



United States Environmental Protection Agency

Listening Session: CERCLA PFAS Enforcement

March 2023



Technical Logistics

Overview

① EPA presentation → ② Public remarks from pre-registered commenters

Closed Captioning

To access, click on the *Closed Caption* icon on your screen



Interpretation

You **MUST** select your preferred language under *Interpretation*.
For Spanish listeners, it is recommended to “Mute Original Audio”



Recording

This session will be recorded and made available

Audio

Listen via computer audio. All attendees are in “listen-only” mode until the feedback portion of the session.

Q&A

Q&A window is available for technical questions only

Remarks Instructions



VERBAL REMARKS

If you pre-registered to share verbal remarks:



Wait for the invitation to **unmute** your line.



Keep your remarks to **2 minutes** or less.



WRITTEN REMARKS

To submit written remarks:



Use the link to the webform provided in the chat to submit remarks on **session content**.



Use the Q&A window to submit **technical issues** to moderators.

Disclaimer

Please note that by participating in today's online session, you acknowledge and consent that your name, video, image or phone number may be visible to others in the live session as well as captured in the recording.

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Director, Regional Support Division

Office of Site Remediation Enforcement

Office of Enforcement and Compliance Assurance





Introduction

Give overview on **PFAS**

Provide basic tenets of **CERCLA** (*Comprehensive Environmental Response, Compensation, and Liability Act*)

Discuss EPA's plan to issue **enforcement discretion and settlement policy**

Hear directly from participants



PFAS

Per- and polyfluoroalkyl substances (PFAS)

Agency commitment to **protect the public** from health risks from “forever chemicals”

Bold actions in overburdened communities

Community **engagement sessions** to discuss “EPA’s PFAS Strategic Roadmap”

Rulemaking Related to PFOA and PFOS



Notice of Proposed Rulemaking published in Sept. 2022



Rulemaking is still underway



EPA reviewing comments received during comment period



Today's focus: enforcement issues if rule becomes final

CERCLA Basics

Authority to respond to **releases or threatened releases** of hazardous substances, pollutants or contaminants

Enforcement First – wherever possible responsible parties **perform or pay for the cleanup**

Broad **liability** scheme

CERCLA enforcement **preserves** Superfund Trust Fund resources

CERCLA PFAS Enforcement Discretion

EPA intends to **focus** on manufacturers, federal facilities and other industrial parties whose actions result in the release of significant amounts of PFAS

EPA **may choose not to take** CERCLA enforcement action against certain entities

EPA may settle and provide CERCLA **contribution protection** to some parties

Water Utilities & POTWs

Community water utilities

Publicly Owned Treatment Works (POTWs)

May treat PFAS-contaminated sources of
water or wastewater



Publicly Owned/Operated Municipal Solid Waste Landfills

Receive **solid waste** from communities,
other residential entities and POTWs

May receive **PFAS-contaminated** waste,
particularly from POTWs

- Solid residues
- Filtration media (e.g., GAC filters)





Farms that apply Biosolids

Biosolids are **treated sewage sludge** from POTWs

Provide disposal alternative

May contain **PFOA or PFOS**



Certain Airports & Fire Departments

State, tribal or municipal **airports**

Tribal or local **fire departments**

May **use or have used** Aqueous Film Forming Foam (AFFF), which contains PFOA or PFOS

Limitations & Contingencies



Enforcement discretion limited to CERCLA



EPA retains ability to address situations that present an imminent and substantial endangerment



Policy contingent upon party's cooperation

Next Steps

1 Hear feedback from those **registered** to speak

2

Receive **written feedback** through the Agency's CERCLA PFAS enforcement webform

3

Develop **discretion policy** considering oral and written feedback

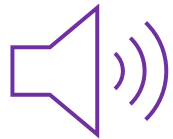
4

Make final policy **publicly available**

Public Remarks Segment



VERBAL REMARKS INSTRUCTIONS



Wait for the invitation to **unmute** your line.



Keep your remarks to **2 minutes** or less.



Once your time is up, you will be muted, and we will move onto the **next speaker**.

Enforcement Discretion Policy

Web Resources

Form to submit **written remarks** will be available **until March 31** at:

<https://www.epa.gov/enforcement/forms/contact-us-about-cercla-pfas-enforcement-listening-sessions>

Recordings will be posted **after March 23**

at: <https://www.epa.gov/enforcement/cercla-pfas-enforcement-listening-sessions>



Next Steps

Collect written remarks until March 31

Consolidate and evaluate feedback

Finalize enforcement discretion policy

Publish final policy



**Thank you for your
participation and
feedback**