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Robert J. Colson
Director

July 19, 2019

Ms. Elizabeth Callahan
Director of Policy & Program Planning
Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup, 6th Floor
One Winter Street
Boston, Massachusetts 02108

RE: Comments on Proposed Changes to the Massachusetts Contingency Plan (MCP)
Via email to bwsc.information@mass.gov

Dear Ms. Callahan:

I am a member of Massachusetts Water Works Association (MWWA) and I would like to submit the following written comments regarding the Massachusetts Department of Environmental Protection's (MassDEP) proposed changes to the MCP, 310 CMR 40.0000. Because MassDEP has indicated that comments received during the MCP process will inform future changes to the drinking water guidelines and development of a Maximum Contaminant Level (MCL), I feel compelled to comment now, but recognize that some of my comments may be more appropriate to the future discussion regarding drinking water standards. I support the comments that are being submitted by MWWA and will not reiterate all of them but would like to reinforce a few of their points.

As a water supply professional, protection of public health is very important to me. Water system managers and operators work hard to ensure compliance with the Safe Drinking Water Act requirements and to provide clean, safe drinking water. Per- and Polyfluoroalkyl Substances (PFAS) issues are something our industry is paying close attention to. The United States Environmental Protection Agency (EPA) has released a National Strategy on PFAS. I join with MWWA in asking you to let EPA take the lead on addressing regulation of PFAS, as this an issue being seen across the country and it is not particular to Massachusetts.

EPA has a well-established and comprehensive process for developing an MCL that considers many important factors. First, the toxicity level of the substance or contaminant must be determined. The prevalence of the substance must be evaluated. The ability to reliably detect and quantify the substance must be determined. The feasibility of treating to remove the substance must be evaluated. The cost to the affected parties must be

assessed. The benefits to the environment and human health of reaching the standard must be quantified.

It seems premature for MassDEP to be moving forward with regulating PFAS right now for the following reasons:

- The science around toxicity and health impacts of PFAS compounds is evolving.
- MassDEP has stated that they are proposing a standard of 20 parts per trillion (ppt) given new information released by the Agency for Toxic Substances and Disease Registry (ASTDR). ASTDR released draft toxicological profiles for PFAS in June of 2018 and solicited public comment.It is important to acknowledge that the profiles are not yet final and are subject to change based on comments received.MassDEP should not rely on the ASTDR information until hasbeen finalized.
- MassDEP should not adopt an excessively conservative factor to the EPA's reference dose, as it is not supported by sound science.
- There are concerns about analytical controls and capabilities to reliably and accurately quantify the compounds when looking at very low parts per trillion.
- There needs to be a better understanding of expected background levels and sources, an understanding of the extent of PFAS prevalence in the Commonwealth, and most importantly, a better understanding of the real potential human health impacts at the low levels that are being detected and potentially regulated in drinking water within Massachusetts.

There is no doubt that establishment of a cleanup standard is important. MassDEP should identify specific areas where PFAS has been found, the general types of industry and human activities associated with PFAS and identify the responsible parties contributing to that contamination. Treatment options for Public Water Systems are prohibitively expensive in capital cost and will significantly add to each community's operating costs going forward. It is unfair to expect water system ratepayers alone to bear the burden of the costs associated with treatment.

MassDEP also needs to consider establishing a strict timeframe for investigation into where contamination is coming from and then a much quicker response for the responsible party(ies) to implement remediation at a site. If water systems detect PFAS above the ORSG, they are required to immediately take action to provide finished water below the ORSG. The same urgency does not seem to exist for responsible parties to remediate the source of contamination and this must change.

Thank you for the opportunity to provide these comments. Public water suppliers understand the importance of ensuring that the drinking water that reaches their customers meet Safe Drinking Water Act requirements and protect the public health. Water suppliers work hard each day to meet these goals and satisfy their customers' expectations. As we have all come to be keenly aware, the issue of emerging contaminants is a huge challenge. Compliance with regulatory standards will fall on water systems and MassDEP has an obligation to determine what the real human risk exposure is, and then, when and if the science dictates, move towards standards that will achieve desired public health outcomes.

Sincerely,

Jeffrey R. Auer
Deputy Director of Water