



**National Ground Water Association  
Comments on**

**Environmental Protection Agency “Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and Polyfluoroalkyl Substances and Materials Containing Perfluoroalkyl and Polyfluoroalkyl Substances”**

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**Summary:**

The National Defense Authorization Act for Fiscal Year 2020, Public Law No: 116-92 (FY 2020 NDAA), was signed into law on December 19, 2019. Section 7361 of the FY 2020 NDAA directed the U.S. Environmental Protection Agency (EPA) to publish interim guidance on the destruction and disposal of perfluoroalkyl and polyfluoroalkyl substances (PFAS) and materials containing PFAS not later than one year from the date of enactment of the FY 2020 NDAA. Interim guidance published on December 18, 2020 is meant to fulfill that directive.

Electronic Link: <https://www.federalregister.gov/documents/2020/12/22/2020-28376/interim-pfas-destruction-and-disposal-guidance-notice-of-availability-for-public-comment>

**National Ground Water Association Comments**

The interim guidance presents currently available information on PFAS destruction and disposal and outlines the factors and data gaps to consider when and if disposal of PFAS impacted materials are required. It provides information on the state of the science for current commercially available disposal or destruction technologies. It does not provide a list of EPA-accepted disposal options nor the methods and methodologies for evaluating their effectiveness. The document is largely a compendium of information rather than a guidance document as called for by the FY 2020 NDAA.

The interim guidance does not establish what concentrations of PFAS in wastes, spent products, or other materials or media would necessitate destruction or disposal. Other regulations, authorities, and mechanisms are key to risk-based guidance for evaluating destruction and disposal options.

The National Ground Water Association (NGWA) previously commented on the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA) [<https://www.regulations.gov/document?D=EPA-HQ-TRI-2019-0375-0053>]. Under Section 7321 of the FY 2020 NDAA, a total of 172 PFAS were added to the EPA's Toxics Release Inventory (TRI) list for reporting year 2020 but are not yet available. The 2020 TRI data must be submitted by TRI-covered facilities by July 1, 2021. These data could be important in prioritizing research on destruction and disposal options. Furthermore, designation of PFAS as hazardous substances under CERCLA, will allow additional authority to clean-up contaminated sites. Listing particular wastes or chemicals as hazardous waste under subtitle C of the Resource Conservation and Recovery Act (RCRA) also has bearing on these options. Decisions on such designations by EPA suffers from long delays.

The guidance claims that Class I (non-hazardous industrial or hazardous waste) wells are well suited for the management of PFAS waste material but notes that long-term performance data for deep well injection are insufficient to support more specific guidance at this time. Studies have shown wide ranges in PFAS chemical properties, and these can be altered by precursors. These factors and the longevity of PFAS creates uncertainty in predictions of long-term PFAS containment in the injection zone. More information is also needed on the volumes planned for injection. EPA should conduct the necessary research to demonstrate through monitoring and modeling that long-term PFAS containment in the injection zone actually occurs.

Estimates of costs in the guidance for various destruction and disposal methods are based on outdated information, some from as far back as 2002. As a result, the costs are widely underestimated and fail to account for more recent knowledge of PFAS risks and liability. At a minimum, this limitation should be clearly indicated in the guidance.

The FY 2020 NDAA requires that the EPA Administrator “shall publish revisions to the interim guidance under subsection (a) as the Administrator S. 1790—1093 determines to be appropriate, but not less frequently than once every 3 years.” Given the lack of authoritative guidance and rapid developments in addressing PFAS, NGWA recommends that EPA provide an update on its guidance for PFAS destruction and disposal on at least an annual basis for the foreseeable future.

### **Basis for the Interest of the National Ground Water Association (NGWA) in PFAS Destruction and Disposal Guidance**

NGWA, the largest trade association and professional society of groundwater professionals in the world, represents over 10,000 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 residential, commercial, and agricultural use; and the manufacturers and the suppliers

responsible for manufacturing and providing the equipment needed to make groundwater development possible. NGWA's mission is to advocate for and support the responsible development, management, and use of groundwater.

Over 34 million people in the United States rely on private wells and 87 million are served by groundwater from public community water systems.

NGWA views groundwater and the subsurface as natural infrastructure that should be sustainably managed for current and future use. The subsurface environment should be considered from an integrated resource perspective. The natural infrastructure of the subsurface environment with proper management can provide fresh groundwater for drinking, industrial and manufacturing applications, food production, and ecosystem support.

A concise summary of the position of the National Ground Water Association on groundwater protection related to this draft interim guidance is:

- Control of potential and active sources of contamination should be a national objective, reducing the need for remediation of groundwater.
- Groundwater quality should be protected for existing or potential beneficial uses.
- NGWA published *Groundwater and PFAS: State of Knowledge and Practice*, a guidance document on per- and polyfluoroalkyl substances (PFAS) in 2017 ([https://my.ngwa.org/NC\\_\\_Product?id=a183800000kbKF9AAM](https://my.ngwa.org/NC__Product?id=a183800000kbKF9AAM)) as a comprehensive report to identify the known science and knowledge related to PFAS, summarizing the fate, transport, remediation, and treatment of PFAS, as well as current technologies, methods, and field procedures.
- NGWA has additionally updated materials regarding PFAS on its resource webpage "Groundwater and PFAS" at <https://www.ngwa.org/what-is-groundwater/groundwater-issues/Groundwater-and-PFAS>.

NGWA appreciates the opportunity to comment on the proposed rule.

For further information, please contact:

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