

Statement on SB 121 PFAS Use & Remediation; Fire/Water Safety
Prepared by Department of Environmental Conservation
Senate Finance Committee
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PFAS – 5,000-10,000 of man-made compounds; carbon bonded to fluorine (one of the strongest bonds known to exist); water, oil, and heat resistant, water soluble, persistent in environment, bioaccumulate

While we have concerns about the content of the bill, we appreciate Senator Kiehl bringing attention to this very important subject.

- What has DEC done in the absence of this bill to protect Alaskans and the environment?
 - Alaska has listed PFOA and PFOS as hazardous substances
 - 2016 - Alaska was one of the first states to promulgate soil and groundwater cleanup levels for two PFAS
 - 2019- incorporated through our Technical Memo the EPA Lifetime Health Advisory (LHA) limit of 70 ppt PFOA & PFOS, individual or combined
 - This is the threshold for when an RP is required to provide alternate drinking water
 - 2018 - DEC and DOT began voluntarily testing drinking water wells at airports required to use AFFF firefighting foam, and that effort continues
 - Implemented expedited procedures to sample wells that were suspected of contamination
 - Where drinking water impacts have been found, alternative drinking water has been provided
- EPA is actively working on this issue by developing a strategic roadmap
 - the EPA Science Advisory Board for PFOS and PFOA
 - Draft report expected to be released in early May
 - Could set a lower LHA than what is in the bill
 - anticipated to reduce LHA to 7 ppt or lower
 - Fall 2022 - Expects to issue a proposed rule for National Primary Drinking Water Regulations with a final rule in 2023
 - Winter 2022 – publish ambient water quality criteria
 - Identifying PFAS categories
 - Summer 2023 - publish final rule for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) designation for PFOA and PFOS
- What challenges exist with implementing the bill?
 - No existing database of where AFFF firefighting foam is located or was used in Alaska
 - Significant liability to the state and for ultimate disposal, based on Dept. of Law statements
 - There is no current mechanism by which DEC can accept, handle, or dispose of any amount of PFAS containing firefighting substances
 - The monitoring requirements under Air Quality Title I permit ~~(currently issued) would not~~ bear not any different than under a Title V permit. This bill would require us to add the

unnecessary and expensive administrative procedures of a Title V permit, without changing the underlying risk assessment or monitoring that would be required for a Title I permit

- DEC has the necessary authority, and has used it, to require responsible parties to respond to PFAS contamination and to regulate hazardous substances
 - To statutorily declare any substance a pollutant could jump ahead of the science
 - Takes decision making out of the hands of DEC's technical staff
- We understand the concern that the public has regarding PFAS, and the desire for clear lines of what is safe and not safe. The scientific community is still working to determine the critical levels of PFAS in our food, our drinking water, and our bodies, and this bill will not make that process happen faster.