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May 17, 2021

Brian D'Amico

Chief, Technology and Analytical Support Branch  
Engineering and Analysis Division  
Office of Science and Technology  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Submitted via [www.regulations.gov](http://www.regulations.gov)

**RE: Clean Water Act Effluent Limitations Guidelines and Standards for the Organic Chemicals, Plastics and Synthetic Fibers Point Source Categories (Docket ID EPA-HQ-OW-2020-0582)**

Dear Brian:

The National Association of Clean Water Agencies (NACWA) appreciates this opportunity to comment on the Advance Notice of Proposed Rulemaking (ANPRM) for effluent limitations guidelines (ELGs), pretreatment standards, and new source performance standards for the discharges of per- and polyfluoroalkyl substances (PFAS) from the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) point source category (86 *Fed. Reg.* 14560).

NACWA represents the interests of over 320 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the US. NACWA members operate highly successful pretreatment programs as co-regulators under the Clean Water Act with EPA and the states and are actively involved in efforts to reduce the quantities of pollutants that are discharged into the sewer system.

NACWA strongly supports EPA developing ELGs and pretreatment standards related to PFAS for the OCPSF category. Publicly owned treatment works (POTWs) are "passive receivers" of PFAS, since they do not produce or manufacture PFAS but de facto "receive" these chemicals through the raw influent that arrives at the treatment plant. This influent can come from domestic, industrial, and commercial sources and may contain PFAS constituents ranging from trace to higher concentrations, depending on the nature of the

dischargers to the sewer system. Although the influent is not generated by the utility, the utility has no discretion in the influent it receives and is responsible for treating it under the Clean Water Act.

Municipal clean water utilities were not traditionally designed or intended with PFAS treatment capabilities in mind. There are currently no cost-effective techniques available to treat or remove PFAS given the sheer volume of wastewater managed daily by clean water utilities. While the clean water community is not responsible for generating or profiting from PFAS or the PFAS-containing commercial products, public utilities would bear considerable economic costs for treating and removing these chemicals if required to do so at the POTW – costs that would be passed onto ratepayers. Doing so would, in essence, make the public pay for the pollution costs of private entities that have financially profited from manufacturing and formulating PFAS chemicals in commerce.

Given these costs and the lack of realistic treatment options for POTWs, controlling PFAS at its sources is the most viable option. Developing ELGs and pretreatment standards for the industries that discharge wastewater containing PFAS is an important step to reducing the amount of PFAS introduced into the environment. NACWA therefore supports the development of ELGs and pretreatment standards for the OCPSF industry, as well as other industries that discharge PFAS with their wastewater.

NACWA urges EPA to complete its ongoing detailed study of the PFAS use, treatment, and discharge by the airports, paper and paperboard manufacturing, and textile and carpet manufacturing industries. In addition to these industries, NACWA asks that EPA study other industries that typically discharge wastewater that may contain PFAS to POTWs, such as landfills and metal finishers. POTWs in Michigan and other states have conducted sampling to determine which industries are PFAS sources. EPA should use the results of these sampling programs to determine which industries should be prioritized for study and possible development of ELGs and pretreatment standards.

As EPA develops categorical limits for PFAS for the OCPSF and other categories, NACWA asks the Agency to consider the following points:

- The science and techniques of PFAS detection and treatment are rapidly evolving. The ELGs and pretreatment standards must be developed in a way that allows for new information and technologies to be incorporated into use by the industry and to be accepted by POTWs that are enforcing pretreatment standards. The ELGs and pretreatment standards may need to be revised more frequently than other ELGs that were developed in the past but sometimes not revised for decades after their promulgation.

- POTWs must not be responsible for enforcing unattainable limits. For example, EPA has established "zero discharge" limitations for some categories. While this might be tempting when it comes to PFAS due to the environmental impacts of these chemicals, NACWA would not support this due to the wide variety of PFAS compounds and the differing risk levels of each compound. While categorical standards are of course technology-based, unnecessarily broad and stringent limits, such as a zero discharge limit, would be difficult, if not impossible, for POTWs to enforce.
- NACWA supports the development of pretreatment standards that provide some flexibility for POTWs. For some industries, EPA has allowed for the use of a pollution management plan, such as in the Transportation Equipment Cleaning standard. NACWA supports this option as an alternative to numeric standards, since it would allow POTWs to develop control plans that specifically serve the needs of the individual POTW.

Thank you for your consideration of these comments. Please contact me at 202-533-1836 or [cfinley@nacwa.org](mailto:cfinley@nacwa.org) if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Cynthia A. Finley". The signature is written in a cursive, flowing style.

Cynthia A. Finley, Ph.D.  
Director, Regulatory Affairs