Governor Releases Initial PFAS Action Team Report With Recommendations; 1 of First 96 Water Systems Sampled Exceeded Action Level

On December 5, Gov. Tom Wolf released an initial report and recommendations from the Action Team on PFAS chemical contamination created a result of his 2018 Executive Order. Also released were the results from the first round of water system sampling for PFAS.

"Pennsylvanians have a right to know that their drinking water is safe. As we and other states examine the presence of PFAS in our environment, my administration is committed to addressing the growing concern about whether these compounds are in our public water systems," said Gov. Wolf. "Tackling PFAS requires ongoing efforts by multiple agencies and I vow to provide the resources needed and protect the public, despite inaction from the federal government. I will continue to make it a top priority, and I urge the White House and Congress to do the same."

Water Sampling

In the first round of sampling conducted by DEP, just one of 96 sampled sites tested above the federal EPA HAL of 70 ppt for the combined concentrations of two PFAS chemicals, Perfluorooctanesulfonic acid (PFOS) and Perfluorooctanoic acid (PFOA). *Click Here for the results.*

The site, State of the Art Inc. in Benner Township, Centre County, had a combined sample result for PFOS and PFOA of 114 ppt.

The private business is regulated by DEP as a non-transient non-community public water system, meaning that the water supply is not regularly served to the public, but is available to workers at the facility.

The facility and DEP are working cooperatively to address the issue while a formal agreement on corrective actions is in discussion. State of the Art Inc. has been providing bottled water to employees since some time prior to the findings, for reasons unrelated to PFAS.

PFAS was not detected in two-thirds of the sites sampled and the results of the other third were well below the EPA's HAL.

DEP has identified 493 public water system sources as potential sampling sites because they meet the criterion of being located within a half mile of a potential source of PFAS contamination, such as military bases, fire training sites, landfills, and manufacturing facilities.

Of those, DEP will test approximately 360 sources. DEP will also test around 40 sources that are not located within a half mile of a potential source of PFAS contamination to establish a baseline.

DEP in September there were 25 confirmed sites around the state with PFAS contamination.

"Because PFAS are so pervasive in our environment and the public health impact is still emerging, we must examine the incidence and prevalence of these chemical compounds in Pennsylvania and take the unprecedented step of setting a MCL — a first for our state," said DEP Secretary Patrick McDonnell. "The statewide sampling plan of the state's public water systems is a critical step toward achieving that goal."

Challenges Identified By Report

The report identifies 5 major challenges in dealing with PFAS chemicals--

-- Hazardous Sites Cleanup Program Needs Funding Source: The Hazardous Site Cleanup Fund (HSCF) is the primary funding source for the cleanup of land polluted by hazardous substances and contaminants.However, due to the elimination of HSCF's funding source in Pennsylvania's state budget, the fund will reach insolvency in fiscal year 2019-2020, forcing DEP to discontinue site investigations and to shut-down cleanup work at existing sites. It is imperative that a funding source be re-established for HSCF, otherwise there will be no means to eliminate PFAS pollution at its point source and all Pennsylvanians will continue to be at risk.

-- Lack Of Federal Leadership: The United States EPA has failed to provide states with critical guidance related to drinking water standards, cleanup recommendations, and sampling methodologies.
-- No Standards For Private Water Wells: Pennsylvania is one of only two states in the nation that do not regulate the construction of private water wells. Additionally, Pennsylvania does not regulate the quality of water produced from private water wells.
-- No Safe Disposal Methods: While many public and private entities are researching the safest methods for the disposal of PFAS-contaminated soil and commercial/industrial products, there is no currently known, viable disposal option currently available.
-- The nature of emerging contaminants presents inherent challenges: Emerging contaminants are new to researchers and the scientific understanding of their chemical makeup and interactions with other chemicals is rapidly evolving. This presents a significant challenge for Pennsylvania's policy makers, who design regulatory standards, because the standards must be developed using the best scientific and economic information available.

Report Recommendations

Among the recommendations included in the report are--

Dept. of Environmental Protection
-- Funding For Staff Resources: DEP continues to use existing staff to manage its response to PFAS contamination. This is diverting staff and resources away from the core drinking water program and other important priorities. Additional resources are needed to adequately address PFAS and ensure the core drinking water program is effective at protecting public health. In addition, recommends procuring funding for instrumentation and technical staffing to meet the DEP's needs for PFAS testing in various matrices.
-- Hazardous Sites Cleanup Funding: The Action Team recognizes that PFAS contamination will persist until source properties are identified, assessed, and remediated and therefore recommends that the Pennsylvania General Assembly secure a new funding source for the Hazardous Sites Cleanup Fund prior to FY2020.
-- Water System PFAS Testing: General Assembly create legislation recommending community, nontransient noncommunity and bottled water systems test for PFAS compounds and notify DEP when the levels meet or exceed 80 percent of the current health advisory level(56 ppt).
-- PFAS Sampling Authority At Landfills: Provide DEP with the explicit statutory authority to require that landfill operations sample landfill leachate for PFAS as a condition of all landfill permits, regardless of whether a landfill site is aware of a current or past discharge of leachate with PFAS contamination. This will assist DEP with identifying impacted sites and prioritize cleanup at sources located near drinking water supply sources while minimizing taxpayer funded sampling costs.
Dept. of Community & Economic Development
-- Funding For Communities: Additional funding be identified and secured to sufficiently address PFAS contamination in Pennsylvania communities.
-- Homeowner Rebates: A rebate fund be established for homeowners who invest in PFAS filtration systems for their homes using out-of-pocket capital.
Public Utility Commission
-- Supports MCL Development: The Commission recommends development of specific treatment targets by DEP, such as an MCL for PFAS, so regulated entities can determine appropriate treatment options. The Commission may then consider those options as a part of the capital and expense review and approval process to determine just and reasonable rates in relation to PFAS remediation
-- Funding For Small Water Systems: The Commission encourages development of grant funding and/or low interest financing available for small (under 1,000 customers) water utilities to help defray the cost of implementing treatment options.
Dept. of Agriculture

-- Testing Of Food Products And Packaging: State agencies should employ the PDA Bureau of Food Safety's laboratory to enhance investigations and testing for food products and packaging. PDA's laboratory can sample raw agricultural products and prepared, packaged foods for PFAS. The Action Team recommends that, after DEP pinpoints locations with environmental PFAS contamination, testing for PFAS be done of commoditized food products originating near the contaminated locations.

Office Of State Fire Commissioner

-- Training Facility Reporting Of PFAS Use: Currently, there is no legal authority for the OSFC's State Fire Academy to require that fire departments and training facilities submit to the Academy information about their use and storage of fluorinated foams. The Action Team recommends that legislation be enacted to provide the State Fire Academy with the authority to acquire this information. This recommendation will assist with the efforts to pinpoint potentially impacted areas and to engage in remediation if necessary.

-- AFFF Fire Fighting Foam Take-Back Program: Officials, such as the General Assembly or agencies under the Governor's jurisdiction, establish an AFFF "take-back" collection program. This program model has been successfully demonstrated by the state of Michigan who authorized $1.4 million in funding for the collection and safe disposal of over 30,000 gallons of AFFF.

-- Fire Fighting Foam Replacement Funding: Establish a fund to replace fire departments' AFFF inventory with environmentally safer firefighting foams that are available on the market. This will significantly reduce the financial burden from local fire departments and result in increased program participation.

Click Here for a copy of the report.

PFAS Actions To Date

Gov. Wolf signed an executive order on September 19 of 2018 forming the interagency PFAS Action Team which was charged with developing a comprehensive response to the PFAS contamination problem.

Since then, the state has taken a series of steps to help define the threat faced from PFAS contamination and deal with contaminated water. They include--

-- PFAS Action Team held 2 public meetings to gather public input on steps needed to deal with the issue and established an open comment process for the public to submit ideas and suggestions [November & April];

-- DEP announced plans to develop a Maximum Contaminant Level for PFAS in drinking water and retaining toxicological services to support that effort [February];

-- Gov. Wolf proposed the Restore PA Infrastructure initiative to, in part, funding drinking water contamination cleanup from PFAS and other contaminants [February]

-- Dept. of Health requested $1 million in funding for PFAS monitoring and is prioritizing the hiring of a state toxicologist to support its efforts [March];

-- DEP announced PFAS sampling plan to identify possible water contamination across the state [April];

-- CFA announced $8 million in funding to remove PFAS contamination from 17 drinking water in Bucks County [April];

-- DEP provided an update on the August 2017 petition to the Environmental Quality Board asking that a Maximum Contaminant Level be set for PFAS in the Delaware River [June]; and

-- An additional $3.8 million in funding to remove PFAS contamination from drinking water supplies in Bucks and Montgomery counties [August].

For more information on this issue, visit DEP's PFAS Chemicals In PA webpage.

Related Articles:

PFAS Action Team To Release Recommendations For Action, Funding Needs Soon; 25 Sites Now Contaminated In PA

Senate Passes Bill To Restrict Some Uses Of Firefighting Foams With PFAS; Clean Water Action Says Bill Is Meant To Protect Industry

EPA Proposes PFAS Chemicals Be Added To Toxics Release Inventory Reporting Program

EPA Now Accepting Applications For Research On PFAS Impacts In Rural Communities, Agricultural Operations; Dec. 5 Webinar