org> with any questions or if we can be of any assistance.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 10 2018

Mr. Mike Keegan
National Rural Water Association
101 Constitution Avenue, NW
Washington, D.C. 20001

Dear Mr. Keegan:

Thank you for your November 21, 2018, letter to the U.S. Environmental Protection Agency (EPA), providing comments on the EPA's efforts to address per- and polyfluoroalkyl substances (PFAS) and the recent PFAS National Leadership Summit and community engagements. The EPA appreciates your participation in the public engagement process, including your participation in the leadership summit. The EPA recognizes the PFAS challenges states, tribes, and communities are facing and is committed to working side-by-side with our federal, state, local, and tribal partners to address these concerns.

The EPA further appreciates your continued interest in PFAS issues and understands the importance of these concerns to all communities across the nation. Thank you for the comments that you have provided. Using information from the May 2018 National Leadership Summit, community engagements, and public input provided to the EPA docket, the EPA is developing a PFAS Management Plan that includes short-term implementation actions, and long-term regulatory and research approaches the EPA is designing to reduce the health risks associated with certain PFAS in the environment.

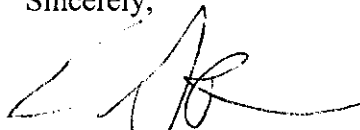
Thank you for your recommendation for the EPA "to resist calls for a national SDWA MCL for PFAS" and that the Agency evaluate nonregulatory solutions for management of PFAS-related issues. The EPA is exploring both regulatory and nonregulatory approaches to most effectively manage PFAS in drinking water. The EPA is in the early phases of evaluating the need for a Maximum Contaminant Level (MCL) for two PFAS—perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). The EPA also continues to support other PFAS management efforts with our stakeholders while SDWA regulatory options are evaluated. The EPA is also working to move research forward on other PFAS to better understand their health impacts, options for treatment, and how information on better known PFAS (such as PFOA and PFOS) can be applied to inform our actions for other PFAS chemical classes.

Thank you also for noting that responsible parties should be held accountable for PFAS remediation, treatment and providing alternative sources of water. The EPA is beginning the necessary steps to evaluate the designation of PFOA and PFOS as "hazardous substances" through one of the available statutory mechanisms, including potentially the Comprehensive

Environmental Response Compensation and Liability Act (CERCLA) Section 102.
Additionally, the EPA is currently developing groundwater cleanup recommendations for PFOA and PFOS at contaminated sites.

Taken together, these actions will help states, tribes, and local communities address PFAS. Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Hannah Holsinger of my staff at (202) 564-0403.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Burneson", with a long horizontal flourish extending to the right.

Eric Burneson
Director,
Standards and Risk Management Division