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# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

May 21, 2020

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency (EPA)  
1301 Constitution Ave. NW  
Washington, DC 20460

Dear Administrator Wheeler,

We write to request information about EPA's plan to address per- and polyfluoroalkyl substances (PFAS) contamination at Superfund sites. We are particularly interested in the 180 Superfund sites EPA has identified as containing PFAS that were provided to the Senate Environment and Public Works (EPW) Committee in responses to questions posed at a 2019 hearing.<sup>1</sup> While it is helpful to know where these substances have been found, EPA did not include information as to which specific PFAS were found at each site, or the amount of those chemicals present. This information is critical to the continued response to PFAS contamination, as well as to efforts to ensure the public health and safety of the 53 million Americans that live within three miles of a Superfund site.<sup>2</sup>

As part of Assistant Administrator David Ross's response to questions for the record from Ranking Member Carper during the EPW Committee's March 2019 hearing entitled "*Examining the federal response to the risks associated with per- and polyfluoroalkyl substances (PFAS)*." EPA identified and shared a list of 180 Superfund sites where PFAS have been detected. This response provided no information as to the level of contamination that was identified at each site. The 180 sites have been plotted on a map, available as an attachment to this document or by following the link to the interactive map,<sup>3</sup> and include Superfund sites in 33 states and the District of Columbia.

In the Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS submitted to OMB on August 31, 2018,<sup>4</sup> EPA sought to establish a screening level of 40

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<sup>1</sup> Our request comes as a direct response to information Mr. Ross, Assistant Administrator of the Office of Water, provided as part of his answers to Questions for the Record for the Senate Committee on Environment and Public Works Hearing entitled, "*Examining the federal response to the risks associated with per- and polyfluoroalkyl substances (PFAS)*" on March 28, 2019.

<sup>2</sup> <https://www.epa.gov/sites/production/files/2015-09/documents/webpopulationrsuperfundsites9.28.15.pdf>

<sup>3</sup> Link to map of Superfund Sites Identified by EPA to have PFAS Contamination:

<https://www.epw.senate.gov/public/index.cfm?p=Superfund-Sites-Identified-by-EPA-to-have-PFAS-Contamination>

<sup>4</sup> <https://www.regulations.gov/document?D=EPA-HQ-OLEM-2019-0229-0003>

parts per trillion (ppt). At that time, EPA recommended that any detection of PFAS at or above that level warranted further investigation.

Additionally, Mr. Ross's response states that for Superfund sites where the presence of PFAS exceeds the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) screening levels of 40 ppt, "the site will be monitored along with other contaminants throughout the remediation process." However, Mr. Ross did not indicate whether the agency would ensure the remediation of current or potential sources of drinking water contamination at these sites to bring them into compliance with EPA's drinking water health advisory, which recommends an individual or combined standard of 70 ppt.<sup>5</sup>

Mr. Ross was also asked whether EPA had tested all Superfund sites for the presence of PFAS. Mr. Ross answered that at this time "the agency has only tested Superfund sites where there is reason to believe PFAS chemicals might be present," and that testing "generally occurs as part of the site investigation, a five-year review, or as part of remedy optimization." Given the widespread use and persistent nature of PFAS, additional efforts to test for PFAS at Superfund sites may be warranted.

So that we can further understand the information EPA has collected regarding the presence of PFAS contamination at Superfund sites, as well as the agency's plan to address it, we ask that you provide us with responses to the following questions and requests for information by June 19<sup>th</sup>, 2020.

1. Please identify all Superfund sites that have been found to contain PFAS, along with a list of each specific PFAS detected and the level (in ppt) at which it was found. If comprehensive monitoring at all Superfund sites has not been undertaken in a manner that obtained this information, please describe EPA's plans for doing so along with a timeline for its completion.
2. Please provide information as to how the presence of PFAS identified during the preliminary assessment or site inspection is incorporated into EPA's Hazard Ranking System. Does it contribute to the overall score necessary for a site to receive listing on the National Priorities List, and if so, how? Would this process be expected to change for PFAS designated to be hazardous substances under CERCLA, and if so, how?
3. Please provide information as to how the Remedial Investigation process is used to determine the nature and extent of PFAS contamination at a Superfund site, as well as how that information is shared with the public during the Remedial Investigation and Feasibility Study phase of the Superfund cleanup process. Would this process be expected to change for PFAS designated to be hazardous substances under CERCLA, and if so, how?

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<sup>5</sup> <https://www.regulations.gov/document?D=EPA-HQ-OLEM-2019-0229-0003>

4. Please provide a list of Superfund sites for which the Record of Decision issued by the agency addressed PFAS contamination, and a description of how it was addressed.
5. For Superfund sites where PFAS are known to be present, but a plan for their removal or remediation was not included in the original Record of Decision, please provide information as to whether the agency plans to reopen those cleanup agreements and amend them to include the removal or remediation of PFAS at Superfund sites. Would this process be expected to change for PFAS designated to be hazardous substances under CERCLA, and if so, how?
6. Under CERCLA, please describe whether EPA has the authority to:
  - a. Require the cleanup of PFOS or PFOA if they are present at levels higher than 70 ppt at a Superfund site.
  - b. Require the cleanup of PFOS or PFOA if there has been, or could be, a release of PFOS or PFOA from the site.
  - c. Recover response costs for the remediation of PFOS and PFOA from the potentially responsible party if such costs have been or will be incurred by the government or other parties.
  - d. Use EPA's de minimis settlement authority or other tools to compel or facilitate settlements with potentially responsible parties to address contamination by PFOA or PFOS.

For each of a-d above, please also describe how EPA's authority would change if PFOS and PFOA are designated as hazardous substances under CERCLA.

Thank you for your prompt attention to this matter. If you or members of your staff have any questions regarding these requests, please ask the appropriate members of your staff to contact Michal Freedhoff or Annie D'Amato of the EPW Committee staff at 202-224-8832.

Sincerely yours,



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Thomas R. Carper  
Ranking Member



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Benjamin L. Cardin  
United States Senator



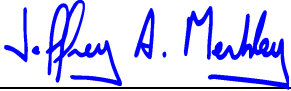
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Bernard Sanders  
United States Senator



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Sheldon Whitehouse  
United States Senator



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Jeffrey A. Merkley  
United States Senator



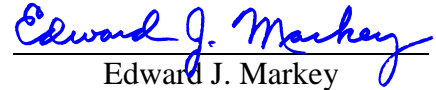
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Kirsten Gillibrand  
United States Senator



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Cory A. Booker  
United States Senator



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Edward J. Markey  
United States Senator



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Tammy Duckworth  
United States Senator



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Chris Van Hollen  
United States Senator