

April 28, 2023

Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Mail Code: 4607M
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OW-2022-0114, Comments on the Development of the Proposed Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation

Dear Administrator Regan,

The Water Environment Federation (WEF) thanks the US EPA for the opportunity to provide comments on the proposed per- and polyfluoroalkyl substances (PFAS) National Drinking Water Regulations (NPDWR). WEF is a nonprofit association that provides technical education and training for tens of thousands of water quality professionals who clean water and return it safely to the environment. WEF members have proudly protected public health, served their local communities, and supported clean water worldwide since 1928.

WEF stands with EPA in its goal to utilize the best available science to stop PFAS pollution, protect human health, and harmonize policies that strengthen public health protections with infrastructure funding to help communities, especially disadvantaged communities, deliver safe drinking water. WEF understands the critical need in providing clean drinking water and the importance of this proposed rule. We also see the unintentional impacts the proposed regulation will have on the water resource recovery facilities (WRRFs) that modern society has come to rely upon since the promulgation of the Clean Water Act of 1972. Some of these impacts are described below and include the eventual discharge to WRRFs of residuals from water treatment operations.

WEF asks that the following short-term and long-term impacts be taken into consideration with the proposed Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation.

Short-term Impacts

Identify funding sources, not already accounted for, to support the water reclamation industry. Prioritize continued research and the proactive communication of these findings.

- **Data:** EPA is using the 3rd Unregulated Contaminant Monitoring Rule (UCMR 3) as the basis for the proposed NPDWR. If delayed to Summer 2024, EPA could analyze 2023 monitoring results from UCMR 5 to calibrate and confirm the results of the Bayesian Analysis. Also, as EPA recognizes, ‘the minimum reporting levels (MRLs) were established based on the capacity of the analytical method, not based on a level
-

established as “significant” or “harmful”. In fact, the UCMR 3 MRLs are often a larger concentration than current “health reference levels” (to the extent that HRLs have been established).¹

- **Testing:** The demand for labs equipped to test PFAS will severely outweigh available lab capacity.
- **Supplies:** Granular Activated Carbon (GAC) will face supply chain issues if the proposed regulation is approved. The waiting period for a supply of GAC has been reported to be as high as 9-24 months. IX resin lead times will be delayed as these are manufactured overseas.
- **Implementation:** With 5,000 – 10,000 systems being required to treat for PFAS, contractor availability will be limited. Pilot testing can also take from 12-18 months.
- **Monitoring:** States will be looking to EPA to determine how monitoring requirements will align with their existing program demands. EPA’s proposed cost model includes treatment equipment; however, it is absent of the added costs of compliance, site developments, engineering, etc. Costs will be incurred by utilities and the residents relying on these essential services. Additionally, there are still concerns with laboratory capacity in some areas of the country. This could cause delays in analysis and increase costs to obtain compliance data.
- **Research:** Continued research is necessary in understanding the exposure impacts of PFAS from manufacturing, point of use, and fate and transport in the environment. Transparent and concise documentation of the results of the research and what it means to the public is essential.
- **Communication:** Stakeholder communication throughout the process is critical to both proactively address concerns and correct misinformation.

Long-term Impacts

Focus upstream to stop PFAS at the source instead of at the utilities where PFAS is received. Consider the scope of climate change impacts that regulations will impose on progress.

- **Background levels:** Background levels in some soils are higher than are found in drinking water and water resource recovery facilities. Clarification is needed on how EPA will manage this imbalance in existing and regulated concentrations.
- **One Water:** In a one-water world, PFAS removed is PFAS reallocated to another media. For example, GAC will concentrate PFAS, which will then be transferred to an accepting receiving landfill, and landfill leachate routed to a water resource recovery facility. Another example is “reject” water from water reuse operations, which may also concentrate PFAS.
- **Technology:** Destruction technologies must be proven with subsidized funding identified in order to install and maintain these systems.
- **Climate Change:** Soil loss, increased fertilizer prices, water shortages, increased GHG emissions due to transportation and/or adoption of high temperature processes, and increasing temperatures represent some of the real-time impacts of climate change.

¹ U.S. EPA The Third Unregulated Contaminant Monitoring Rule (UCMR 3): Data Summary, January 2017
<https://www.epa.gov/sites/default/files/2017-02/documents/ucmr3-data-summary-january-2017.pdf>

Targeting core programs that aim to recover resources, create renewable energy, and clean water will only exacerbate these impacts. WRRFs are engaged in a number of actions to mitigate climate change. Among others, WRRFs are adopting technologies and approaches such as water reuse, smart technology, and green infrastructure. They are also working to directly reduce greenhouse gas contribution through energy efficiency, resource recovery, and renewable energy development. Premature PFAS requirements could divert from some of these important activities.

- **Biosolids:** In the absence of a national PFAS regulation for biosolids, States are left to enact a patchwork system of restrictions. These restrictions reference the proposed NPDWR for guidance. A 45-year history of biosolids research has supported Title 40 CFR Part 503 – Standards for Use or Disposal of Biosolids. Banning biosolids will create a public health and economic crisis, forcing residents to bear the sharp increase in management costs due to increased shipping and landfilling, halting farmer access to a local and renewable alternative to synthetic fertilizer, and reversing climate benefits realized through sustainable biosolids management like carbon sequestration.

WEF members have diligently and proudly upheld the regulations set forth in the Clean Water Act for decades. It was because of this foresight by the EPA, that this pivotal environmental protection set precedence to protect our precious water resources that included the expansion and upgrade of water resource recovery facilities. It is this same foresight, that we ask the EPA to consider the short and long-term impacts that the proposed Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation will have on the very systems that the Clean Water Act established and expanded. WEF asks that the EPA focus proposed regulations on stopping PFAS at the source and work in concert with the thousands of water resource recovery facilities across the country to identify innovative, streamlined, and appropriately resourced solutions together.

Thank you for this opportunity to provide comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Walt T. Marlowe". The signature is fluid and cursive, with a long horizontal stroke at the end.

Walt T. Marlowe, P.E., CAE
Executive Director
Water Environment Federation