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Incorporation of Environmental Protection Agency's National Drinking Water Standards in Department of Defense Cleanups

Briefing for the Committees on Appropriation of the Senate and the House of Representatives pursuant to Senate Report 118-81, page 55, accompanying the Department of Defense Appropriations Bill 2024
November 2024

The estimated cost of this report or study for the Department of Defense is approximately \$1,800 for the 2024 Fiscal Year. This includes \$0 in expenses and \$1,800 in DoD labor.

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Purpose

- Senate Report 118-81, page 55, accompanying the Department of Defense Appropriations Bill for Fiscal Year 2024, requests the Secretary of Defense and the Service Secretaries brief the Committees on Appropriations of the House and Senate on how the Department of Defense has incorporated (“complied with”) the Environmental Protection Agency’s (EPA’s) new per- and polyfluoroalkyl substances (PFAS) drinking water standards into DoD’s cleanup program, to include an estimate of the anticipated costs incurred during fiscal year 2024 to incorporate the new standards.

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Bottom Line Up Front

- DoD remains committed to fulfilling our PFAS-related cleanup responsibilities and is taking necessary actions to implement EPA's rule, in accordance with the federal cleanup law, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- On September 3, 2024, the Department published guidance that describes DoD's plans to incorporate the maximum contaminant levels (MCLs) in the drinking water rule for certain PFAS into DoD's ongoing cleanups.
 - The Assistant Secretary of Defense for Energy, Installations, and Environment's memorandum, "*Prioritization of Department of Defense Cleanup Actions to Implement the Federal Drinking Water Standards for Per- and Polyfluoroalkyl Substances Under the Defense Environmental Restoration Program*"
- The guidance provides a coordinated approach with an initial interim action level to be used across DoD to enable prioritized and consistent cleanup responses to the communities surrounding DoD installations and National Guard facilities.

Background



- On April 26, 2024, the EPA published a final rule establishing nationwide drinking water standards for certain PFAS under the Safe Drinking Water Act (SDWA).
- The rule includes enforceable maximum contaminant levels (MCLs) for five PFAS: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX), and perfluorohexane sulfonic acid (PFHxS). It also includes a Hazard Index (HI) MCL, for a mixture of at least two or more of PFHxS, PFNA, perfluorobutane sulfonic acid (PFBS), and HPFO-DA (GenX) chemicals. Individual MCLs in parts per trillion (ppt):
 - PFOS = 4 ppt
 - PFOA = 4 ppt
 - HFPO-DA = 10 ppt
 - PFNA = 10 ppt
 - PFHxS = 10 ppt
 - Hazard index MCL for PFHxS, PFNA, PFBS, and HFPO-DA = 1 (unitless)
- This rule became effective on June 25, 2024, and provides five years for regulated public water systems to comply with the MCLs.



Addressing PFAS in DoD's Cleanup Program

- DoD follows CERCLA and long-standing EPA regulations for all chemicals in our cleanup program.
 - Under CERCLA, the DoD addresses releases of hazardous substances, pollutants, or contaminants from DoD activities, including PFAS.
 - The Defense Environmental Restoration Program (DERP) statute provides authorities to DoD to perform and fund cleanup actions and requires they be carried out in accordance with CERCLA.
- Through June 30, 2024, DoD has completed preliminary assessments/site inspections to evaluate potential releases of PFAS from DoD activities at 712 of 718 installations.
 - Of those, DoD identified 580 installations that required further investigation and has initiated nearly 400 of those investigations.
 - DoD also identified impacts to off-installation drinking water wells/systems and has taken interim action to address off-base drinking water wells at 55 installations where two PFAS (PFOS/PFOA) were at or above 70 parts per trillion (ppt).



Addressing PFAS in DoD's Cleanup Program

- On September 3, 2024, the Department published guidance that describes DoD's plans to incorporate the drinking water rule into DoD's ongoing PFAS cleanups.
- The DoD guidance directs actions to address the highest levels of PFAS in private drinking water wells from DoD activities and ensures a consistent approach to PFAS cleanup across the military departments.
- As a first step, DoD will initiate interim actions (i.e., removal actions) to address private drinking water wells where concentrations are known to be at or above three times the MCL values:
 - PFOS = 12 ppt
 - PFOA = 12 ppt
 - HFPO-DA = 30 ppt
 - PFNA = 30 ppt
 - PFHxS = 30 ppt
 - Hazard index MCL for PFHxS, PFNA, PFBS, and HFPO-DA = 3 (unitless)
- This approach prioritizes action where PFAS levels from DoD releases are the highest.



DoD's Incorporation of the PFAS MCLs into the Cleanup Process

As the Department works to implement this guidance, DoD will:

- Prioritize taking interim actions to address PFAS at private drinking water wells where concentrations are known to be at or above three times the MCLs established in EPA's drinking water rule (e.g., for PFOS and PFOA at 12 ppt replacing the prior DoD interim action level of 70 ppt).
- Focus first on off-base wells near 55 installations where wells are known to have the highest levels of PFAS from DoD activities.
- Continue to identify and address private drinking water wells at additional locations with PFAS at or above three times the MCLs from DoD releases.
- Address drinking water wells and public water systems with levels below three times the MCLs as part of the long-term remedial process.
- Expedite implementation of more enduring solutions by focusing on sustainable solutions including providing connections to municipal systems, installing whole house treatment systems, and providing point of use treatment systems.

Conclusion



- DoD's prioritized approach enables the Department to expedite action to address private drinking water wells where known levels of PFAS from DoD activities are the highest and ensures a consistent "worst first" approach nationwide and across the Military Departments.
- DoD's approach is consistent with the federal cleanup law and its regulations, and is necessary, as the Department anticipates that thousands of private drinking water wells will require action.
- DoD will focus on sustainable solutions such as connections to municipal systems, installing whole house treatment systems, and providing point of use treatment systems.
- DoD continues ongoing investigations to assess where PFAS may have migrated from an installation and impacted drinking water at levels above the MCLs or site-specific background levels.
- DoD estimates that it obligated approximately \$10 million of FY2024 funding to implement EPA's drinking water standards for PFAS into its PFAS cleanups.
- DoD will update its guidance periodically, as necessary, as investigations continue and more sampling data is received.
- DoD will continue to accelerate cleanup efforts Nationwide in accordance with federal law and in partnership with regulatory agencies and affected communities.