

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Submitted via <http://www.regulations.gov/>

June 10, 2019

U.S. Environmental Protection Agency
EPA Docket Center
Docket ID No. EPA-HQ-OLEM-2019-0229
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Docket ID No. EPA-HQ-OLEM-2019-0229

Dear Sir or Madam:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to provide comments on the United States Environmental Protection Agency's (EPA) *Draft Interim Recommendations to Address Groundwater Contaminated with Perfluorooctanoic Acid and Perfluorooctane Sulfonate (PFOA and PFOS)*.

Based on our interpretation of these guidelines, the TCEQ generally agrees with the interim recommendations to address groundwater contamination with PFOA and PFOS. The TCEQ recognizes that the screening levels and preliminary remediation goals (PRGs) are subject to change and may be adjusted for site specific factors when used as cleanup levels as additional information becomes available. However, the TCEQ is concerned that the draft guidance only addresses PFOA and PFOS and does not indicate how other Per- Polyfluoroalkyl Substance (PFAS) compounds might be addressed in the future.

The TCEQ also requests clarification on the statement that "EPA expects that responsible parties will address levels of PFOA and/or PFOS over 70 ppt" in situations where groundwater is being used for drinking water. This statement appears inconsistent with the EPA's recommendation of 70 ppt as a PRG, since final cleanup values may be higher than a PRG, as suggested in the draft guidance. Additionally, without a federally-promulgated standard, it is unclear how the EPA intends to implement this in situations where other state or tribal ARARs or risk-based site-specific information support cleanup to a different level.

While we recognize that the EPA has set out a PFAS action plan, the timeline of some critical components has not been clearly outlined. The TCEQ encourages the EPA to move forward in an expeditious manner to complete the highlighted action items in the EPA's plan. Because Texas and many other states are faced with assessment and

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cleanup at sites with PFAS contamination, it is important for the EPA to provide solutions and strategies to address this issue in a timely manner.

If there are any questions concerning the TCEQ's comment, please contact Mr. Brent Wade, Deputy Director, Office of Waste, at 512-239-6566 or brent.wade@tceq.texas.gov. We look forward to working with EPA throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Baker", with a stylized flourish extending from the end.

Toby Baker
Executive Director
Texas Commission on Environmental Quality