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1. Sec. 46.03.340. Testing; drinking water.

Article (c) deals with blood testing for “responders”.

Response: The definition of “responders” includes site remediation workers. It is not clear why this provision is included under a drinking water testing standard, since it includes several other routes of exposure (ingestion, inhalation, or absorption) rather than only ingestion through drinking water. The requirement itself is not necessarily inappropriate, but it would require remediation contractors to budget for blood testing for all site workers. As a precaution, Focus would also recommend baseline testing (before remediation starts) to confirm if an individual has already been exposed to PFAS and at what level. This procedure has been used on some dioxin/furan cleanup projects, but it is not routine in the remediation industry.

2. Sec. 46.03.345. Liability for drinking water testing and blood testing costs.

(a) A person ***who causes a fire*** that results in a release of a firefighting substance containing a perfluoroalkyl substance or polyfluoroalkyl substance is liable for the costs of providing drinking water testing and blood testing under AS 46.03.340.

Response: This article could be interpreted very broadly to apply to thermal treatment systems and emissions from such. Under this scenario, the boundaries for where water supply testing and blood testing would be required are very poorly defined. Section 46.03.340 refers to a “release in the area of the water supply”, which is very vague.

3. Sec. 46.03.355. Thermal remediation permit

“A facility that thermally remediates a perfluoroalkyl or polyfluoroalkyl substance contamination must have a permit from the department under 42 U.S.C. 7661 f (Clean Air Act, secs. 501-507) authorizing the remediation.”

Response: I would suggest that you check with a lawyer on the following point. The proposed regulatory language will require the thermal treatment system to obtain a Title V permit. However, Eielson AFB is a CERCLA site, and permits are not required under CERCLA. The remedial action must meet the Applicable and Relevant Requirements (ARARs). These typically will be similar to the technical permit requirements in a Title V permit, but without some of the administrative requirements (public notice, etc.).

“The department may not issue a permit or allow a facility to retain a permit issued under this section if the department determines that the remediation will result in the release of more than ***a minimal amount*** of an airborne compound with a carbon-fluorine bond detectable through source testing.”

Response: The language referring to “a minimal amount” is very problematic in that this term could be interpreted very differently by different individuals or organizations. To execute a remediation project, the contractor needs clearly defined performance objectives.

“Source testing under this section must include testing of all compounds with a carbon-fluorine bond for which the United States Environmental Protection Agency has approved a testing methodology.”

Response: This statement is problematic in that there are many sampling and analytical methods, some with overlapping analyte lists, that report results for compounds with a carbon-fluorine bond. Implementing all these sampling and analytical methods would be cost prohibitive. There is now an approved EPA stack sampling and analytical method for PFAS compounds, OTM-45. It would be better to simply reference this method rather than leaving this open ended to require a number of sampling and analytical methods.