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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG



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PA Environmental Quality Board (EQB)

P.O. Box 8477

Harrisburg, PA 17105-8477

Submitted online 4/27/2022, via DEP eComment system

RE: Proposed Rulemaking: Safe Drinking Water PFAS MCL Rule (#7-569)

To Whom It May Concern:

Thank you for the opportunity to comment and for taking the important step of setting a state maximum contamination level (MCL) in drinking water for per- and polyfluoroalkyl substances (PFAS)—perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).

I encourage the Department of Environmental Protection to consider strengthening the proposed rulemaking to further protect public health and reduce Pennsylvanians' risk of exposure to these "forever chemicals."

Specifically, I believe certain sections of these regulations could be improved as follows:

- **Require testing of oil and gas wastewater.**

PFAS are known to be present in fracking fluids and oil and gas wastewater, but there is no way to quantify the extent of contamination because the composition of most of these fluids is considered proprietary information. The "leachate loophole" in the Solid Waste Management Act excludes oil and gas companies from the requirement to thoroughly test and treat this waste prior to disposal in municipal landfills. Without monitoring, there is simply no way to know whether PFAS are present in landfills, leaching into groundwater, and ending up in private wells.

A second issue with oil and gas wastewater is the practice of spreading it on dirt and gravel roads. Between 1991 and 2017, more than 235.4 million gallons of conventional drilling wastewater was dumped on dirt and gravel roads in Pennsylvania—an average of

more than 9,000,000 gallons a year.¹ Again, because there is no requirement to determine whether PFAS are present, there is no way to determine how much contamination is present. Because this wastewater is sprayed or spread directly onto the dirt, it would leach into the groundwater that much more quickly.

- **Extend standards and protections to private water wells.**

The proposed rulemaking should apply not just to public water systems, but to private water wells. Approximately a quarter of Pennsylvania's population gets their drinking water from private wells, which are unregulated by the Department. The current patchwork of county and municipal regulations does not adequately protect private water well users. It also places an economic burden on private well owners who may want to test their systems for the presence of forever chemicals.

Although regulation of private wells in general is outside the scope of this rulemaking, it is critical that the Department consider extending the PFOA/PFOS standards to private wells to provide equal protection to all water users in the Commonwealth. The department should also consider subsidizing or covering the cost of initial PFAS/PFOA testing of private wells.

- **Require ongoing monitoring.**

After an initial round of testing, the proposed rulemaking would allow waivers for water systems that have previous detections below the MCL. This is inadequate because PFOA and PFOS are highly mobile in water and persistent in the environment, making their migration through groundwater an unpredictable threat.

Whether or not PFAS are detected in the initial round of testing, all systems should be required to test at least annually, with no waivers granted. Additionally, systems with detections above the MCL should be sampled monthly until the level drops below the MCL, and then quarterly.

Also, as noted above, the Department should consider requiring this monitoring of all water wells, public and private. Protection from public health hazards should not depend on whether you get water from a public or private system.

¹ Hill, Lee Ann L., et al. "Temporal and spatial trends of conventional and unconventional oil and gas waste management in Pennsylvania, 1991–2017." *Science of the Total Environment*, Elsevier BV, July 2019, pp. 623-36.

<https://www.sciencedirect.com/science/article/abs/pii/S0048969719314913>

- **Require immediate implementation.**

The health effects of PFOA and PFOS have been thoroughly analyzed in the scientific literature and verified by health studies and data. Because these chemicals linger, the cumulative effect only builds over time. These compounds should have been required to have been removed from drinking water years ago. There is no way to justify further delays; the proposed rulemaking should be implemented immediately when it is finalized.

I believe that these suggested changes, coupled with other regulatory and legislative actions such as closing the leachate loophole and establishing common-sense regulations for private wells, will put Pennsylvania well ahead of the nation in terms of mitigating and coming to grips with the dangers posed by forever chemicals.

Thank you again for your efforts and for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Danielle Friel Otten". The signature is written in a cursive, flowing style.

Danielle Friel Otten
State Representative, 155th Legislative District
Member, House Environmental Resources and Energy Committee
House Chair, Pennsylvania Legislative Climate Caucus.