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PFAS Regulatory Update - Past/Present/Future: Blake Whittle, P.G., (Division of Environmental Quality Groundwater Branch Manager) Arkansas Environmental Federation Convention Presentation

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Blake Whittle, P.G., undertook a presentation at the October 6th Arkansas Environmental Federation Convention titled:

PFAS Regulatory Update - Past, Present, Future ("Presentation")

Mr. Whittle serves as the Office of Land Resources Groundwater Branch Manager for the Arkansas Department of Energy & Environment – Division of Environmental Quality.

The *Presentation* initially addressed what constitutes Per- and Polyfluoroalkyl substances ("PFAS") noting:

- Large family of thousands of chemicals that vary widely in their chemical and physical properties, as well as their potential risks to human health and the environment
- Synthetic fluorinated organic compounds, comprised of carbon and fluorine atoms
- Considered some of the strongest bonds in nature – resistant to heat, oil, and water (surfactant)

By way of background, it was also noted that PFAS have been produced and used in several industries (public, private, and defense sectors) since the 1940s. Further, Mr. Whittle noted that their physical/chemical properties have resulted in their use in a wide range of consumer products and for firefighting purposes.

A few of the main sources of PFAS were identified as:

- Any area where fluorine-containing firefighting foams are stored, used, or released
- Facilities that produce or use PFAS or PFAS-containing products
- Waste management disposal areas such as landfills, incinerators, recycling facilities, composts, land applied biosolids, OB/OD facilities
- Water and sewage treatment systems and receiving bodies

Fate and transport characteristics were identified such as:

- Stable in the environment and resistant to hydrolysis, photolysis, volatilization, and biodegradation
- Bio-accumulate and bio-magnify in wildlife

- Biologically and chemically stable in the environment and resist environmental degradation

The regulatory history of these substances was discussed for the period 1940 to 2021. The various events including litigation, U.S. Environmental Protection Agency activities, along with state actions, were chronologically profiled in detail. In particular, Mr. Whittle discussed the EPA PFAS Roadmap, noting the federal agency's various activities in Office of Water and Office of Land and Emergency Management.

Recent actions in terms of regulatory activity were addressed including:

- Addition of four PFAS to the Toxic Release Inventory
- Addition of 5 PFAS constituents to the List of RSLs and RMLs
- EPA announcement of Drinking Water Health Advisories for 4 PFAS constituents
- EPA proposes designating PFOS & PFOA as Hazardous Substances under Superfund

Mr. Whittle discussed what he described as "common state issues," noting that there is no established framework for regulating PFAS nationwide and no enforceable federal standards. As a result, he outlined:

- No established federal framework for regulating PFAS nationwide and no enforceable federal standards for these chemicals
- Without these frameworks and standards it is unclear how responsible parties will be compelled to manage wastes containing PFAS chemicals and remediate contamination caused by these chemicals in a timely and complete fashion
- This has caused some states to pursue development of their own standards, which can vary, sometimes greatly, from the Federal
- Hampers recognition of state promulgated standards and ARARs in federal programs due to lack of inclusion in CERCLA and RCRA
- Limited states' cost recovery abilities for responsible parties
- Lack of validated analytical methods for media other than drinking water (need validated methods for groundwater, surface water, wastewater, bio-solids, soil, sediment, and fish tissue)

Arkansas PFAS issues were discussed. This included a reference to the fact that the State of Arkansas has the same issues as most states without regulatory framework and federal standards. Arkansas is not currently regulating PFAS chemicals. Further, the *Presentation* indicated that no sites above 40 ppt threshold during UCMR3 sampling had been detected.

The three sites in Arkansas with known PFAS contamination include:

- Arkansas Air National Guard Base in Ft. Smith, AR
- Eaker Air Force Base (BRAC site) in Blytheville, AR
- Little Rock Air Force Base in Jacksonville, AR

Two hazardous waste disposal facilities are stated to incinerate PFAS chemicals. In terms of Arkansas legislation that has been limited to Act 315 of 2021 which addressed the use of PFAS chemicals in firefighting foam.

Finally, DEQ is stated to have created an inter-agency PFAS task force to allow for collaboration and information sharing across varying state agencies. The objective is to be prepared to appropriately and effectively address issues posed by any subsequent regulation related to PFAS.

A copy of the *Presentation* slides can be downloaded [here](#).