National Ground Water Association

Comments on:

Environmental Protection Agency Drinking Water

Contaminant Candidate List 5-Draft

ACTION: Notice of availability; request for comments; Proposed Rule by the Environmental Protection Agency for Drinking Water Contaminant Candidate List 5

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SUMMARY:

The U.S. Environmental Protection Agency (EPA) is publishing a draft list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations for public review and comment. These contaminants are known or anticipated to occur in public water systems and may require regulation under the Safe Drinking Water Act (SDWA). This draft list is the Fifth Contaminant Candidate List (CCL 5) published by the agency since the SDWA amendments of 1996. The Draft CCL 5 includes 66 chemicals, 3 chemical groups (16 per- and polyfluoroalkyl substances (PFAS), cyanotoxins, and disinfection byproducts) and 12 microbial contaminants. EPA seeks comment on the Draft CCL 5 and on improvements implemented in the CCL 5 process for consideration in developing future CCLs.

Electronic Link: https://www.federalregister.gov/documents/2021/07/19/2021-15121/drinking-water-contaminant-candidate-list-5-draft

Submission Due Date: September 17, 2021.

Date Submitted: September 7, 2021

COMMENTS OF THE NATIONAL GROUND WATER ASSOCIATION (NGWA) TO EPA

The NGWA supports the inclusion on the Contaminant Candidate List 5 (CCL 5) of the 16 per- and polyfluoroalkyl substances (PFAS) listed in the footnote below.[1] The NGWA commented on and supported the establishment of the previous list of the Unregulated Contaminant Monitoring Rule 5 (UCMR5) monitoring program to establish the occurrence of the 29 PFAS among representative large and small water systems in order to determine exposure of the U.S. population to these chemical substances (publication date: March 11, 2021; document citation: 86 FR 13846; Agency/Docket Number EPA-HQ-OW-2020-0530).

NGWA has focused on concerns about PFAS prior to and since its report:

> National Ground Water Association (NGWA). 2017 (and Updates). Groundwater and PFAS: State of Knowledge and Practice. NGWA Press, Westerville, Ohio.

This report documented treatment capability for PFOA and PFOS and cited concerns for other PFAS in groundwater.

In the letter to EPA of June 3, 2020, joined by NGWA and eight other prominent water associations, the associations asked that EPA (1) engage with outside experts to develop and review a public health risk assessment for PFAS, (2) with all key stakeholders establish the adequacy of analytical methods and capacity, effective risk communication, and sustainable treatment options, among other important factors, (3) accelerate research on water treatment, occurrence, and health effects to support future decision making and contaminant prioritization, and (4) leverage available regulatory tools in other statutes to gather occurrence and health risk assessment data and organize them to support research and decision making, using regulatory tools that include the Toxics Release Inventory, Sections 4 and 8 of the Toxic Substances Control Act, and the Unregulated Contaminant Monitoring Rule.

NGWA appreciates EPA moving forward on regulating PFAS in drinking water with this action regarding CCL 5. The EPA PFAS program should be a comprehensive approach to protecting our nation's population from these chemicals in the future. NGWA also notes the following factors related to the need for regulating and monitoring of PFAS across the country:

> The Centers for Disease Control and Prevention reports that PFAS chemicals are in the blood of virtually all Americans.[2] Seventy-seven (77) percent (401 out of 524) of military installations across the nation have measured levels of PFAS contamination. The

[1] Perfluoro(2-((6-chlorohexyl)oxy)ethanesulfonic acid) (9Cl-PF3ONS), Perfluoro-2-methyl-3-oxahexanoic acid, Perfluorobutane sulfonic acid (PFBS), Perfluorobutyric acid (PFBA), Perfluorodecanoic acid (PFDeA/PFDA), Perfluorododecanoic acid (PFDoA), Perfluoroheptanoic acid (PFHpA), Perfluorohexane sulfonic acid (PFHxS), Perfluorohexanoic acid (PFHxA), Perfluorononononanoic acid (PFNA), Perfluorooctanesulfonamide (PFOSA), Perfluorooctane sulfonic acid (PFOS), Perfluorooctanoic acid (PFOA), Perfluorotetradecanoic acid (PFTA), Perfluorotridecanoic acid (PFTrDA), Perfluoroundecanoic acid (PFUA/PFUnA).

[2] Centers for Disease Control and Prevention. 2017. Per- and Polyfluorinated Substances (PFAS) Factsheet. https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html

Environmental Working Group (EWG) found that 90 more current and former Army and Army National Guard installations had levels of ground or drinking water contamination than previously reported.[3]

NGWA is very concerned that Guelfo and Adamson (2018) [4] examined PFAS results from UCMR 3 in detail and found that approximately 50 percent of samples with reportable levels of one or more PFAS detections contained at least two PFAS and 72 percent of detections occurred in groundwater. When detected, median total PFAS concentrations were higher in small PWSs serving 10,000 or fewer persons (0.12 µg/L) than in large PWSs (0.053 µg/L). This PFAS level in small water systems is nearly twice the current Health Reference Level of 70 ppt. This concern is highlighted by the fact that 75 percent (36,398) of all community water systems are primarily ground-supplied, and 96 percent of those groundwater-supplied systems are small water systems serving 10,000 or fewer people and have fewer resources to manage their water systems. Ninety-seven (97) percent (93,807) of nontransient and transient noncommunity water systems are groundwater-supplied. [5]

Guelfo and Adamson also reported that large water systems serving more than 10,000 persons were 5.6 times more likely than small PWSs to have PFAS detections. Many large systems have groundwater sources for supplementary or backup water supply.

Basis for the Interest of the National Ground Water Association (NGWA) in Regulation of PFAS in Drinking Water

NGWA, the largest trade association and professional society of groundwater professionals in the world, represents over 10,400 groundwater professionals within the United States and internationally. NGWA represents four key sectors: scientists and engineers, employed by private industry, by the consulting community, by academic institutions, and by local, state, and federal governments, to assess groundwater quality, availability, and sustainability; water-well contractors responsible for developing and constructing water-well infrastructure for

[3] Military.com. 2019. List of Bases Contaminated with PFAS Chemicals Expected to Grow, Pentagon Says. https://www.military.com/daily-news/2019/09/13/list-bases-contaminated-pfas-chemicals-expected-growpentagon-says.html

[4] Guelfo, J.L. and D.T. Adamson. 2018. Evaluation of a national data set for insights into sources, composition, and concentrations of per- and polyfluoroalkyl substances (PFASs) in U.S. drinking water. Environmental Pollution vol. 236 (May), pp.505-513. Cited in U.S. Environmental Protection Agency, Regulatory Determination 4 Support Document; EPA 815-R-19-006, December 2019, p. 3-38.

[5] U.S. Environmental Protection Agency. 2021. Drinking Water Government Performance Reporting Act Tool. https://obipublic.epa.gov/analytics/saw.dll?PortalPages&PortalPath=/shared/SFDW/_portal/Public

residential, commercial, and agricultural use; and the manufacturers and the suppliers responsible for manufacturing and providing the equipment needed to make groundwater development possible. Over 41 million people in the United States rely on private wells and over 90 million people are served by groundwater from community water systems. NGWA's mission is to advocate for and support the responsible development, management, and use of groundwater. Control of potential and active sources of contamination should be a national objective, reducing the need for remediation of groundwater. Aquifers should be protected from degradation.

Thank you for the opportunity to comment on this proposed regulatory action.

For further follow up, please contact:

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