

HB 171 Prepared Statements for House Resources Committee April 27, 2022

Tiffany Larson, Director of Spill Prevention and Response, Department of Environmental Conservation:

(These statements reflect comments made on the record in the Senate Finance Committee regarding the companion bill SB 121, as well as what DEC intends to present in the House Resources Committee)

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 and we appreciate Representative Hannan bringing attention to this very important subject.

- What has DEC done in the absence of this bill to protect Alaskans and the environment?
 - AK has listed PFOA and PFOS as hazardous substances
 - 2016, AK was one of the first states to promulgate soil and groundwater cleanup levels for two PFAS,
 - 2019 incorporate through our Technical Memo the LHA of 70 ppt PFOA & PFOS, individual or combined.
 - the threshold for when an RP is required to provide alternate drinking water
 - Since 2018 DEC and DOT have been voluntarily testing drinking water wells at airports required to use AFFF, and that effort continues
 - Implemented expedited procedures to sample wells that were suspected of contamination
 - Where DW impacts have been found, alternative drinking water has been provided
 - Issued 2 State permits for thermal remediation protective of human health and the environment consistent with developed testing requirements and limits for emissions
- EPA is actively working on this issue by developing a strategic roadmap:
 - the Science Advisory Board for PFOS and PFOA could;
 - Set a lower LHA;
 - Draft report expected to be released in early May, 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 CERCLA designation for PFOA and PFOS
- What challenges exist with implementing the bill?
 - No existing database of AFFF in the state or where it was used.
 - Significant liability to the state and for ultimate disposal, based Dept. of LAW statements
 - DEC does not have the authority to perform, or track, blood tests, nor does it have a database or the infrastructure to track their results.
 - There is no current mechanism by which DEC can accept, handle, or dispose of any amount of PFAS containing firefighting substances.
 - Federal permitting for thermal remediation does not change monitoring requirements, only adds time and expense for permit applicants

- “Minimal” release language for thermal remediation requires contract development of a numerical pollutant limit and special procedures more stringent than Federal requirements on a timeline ahead of EPA science
- 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.