



Connected Community
Enhanced Livability
Environmental Sustainability

February 24, 2023

Mr. Mark Gordon, PE
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

Dear Mr. Gordon,

The City of Redmond appreciates the opportunity to provide comments on the Washington State Department of Ecology's (Ecology) "Draft PFAS Guidance for Investigating and Remediating PFAS Contamination in Washington State" ("Guidance"). Redmond supports Ecology taking action to address poly- and perfluoroalkyl substances (PFAS) in the environment. Although Redmond does not have any detections of PFAS within the City's drinking water wells that require treatment, PFAS is a common "forever chemical" that is gaining national attention with potential future impacts that require vigilance by all.

Please consider the following comments as part of the Guidance's public comment period:

Consistency with Federal and State Drinking Water Regulations

- The Guidance states that the basis for establishing Model Toxics Control Act clean up levels for potable groundwater is the Washington Department of Health's (DOH) State Action Levels (SAL) for PFAS. The Environmental Protection Agency (EPA) is currently working to establish Maximum Contaminant Levels (MCL) for PFAS. There is a potential for the SALs to default to EPA's MCLs if they are more stringent. Additionally, Section 3.2.4 of the Guidance states that EPA is currently developing ambient water quality criteria for PFAS under the Clean Water Act. Regulatory certainty with alignment between state and federal standards is critical. We encourage Ecology to have an explicit process within the Guidance to ensure state clean up levels will be consistent with EPA's MCLs and water quality criteria – including a plan of how active remediation projects will be impacted if clean up levels become more stringent.
- The Guidance incorporates DOH's PFAS SALs (Chapter 246-290 WAC) as groundwater cleanup levels for potable groundwater. The Guidance should ensure that investigation and remediation sampling and monitoring requirements are consistent with DOH requirements for Group A Public Water Systems in Chapter 246-290 WAC. The Guidance should include a section that outlines ongoing sampling and public notifications for investigation and remediation projects that are consistent with Chapter 246-290 WAC.

City Hall

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Implications for Drinking Water Systems

- Effectiveness of some treatment technologies for potable groundwater have not been confirmed. Please consider the impact on drinking water utilities for allowing remediation sites to use unproven technologies in potable aquifers, specifically in wellhead protection areas and critical aquifer recharge areas. If the treatment technology is not successful within these areas, the water purveyor will bear the responsibility of treating the water to provide safe drinking water. The cost of treatment will likely impact the rate payer.
- The Guidance should include assistance for PFAS investigations and remediation within wellhead protection areas or critical aquifer recharge areas. This should include:
 - Groundwater modeling and time of travel analysis.
 - Section 3.2.2 should include information how direct impacts to wellhead protection area or critical aquifer recharge areas will be a site-specific circumstance to ensure a cleanup level above a SAL is not approved.
 - Soil clean up levels within a wellhead protection area or critical aquifer recharge area should be required to be protective of potable groundwater.

Impacts of Future PFAS Regulations

- Section 4.1.1 of the Guidance recommends analyzing for a comprehensive set of PFAS compounds, not just the six PFAS chemicals with screening or clean up levels. Ramifications of collecting data on PFAS compounds with no screening or clean up levels is not addressed in the Guidance. Please clarify the following information in the Guidance:
 - Will Ecology require submittal of all analytical information collected during an investigation (in addition to the six PFAS chemicals with clean up levels)? If so, include information on how Ecology plans to use that information. How does Ecology plan to use the Other PFAS Compounds analytical data to make cleanup decisions?
 - Will guidance be provided on how to communicate to the public regarding for the analysis of PFAS chemicals that have no screening or clean up levels? There is concern for the impact on consumer confidence for analysis on chemicals that have no screening or clean up levels. Redmond encourages Ecology to develop and disseminate public messaging regarding implications of analytical results for PFAS chemicals with no screening or clean up levels.
 - Will Ecology require future sampling under newer accredited methods as they are developed for investigations that use an accredited method at the time of sampling? Will Ecology include a “grandfathering” criterion to ensure remediation projects are not required to chase compliance as technology evolves?

Document Readability

- Section 3.4 is no longer necessary since these levels have been superseded. We suggest moving this section to an appendix. It is confusing to have Table 6 in the main body of document since these levels are no longer applicable.

Concerns of Inconsistency with Reclaimed Water Use Law

It is imperative that there is coordination with Ecology staff who implement the reclaimed water use law (RCW 90.46). That law identifies acceptable uses of reclaimed water to include direct and indirect aquifer recharge. Limited sampling of reclaimed water from LOTT and Brightwater facilities has shown perfluorooctanoic acid (PFOA) detections that exceed the SAL. If this reclaimed water is land applied within a critical aquifer recharge area or wellhead protection area, it could cause SAL exceedances for a

water purveyor. At a minimum, this issue must be addressed in an update to Chapter 173-219 WAC (Reclaimed Water). Please consider updating Chapter 173-219 WAC to prohibit land application of reclaimed water within critical aquifer recharge areas and wellhead protection areas if PFAS is detected at levels above a SAL.

Thank you for the opportunity to provide comments on the Guidance.

Sincerely,

DocuSigned by:

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Anne-marie Marshall-Dody
Deputy Director Public Works
City of Redmond