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EPA Releases Draft Recommendations for Groundwater Impacted by Two PFAS Compounds

As public interest in per- and poly-fluoroalkyl substances (PFAS) continues to grow, the U.S. Environmental Protection Agency (EPA) has released draft guidance concerning groundwater impacted by two notable PFAS compounds—perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

On April 25, 2019, EPA released draft screening levels and preliminary remediation goals (PRGs) for PFOA and PFAS. The screening levels and PRGs address groundwater contaminated with PFOA or PFOS at sites being evaluated and addressed by federal cleanup programs—namely, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) and the Resource Conservation and Recovery Act (RCRA)—though EPA says that the information and recommendations may be useful to state and other regulatory authorities. The draft interim recommendations are part of EPA’s PFAS Action Plan released in February 2019.

What Does This Do?

The draft guidance makes three specific recommendations:

- First, the guidance recommends screening sites using a screening level of 40 parts per trillion (ppt) for PFOA or PFOS individually. This screening level was recommended based on a “hazard quotient,” or ratio of potential exposure and the level at which no adverse effects are expected. The screening level would be used to identify and define areas, contaminants and conditions that warrant further attention. Exceedance of a screening level does not necessarily indicate that additional response actions will be necessary – just that further evaluation is warranted.

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- Second, the guidance recommends a PRG of 70 ppt for groundwater that is a *current or potential source* of drinking water. PRGs are used to set initial targets for cleanup, which can then be adjusted on a site-specific basis as more information becomes available.
- Third, where groundwater is being used for drinking water, EPA “expects” responsible parties to address levels of PFOA and PFOS over 70 ppt.

It is important to note that the draft guidance contains recommendations that have not yet been finalized and which have no legal impact at this time.

EPA is releasing the draft guidance for purposes of receiving public comment. The Agency expressly reserves the right to revise the guidance’s recommendations to account for new information.

What Does This Mean?

The biggest impact of these draft recommendations may be on the U.S. Department of Defense. The Pentagon has used PFAS-related chemicals extensively as a firefighting tool, and it has confirmed the release or the possible release of PFAS chemicals at 401 locations nationwide—in some cases contaminating known drinking water supplies.

EPA’s draft recommendations focus on longer-term remedial actions—which can take years to implement. The draft recommendations are notably silent on the recommended removal action level that would require immediate action under CERCLA. Prior versions of EPA’s recommendations included a removal action level of 400 ppt but that section was omitted from the recommendations released last week.

As noted above, the draft recommendations have no immediate impact, but they do provide industry with important signals about how EPA is thinking about PFAS at federal Superfund sites. The next step could be for the Agency to take action with legal force and effect.

EPA will take public comment on the draft recommendations until June 10, 2019.

Related People

Taylor Fritsch

Associate

tfritsch@michaelbest.com

T 608.257.7471

Patricia Jenness

Partner

pljenness@michaelbest.com

T 414.223.2518

Todd Palmer

Partner

tepalmer@michaelbest.com

T 608.283.4432



John Sheehan

Partner

jasheehan@michaelbest.com

T 202.844.3808

Leah Ziemba

Partner

lhziemba@michaelbest.com

T 608.283.4420