



**ASSOCIATION OF  
METROPOLITAN  
WATER AGENCIES**

**LEADERS IN WATER**

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October 15, 2024

Barry N. Breen  
Principal Deputy Assistant Administrator  
Office of Land and Emergency Management  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

*Via electronic submission*

**Re: Comments on Interim PFAS Destruction and Disposal Guidance, EPA-HQ-OLEM-2020-0527**

Dear Mr. Breen,

The Association of Metropolitan Water Agencies (AMWA) is pleased to comment on EPA’s proposed Interim PFAS Destruction and Disposal Guidance. AMWA is an organization representing the largest publicly owned drinking water systems in the United States. Our member utilities each serve over 100,000 customers and collectively provide safe drinking water to over 160 million people. As large public water agencies, AMWA utilities are focused on properly treating their water supply to address PFAS, and disposing of the PFAS-containing residuals in a manner that is protective of public health and the environment.

In previous comments to the agency, AMWA has expressed its support for regulating PFOA and PFOS in drinking water. However, the implementation of the recent PFAS National Primary Drinking Water Regulations (NPDWR), the designation of PFOA and PFOA as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the recently proposed listing of nine PFAS as hazardous constituents under Resource Conservation and Recovery Act (RCRA) together present significant challenges for water systems that require clearer guidelines and frameworks for waste treatment and disposal. The lack of standardized treatment protocols and the need for total destruction of these “forever chemicals” will leave systems unsure of the best practices to adopt.

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Water systems continue to face potential liability as passive receivers of PFAS under CERCLA. When PFAS enters the drinking water sources as a result of upstream industrial discharges, the water system must treat the water to remove it and eventually treatment residuals containing PFAS must be managed. But CERCLA, which is intended to hold polluters accountable for the cleanup of hazardous substances that enter the environment, exposes water systems to liability for the subsequent, post-disposal cleanup of PFAS that entered their systems through no fault of their own.

To address these challenges, AMWA emphasizes the need for comprehensive support from EPA, including clearer guidelines for waste management, increased funding for research into effective treatment technologies, and legal protections for water systems against undue liability. While science and technology of PFAS destruction and disposal have significantly advanced since the last iteration of this guidance in 2021, demands to address contamination continue to exceed available technologies and disposal capacity. Destruction and disposal needs begin at the source, and AMWA continues to advocate for greater source control from industrial users and producers of PFAS.

### **Drinking Water Treatment**

Water systems will be responsible for the removal of six types of PFAS once the new Maximum Contaminant Levels (MCLs) in the PFAS NPDWR take effect. As a result of this rule, water systems are in the process of capital improvements to install a PFAS treatment method, most commonly Granular Activated Carbon (GAC). GAC and other treatment methods generate waste that must be appropriately managed, and those that already manage PFAS-containing waste do so through a range of techniques, including landfills, incineration, and reactivation.

A recent GAO report<sup>1</sup> shared that most water systems, both those that are in the process of waste disposal, and those developing plans to do so, would benefit from additional resources on waste disposal options and regulatory requirements. Per the GAO report, members need clarity on the proper destruction of these wastes to manage their risks. This 152-page interim guidance should be paired with concise resources for the water industry, offering guidance to systems of all sizes in light of the new NPDWR.

### **Deep Well Injection**

AMWA is concerned about the practice of deep well injection as a means of managing PFAS. AMWA recognizes that this proposal considers Class 1 non-hazardous industrial waste and hazardous waste wells for high-concentration liquid PFAS waste to be low-risk options. While AMWA acknowledges that this method may seem like a viable disposal option, it is not an appropriate solution for several reasons, in particular the need to ensure the safety and quality of groundwater resources.

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<sup>1</sup> <https://www.gao.gov/assets/gao-24-106523.pdf>

Firstly, deep well injection does not eliminate PFAS; it merely relocates the problem. These substances are persistent in the environment and can migrate from their injection sites, potentially contaminating groundwater and surrounding ecosystems. The long-term consequences of deep well injection remain uncertain, and AMWA is particularly concerned about the potential risks it poses to drinking water supplies. Drinking water supplies via groundwater could be placed at long-term risk if these wells are not properly sealed or if accidental releases at the surface occur.

Moreover, the preferred approach to PFAS management should be destruction rather than disposal through relocation. Technologies that can effectively break down PFAS compounds are crucial for protecting public health. Investing in continued research and development of advanced treatment methods, such as thermal destruction or innovative chemical processes, will yield more sustainable and effective outcomes. These methods can provide assurance that PFAS do not re-enter the environment, ultimately safeguarding our water resources.

As representatives of water utilities, we are committed to ensuring safe, reliable, and clean drinking water for our communities. We urge the EPA to prioritize the development and implementation of destruction technologies over disposal methods like deep well injection.

## **Conclusion**

As noted above, AMWA has several concerns with the interim guidance. The association also shares many of the concerns raised by our partner wastewater associations, including the National Association of Clean Water Agencies (NACWA).

AMWA thanks EPA for the opportunity to comment on this proposal and commends the agency on its ongoing efforts to address the complexities posed by the management of PFAS wastes. For further discussion of AMWA's concerns, please contact Kaline Gabriel, Manager of Regulatory and Scientific Affairs, at [gabriel@amwa.net](mailto:gabriel@amwa.net).

Sincerely,



Thomas Dobbins  
Chief Executive Officer

CC: Cindy Frickle