



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

May 21, 2024

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
EPA Docket Center, Environmental Protection Agency
Mail Code 28221T
1200 Pennsylvania Ave. NW
Washington, DC 20460

Submitted electronically to: <https://www.regulations.gov/>

RE: Proposed Information Collection Request; Comment Request; POTW Influent PFAS Study Data Collection - Docket ID No. EPA-HQ-OW-2023-0580

Dear Administrator Regan,

The New Mexico Environment Department (NMED) appreciates the opportunity to submit comments to the U.S. Environmental Protection Agency (U.S. EPA) on the Proposed Information Collection Request; Comment Request; [Publicly Owned Treatment Works] POTW Influent [per- and polyfluoroalkyl] PFAS Study Data Collection. U.S. EPA published the notice in the Federal Register on March 26, 2024, Docket ID No. EPA-HQ-OW-2023-0580.

NMED supports the proposed data collection. There is only limited publicly accessible data on PFAS discharges from industrial categories to POTWs; the relative PFAS contributions from residential, commercial, and industrial sources to POTWs; and the fate and transport of PFAS in POTW influent and sewage sludge. This collection effort is also consistent with EPA's 2021 PFAS Strategic Roadmap commitments to address PFAS through investment in scientific research to fill gaps in understanding of PFAS and to prevent PFAS from entering the environment.

Sincerely,

A handwritten signature in cursive script that reads "Sydney Lienemann".

Sydney Lienemann
Deputy Cabinet Secretary of Administration

Attachment (1)

Cc: James C. Kenney, Cabinet Secretary, NMED
Courtney Kerster, Senior Advisor, Office of Governor Michelle Lujan Grisham
John Rhoderick, Director, Water Protection Division, NMED
Rick Shean, Director, Resource Protection Division, NMED

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Attachment

Comments on EPA's proposed information collection request; comment request; POTW influent PFAS study data collection. EPA published the proposed rule in the Federal Register on March 26, 2024. Docket ID No. EPA-HQ-OW-2023-0580

Introduction

The U.S. Environmental Protection Agency (EPA) published a notice to conduct a [Publicly Owned Treatment Works] POTW Influent [per- and polyfluoroalkyl] PFAS Study to collect and analyze nationwide data on industrial discharges of PFAS to POTW as well as PFAS in POTW influent, effluent, and sewage sludge.

For decades, industrial facilities have used and discharged PFAS substances to POTW facilities. PFAS are a class of synthetic chemicals of concern because of their widespread use and potential to accumulate in the environment. Certain PFAS are known to cause adverse ecological and human health effects. Most POTWs do not use processes that effectively reduce or eliminate PFAS in wastewater; therefore, PFAS are subsequently discharged into surface waters and/or accumulate in sewage sludge generated by the POTW. If that happens, there is a potential risk for further PFAS release depending on sewage sludge management practices.

The New Mexico Environment Department (NMED) supports the proposed data collection because there is only limited publicly accessible data on PFAS discharges from industrial categories to POTWs; the relative PFAS contributions from residential, commercial, and industrial sources to POTWs; and the fate and transport of PFAS in POTW influent and sewage sludge. This collection effort is also consistent with the [EPA's October 2021 PFAS Strategic Roadmap](#) commitments to address PFAS through investment in scientific research to fill gaps in understanding of PFAS and to prevent PFAS from entering the environment.

EPA, like states, must continue to work hard to protect communities from these toxic chemicals. This proposed data collection and the other actions underway by EPA are necessary to protect human health and the environment.

Comments 1. Reinforce protection to drinking water systems.

PFAS discharges from industries are potential sources of contamination to public drinking water supplies. The data collected for this study will be critical for identifying industries that contribute PFAS waste to the environment and downstream passive receivers such as POTWs and public water systems via contamination of surface and groundwater. NMED supports the Phase 1 requirement to sample for 40 PFAS compounds and adsorbable organic fluorine (AOF). The inclusion of AOF will yield valuable data on the transformation of PFAS precursor compounds in wastewater influent and effluent that will have implications for understanding PFAS environmental fate and transport. AOF captures a broader range of organofluorine compounds than is achievable through targeted PFAS analyses. Its use in this study will indicate how precursors are transformed to terminal PFAS compounds under background chemical conditions that are potentially relevant where drinking water sources are at risk from industrial discharges.

Comment 2. Clarification about POTW selection criteria for study.

The proposed PFAS Influent Study selection criteria outlines that approximately 400 POTWs with the highest daily flow rates in the U.S. would be identified to complete an electronic questionnaire, and a subset of 200 – 300 POTWs would be selected to participate in a two-phase sampling program included in the study. New Mexico is a rural state with a small population density outside the metropolitan statistical areas of Albuquerque, Farmington, Las Cruces, and Santa Fe. The majority of the POTWs in New Mexico are minor facilities (less than 1 million gallons per day design flow discharge) and the selection criteria may preclude the selection of POTWs in New Mexico for participation in the study.

PFAS discharges are not found only in POTWs with large design flow rates. NMED requests for EPA to:

- Provide clarification on how the subset of 200-300 POTWs will be selected based on the information provided in the questionnaire, and to consider the geographic distribution of the subset of 200 – 300 POTWs to include a representative sample number from all states, territories, and tribes.
- Provide additional details regarding Phase 1 of the study design, specifically guidance and/or selection criteria for what industrial users and industries will be targeted for PFAS analysis.
- Consider including privately owned treatment works (PrOTWs) in this information gathering. PrOTWs include subdivisions and developments and may have large enough flow rates to be among the larger facilities. In the intermountain west there are many more PrOTWs than on the east coast.

Comment 3. Ability to use data collected by POTWs and usefulness of paired sample data.

EPA Region 6 includes PFAS monitoring requirements of wastewater influent and effluent and sewage sludge in all new or renewed National Pollutant Discharge Elimination System (NPDES) individual permits issued in New Mexico for POTWs and PrOTWs. These NPDES permits do not require monitoring of PFAS from categorical industrial users or known/suspected sources of PFAS discharges. The proposed PFAS Influent Study Phase I will provide PFAS data specific to categorical industrial users and known/suspected sources of PFAS discharges to POTWs.

While the selection criteria for inclusion in the study likely precludes any facilities in New Mexico, the data and information garnered will be valuable for POTW and PrOTW facilities in New Mexico, especially those that already sample for PFAS compounds in effluent discharges, for identifying and evaluating possible industrial user sources of PFAS discharges.

Regarding the data to be collected, NMED encourages EPA to assess the pros and cons of allowing POTWs to submit existing PFAS monitoring data. It may be positive for POTWs not to need to generate new data to complete the POTW Influent PFAS study questionnaire; however, the data already collected may only allow EPA to measure a concentration of PFAS in a specific media rather than in different media as intended with the questionnaire. If that happens, those samples will not allow EPA to determine the partitioning and fate of PFAS in POTW influent or in other media.

Comment 4. Web-based data submission portal will increase volume and ease of data collection.

Developing a public-facing, web-based data submission portal will allow states, municipal authorities, and POTWs (including those not selected to complete the questionnaire or sampling program) to

voluntarily submit existing data characterizing PFAS in industrial user effluent; domestic wastewater; and POTW influent, effluent, and sewage sludge/biosolids. NMED requests that EPA provide guidance and trainings on the data submittal processes and the web-based portal to a general audience, and not just to the selected POTWs. If guidance and support are available and offered, NMED agrees with EPA that this approach will increase the volume of PFAS monitoring data collected.

NMED also requests that EPA share corrected facility name and address information with state agencies in accordance with Table 2-1. Questionnaire Questions and Their Purpose in the document titled “Information Collection Request Supporting Statement Part A.”