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June 29, 2026

Thomas D. Croci
Acting Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460
Submitted via Federal eRulemaking Portal:
<https://www.regulations.gov>

Re: NACWA Comments on the U.S. Environmental Protection Agency's 2026 Interim PFAS Destruction and Disposal Guidance (EPA-HQ-OLEM-2020-0527)

Dear Mr. Croci:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to provide comments on EPA's 2026 update to its Interim PFAS Destruction and Disposal Guidance (hereafter 2026 Interim Guidance) published in the Federal Register on April 20, 2026. NACWA represents the interests of more than 360 publicly owned clean water utilities of all sizes across the United States. Our members are anchor institutions in their communities that provide the essential, daily public service of treating billions of gallons of our nation's wastewater and stormwater and managing the millions of tons of biosolids generated as a byproduct of the wastewater treatment process in a manner that ensures continued protection of human health and the environment.

NACWA has submitted comments on each iteration of this Interim Guidance and appreciates EPA's commitment to update this document annually. On the whole, NACWA appreciates the inclusion of several new studies and data while also urging additional context regarding the findings, as outlined below. The 2026 Interim Guidance includes important insights into how PFAS impact clean water agencies and each of the biosolids management approaches—underscoring the complicated landscape PFAS creates, the lack of a clear solution for the clean water community, and the overall need for greater source control alongside advanced destruction technologies.

Municipal clean water utilities are passive PFAS receivers. As awareness of PFAS has grown, our sector is actively working to understand and mitigate PFAS entering and leaving clean water collection systems and treatment plants. PFAS chemicals enter the wastewater treatment process from upstream industrial and manufacturing discharges to wastewater utilities, as well as through everyday domestic source contributions from consumers using and rinsing PFAS-coated products down the drain.

Clean water utilities were not designed or constructed with PFAS treatment in mind, and there is currently no technology available that is capable of removing PFAS from the hundreds of millions of gallons of influent that clean water utilities are required to treat each day. Further complicating utilities' efforts, municipal biosolids are generated continuously as a byproduct of the treatment process and can only be managed through a limited set of pathways—land application, landfill disposal, or incineration—each of which presents its own regulatory, operational, and capacity challenges.

NACWA continues to advocate for a “polluter pays” approach that requires manufacturers and producers of these chemicals to bear the responsibility for PFAS cleanup and treatment costs. The clean water community has never profited from PFAS or PFAS-containing products yet faces potentially staggering financial costs if a treatment technology ever becomes available to treat the volume of influent wastewater utilities receive. These costs will be passed along to ratepayers who are already facing significant water affordability challenges. In addition, NACWA believes that end-of-pipe treatment is not the solution to truly address PFAS. Greater source control at the producer and manufacturer level remains the necessary first step to mitigate and ultimately eliminate persistent PFAS-related challenges throughout the environment.

Our comments on specific provisions within the 2026 Interim PFAS Destruction and Disposal Guidance are as follows.

PFAS Reporting Requirements and Data Collection

NACWA welcomes the inclusion in the 2026 Interim Guidance acknowledging the new PFAS reporting requirements under Section 8(a)(7) of the Toxic Substances Control Act. This provision mandates PFAS manufacturers—including those importing PFAS—to report information concerning the uses, volumes, and disposal methods of these chemicals. Although the implementation timeline has been extended and there are ongoing questions regarding *de minimis* PFAS contributions, once it is collected, this data will provide valuable insights for entities like wastewater treatment systems that receive PFAS from upstream users. In a similar vein, we are pleased that the 2026 Interim Guidance references the Toxic Release Inventory and reporting obligations for certain PFAS under the Emergency Planning and Community Right-to-Know Act.

These information collection initiatives are important resources for clean water utilities as they support industrial pretreatment efforts. Through pretreatment programs, clean water

utilities can identify and address upstream industrial source contributions that may interfere with or pass through treatment systems or interfere with the use or disposal of municipal biosolids. The continued gathering and sharing of this information will aid clean water utilities in managing PFAS and protecting water quality and help preserve the three biosolids management options that exist.

Sewage Sludge Incineration (SSIs)

NACWA appreciates EPA's inclusion of updated scientific research into the destruction of PFAS at SSIs. Several NACWA members operating either multiple hearth incinerators (MHIs) or fluidized bed incinerators (FBIs) have assisted in the collection of data to aid in further understanding the fate and transport of PFAS through incineration. This type of research is complex, and we encourage EPA to continue collaborating with clean water utilities in these data collection efforts. NACWA also encourages EPA to recognize the need for a viable analytical methodology that produces reliable, replicable, and accurate results given the unique and complex nature of the cake that is thermally treated.

In addition to adding the emerging scientific and technical studies on SSIs, NACWA recommends EPA provide some context and frame the current landscape of thermal incineration and the significant challenges clean water utilities face to operate and maintain these systems. There are a limited number of SSI facilities in operation today, and it is likely that more facilities will shutter over the coming decades as these systems age beyond their operational lives. Additionally, communities face escalating costs related to maintaining and operating these systems in compliance with increasing regulatory requirements. These challenges existed even before PFAS, underscoring the need for EPA's acknowledging the operational and financial burdens faced by communities managing SSI facilities that also now must consider PFAS destruction and/or emissions.

Landfill Disposal of Biosolids

The 2026 Interim Guidance contains an important and candid acknowledgment that was not present in prior versions: "new information demonstrates that landfilling could result in higher PFAS releases to the environment than previously thought in 2024."

The updated 2026 Interim Guidance cites published data showing that municipal solid waste (MSW) landfills, even those with composite liners and gas collection systems, are estimated to release up to 15 percent of the mobile PFAS they receive over time—approximately 5 percent via landfill gas (LFG) and 11 percent via leachate annually. There is a growing body of scientific evidence that landfill leachate is a significant source to clean water utilities.

The 2026 Interim Guidance also adds new information on landfill liner permeability and gas collection system performance, acknowledging that the behavior of PFAS in landfills—including transformation of precursor compounds under both aerobic and anaerobic conditions—is more complex and less controlled than previously understood. PFAS are not degraded within a landfill environment. As such, landfills are not a solution to PFAS

contamination—they are, at best, a temporary delay of the problem and a perpetual source of PFAS to clean water utilities that accept their leachate untreated.

These findings underscore NACWA's longstanding concern regarding the criticality of maintaining each of the existing three biosolids management options. In some areas of the country, states have instituted moratoriums or prohibitions on land application, placing a significant strain on the remaining two biosolids management options – landfilling and incineration. In some places, landfilling biosolids is the only remaining management option.

NACWA has been concerned with these developments toward increased landfilling given that landfill capacity for biosolids is highly constrained, the biosolids often must be transported long distances and at great cost, and that landfill leachate is often returned to a wastewater treatment plant. The findings regarding PFAS not degrading in a landfill environment amplify our concerns that the redirection of greater amounts of biosolids to landfills will not provide a meaningful long-term solution to PFAS.

Diverting even a portion of the 2.4 million dry metric tons currently land applied beneficially to landfills will contribute to the leachate and gas migration problems the 2026 Interim Guidance now acknowledges. EPA should include this context in its 2026 Interim Guidance.

Land Application of Biosolids

NACWA again raises its fundamental concern with how EPA characterizes the land application of biosolids in the 2026 Interim Guidance. The 2026 Interim Guidance states plainly at the outset that “land application of biosolids containing PFAS does not control releases of PFAS into the environment” and therefore falls outside the scope of the document since it is neither a destruction nor disposal strategy. While NACWA agrees and understands the conceptual reasons for this framing—the 2026 Interim Guidance is intended to address destruction and disposal technologies rather than all biosolids management practices—the framing allows for this language to be taken out of context and creates a misleading perception that biosolids land application is an unregulated and uncontrolled contributor to PFAS contamination off-site.

The land application of biosolids that meet Clean Water Act Part 503 standards is a carefully regulated, beneficial recycling practice that returns nutrient-rich organic matter to agricultural soils. It is not a disposal method but rather an EPA-recognized beneficial use governed by one of the most comprehensive federal environmental standards for any organic residual material. The framing in the 2026 Interim Guidance, without this context, risks undermining the public confidence in and regulatory support for the practice – one that is a widely adopted agronomical practice, environmentally sound, and essential to the operational sustainability of wastewater utilities nationwide. NACWA urges the EPA to recognize this context when finalizing the 2026 Interim Guidance.

NACWA continues to work with EPA's Office of Water regarding the 2025 Draft Sewage Sludge Risk Assessment for PFOA and PFOS. In the absence of a finalized risk assessment,

many states are adopting tiered management strategies for biosolids land application. These tiered approaches distinguish between biosolids impacted by industrial sources and those that are not, ensuring that regulatory efforts are appropriately focused. By making this distinction, states support the continued agricultural use of biosolids, which serve as affordable, sustainable, and highly beneficial soil amendments for farmers and land stewards.

The 2026 Interim Guidance acknowledges there is a data gap as to what quantity of land applied biosolids contain PFAS and in what concentrations. This absence of data incorrectly and implicitly suggests that *all* biosolids that are applied to land warrant heightened scrutiny as a PFAS release pathway regardless of concentration. NACWA urges EPA to recognize this caveat. This is especially important as more states adopt tiered land application management practices—and as greater scientific evidence emerges that PFAS is found in dry or wet air deposition (e.g., precipitation that falls on land) or is directly applied to land through pesticides or fertilizers. In addition, the 2026 Interim Guidance should mention that EPA itself in 2026 sought stakeholder input on whether there should be a federally recognized background level of PFAS in soils.

States implementing tiered land application management frameworks also employ comprehensive sampling protocols and robust industrial pretreatment programs. These measures are based on the understanding that biosolids management is an interconnected system, where upstream controls and monitoring can significantly influence the quality and safety of biosolids destined for land application. NACWA asks EPA to include this information in its 2026 Interim Guidance.

Industrial Pretreatment Program

NACWA continues to urge EPA to include in this Interim Guidance a substantive discussion of the Clean Water Act's Industrial Pretreatment Program and how local pretreatment programs have demonstrated success in mitigating PFAS concentrations in influent, effluent, and recovered biosolids. Pretreatment is not merely a complementary policy tool—it is the most direct and cost-effective, upstream mechanism for reducing the PFAS burden entering wastewater treatment systems in the first place. In many states, clean water utilities and state regulatory agencies are making significant strides to identify and eliminate upstream industrial sources and therefore are mitigating discharges to wastewater utilities. NACWA also supports a shift towards safer PFAS alternatives and phasing out non-essential uses. Regardless of how sophisticated downstream treatment and disposal options become, so long as these chemicals remain in commerce and everyday products, the nation's wastewater utilities will perpetually receive PFAS .

Conclusion

NACWA supports EPA's efforts to improve its Interim Guidance and welcomes the Agency's commitment to providing annual updates. The 2026 version contains meaningful advances, including updated scientific research on the effectiveness of certain destruction techniques

and the limitations or uncertainties of each. These improvements strengthen the scientific foundation of the Guidance.

At the same time, NACWA urges EPA to address the concerns raised in these comments before finalizing this iteration—particularly the need to more accurately characterize the limitations of SSIs, to acknowledge the growing evidence that landfilling is an environmentally problematic and logistically constrained option for biosolids, and to restore appropriate context around the land application of biosolids as a beneficial use. Without this balance, the Guidance risks inadvertently steering decision-makers toward options that are neither technically superior nor financially feasible for public utilities, while undermining a regulated, beneficial, and environmentally sound management practice that serves communities and agricultural partners across the country.

NACWA looks forward to continuing a productive dialogue with EPA on PFAS issues and the challenges clean water utilities face when managing these chemicals. If EPA has questions or concerns, please contact me at eremmel@nacwa.org or (202) 533-1839.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Remmel". The signature is fluid and cursive, with a large, stylized "E" and a long, sweeping tail.

Emily Remmel
Sr. Director, Regulatory Affairs