## Comment #1

**Name:** Robert Simon

**Organization:** American Chemistry Council

**Comment Text:** Subject: ACC Comments on Definition of Hazardous Substances in Oregon Administrative Rule 340-122-0115

The American Chemistry Council (ACC) submits the following comments on the proposed rulemaking to add certain Per- and Polyfluoroalkyl Substances (PFAS) in the Definition of Hazardous Substances in Oregon Administrative Rule 340-122-0115 (30)

Robert Simon

Vice President, Chemical Products and Technology

**Attached Files:** https://comment-processor.herokuapp.com/comments/9188/attached_file/2760

**Comment topic IDs linked to this comment:** 6, 7, 8

Comment #1

**Submitted Electronically**

May 9, 2025

Attn: Sarah Van Glubt
State of Oregon
Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100State of Oregon
PFAS.2025@deq.oregon.gov

**RE: Comments of the American Chemistry Council on Proposed Rulemaking to include Certain Per- and Polyfluoroalkyl Substances (PFAS) in the Definition of Hazardous Substances in Oregon Administrative Rule 340-122-0115 (30)**

Dear Ms. Van Glubt:

The American Chemistry Council (ACC)[1] submits the following comments on the proposed rulemaking to add certain Per- and Polyfluoroalkyl Substances (PFAS) in the Definition of Hazardous Substances in Oregon Administrative Rule 340-122-0115 (30).

ACC members support policies and approaches that advance appropriate remediation at specific sites and offer the attached comments to inform the Department of Environmental Quality's (DEQ) evaluation of the proposed rulemaking and focus Oregon's efforts.

Should you have any questions or would like additional information, please contact me at robert_simon@americanchemistry.com or 202-249-6700.

Sincerely,

Robert J. Simon
Vice President
Chemical Products and Technology

[1] The American Chemistry Council's mission is to advocate for the people, policy, and products of chemistry that make the United States the global leader in innovation and manufacturing. To achieve this, we: Champion science-based policy solutions across all levels of government; Drive continuous performance improvement to protect employees and communities through Responsible Care®; Foster the development of sustainability practices throughout ACC member companies; and Communicate authentically with communities about challenges and solutions for a safer, healthier and more sustainable way of life. Our vision is a world made better by chemistry, where people live happier, healthier, and more prosperous lives, safely and sustainably—for generations to come.

**ACC Comments on Draft on Proposed Rulemaking to include Certain Per- and Polyfluoroalkyl Substances (PFAS) in the Definition of Hazardous Substances in Oregon Administrative Rule 340-122-0115 (30)**

## I. It is not scientifically accurate or appropriate to group all PFAS together. DEQ should revisit its stated assumptions in the rulemaking to recognize the differences within this broad class of chemistry.

The overall proposal appears to be based on the inaccurate assumption that all PFAS pose the same risks. PFAS may include a broad array of fluorinated chemicals (depending on the definition of PFAS used). Those chemicals can include gases, liquids, and solid polymers. PFAS also have widely varying physical, chemical, biological, and toxicological properties, a fact EPA has recognized.[2]

Given this, it is neither scientifically accurate nor appropriate to group them all together or attribute specific properties to all PFAS. This has been recognized by various policymakers and is also recognized in U.S. EPA's PFAS Testing Strategy which separate PFAS into various subcategories that clearly recognizes differences within the broad class and the need to approach them differently.

As noted below, there are specific examples that clearly demonstrate some of the proposed substances do not meet the established criteria for hazardous substances.

For example, the overall rationale outlined by DEQ for the addition of some substances includes overly broad assumptions and statements regarding the broad class of PFAS chemistry. In particular, the statement of need for the proposed rulemaking, makes broad assertions that are not supported by the science that all PFAS substances are highly toxic, mobile, persistent in the environment, and bioaccumulative.

However, not all PFAS are PBT chemicals. An example of this is documented in U.S. EPA's Toxic Release Inventory (TRI). For the TRI Reporting Year 2024, there are at least 30 PFAS substances that are not PBT based on U.S. EPA's analysis of listing toxic criteria for TRI. This includes several of the proposed substances including Perfluorohexane sulfonic acid (PFHxS), Perfluorononanoic acid (PFNA), Hexafluoropropylene oxide dimer acid (HFPO-DA, and Perfluorobutane sulfonic acid (PFBS).

ACC can provide additional supporting technical information regarding the underlying chemical, physical and toxicological properties of specific PFAS substances to help inform DEQ's review.

## II. Several of the proposed substances do not meet the criteria for listing outlined in OAR 340-122-0115 and ORS 466.005. DEQ should update the proposed rule to focus on those substances which clearly meet the established criteria for hazardous substances.

[2] E.g, https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas ("There are thousands of PFAS with potentially varying effects and toxicity levels…").

A critical consideration in DEQ's rational for the listing of some substance is their presence at levels of concern. To prioritize and advance cost-effective State programs, DEQ should focus on those substances that have actually been detected and have been demonstrated to regularly exceed health-based screening levels. Several of the substances have limited or no detection as evidenced by monitoring date from Fifth Unregulated Contaminant Monitoring Rule (UMCR 5).[3]

Consequently, these substances clearly do not meet the established criteria for listing as a hazardous substance.

## III. The proposal underestimates the costs and impacts of the proposed rulemaking. DEQ should update the fiscal and economic impact analysis taking into account the information provided in these comments.

While we would need more time to conduct a thorough and comprehensive analysis of the fiscal and economic impact in the proposal, we urge the Department to review and update its analysis taking into account the U.S. Chamber of Commerce's 3rd party expert report on PFOS and PFOA Private Cleanup Costs at Non-Federal Superfund Sites.[4] The report outlines additional factors and consideration that can enhance DEQ's analysis and inform the proposed rulemaking.

## IV. Both the CERCLA and MCL regulations, which are the basis for the rulemaking, are the subject of active litigation. DEQ should postpone further consideration of the rulemaking until the litigation of these federal rules are resolved and the State has clarity on what should be considered in any rulemaking for Oregon.

All of the substances and federal rulemakings that are the basis of the proposed rulemaking are the subject of active litigation by a range of stakeholders including water utilities, local governments and businesses. See Chamber of Commerce of the United States of America, et al. v. EPA, Case No. 24-1193, 24-1161, 24-1166, 24-1271 (D.C. Cir.) and AWWA et al. v. EPA et al., Nos. 24-1188, -1191, -1192. DEQ should postpone further consideration of the rulemaking until this litigation is resolved and the State has clear guidance on the scope and intent of these federal regulations.

## V. Conclusion

ACC looks forward to engaging further and collaborating with DEQ in its evaluation of the proposed rulemaking EPA to support policies that are scientifically sound, economically practicable, and protective of human health and the environment. Please feel free to call me at 202-249-6700 or e-mail me at robert_simon@americanchemistry.com, if you have any questions, or if you would like any additional information concerning the issues raised in these comments.

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[3] PFAS Monitoring Data, U.S. Conference of Mayors Water Council, November 22, 2024 – Corona Environmental Consulting

[4] U.S. Chamber of Commerce, Expert Report on PFOS and PFOA Private Cleanup Costs at Non-Federal Superfund Sites

## Comment #2

**Name:** Jeffrey Hunter

**Organization:** Perkins Coie

**Comment Text:** Subject: PFAS Rulemaking

Hello Sarah:

Please see the attached comments to the proposed rule.

We appreciate DEQ's consideration of these comments.

Please call if you have any questions or cannot open the attachment and have great weekend.

Jeff Hunter

PARTNER

Perkins Coie

**Attached Files:** https://comment-processor.herokuapp.com/comments/9189/attached_file/2761

**Comment topic IDs linked to this comment:** 5, 10, 11, 12, 17

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Comment #2

Perkins Coie

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May 9, 2025

Jeffrey L. Hunter
Partner
JHunter@perkinscoie.com
D. +1.503.727.2265

**VIA EMAIL**
Sarah Van Glubt
Department of Environmental Quality
700 NE Multnomah Street
Suite 600
Portland OR 97232
PFAS.2025@deq.oregon.gov

**Re: PFAS 2025 Rulemaking**

Dear Ms. Van Glubt:

We are writing to provide comments on the Department of Environmental Quality's (DEQ) PFAS 2025 rulemaking.

**DEQ's Proposed Update to the Definition of Hazardous Substances under OAR 340-122-0015(30)**

DEQ should only identify the two per- and polyfluoroalkyl substances (PFAS): perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), which EPA adopted as hazardous substances under CERCLA in 2024. As noted by DEQ in the rulemaking, PFOA and PFOS are among the most commonly detected PFAS. EPA has not fully evaluated whether other PFAS compounds including perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals), and perfluorobutane sulfonic acid (PFBS) may present a substantial danger to public health, safety, welfare or the environment. Consistent with the originally stated intent of the DEQ PFAS rulemaking (i.e., to update the list hazardous substances as adopted by EPA), it is premature to identify other PFAS compounds as hazardous substances until EPA evaluates these compounds. Designating additional PFAS compounds as hazardous substances will lead to confusion between federal and state law.

In addition, the remediation technologies to address shorter-chain PFAS compounds including PFHxS, PFNA, GenX Chemicals and PFBS are not well developed. Generally, shorter-chain PFAS compounds are more water-soluble and can be more difficult to remediate. The remediation costs associated with these other PFAS compounds may be orders of magnitude greater than the remediation costs associated with PFOA and PFOS and DEQ has not addressed the potential fiscal and economic impacts of remediation of these additional compounds. This is another reason why DEQ should limit the rulemaking to only the inclusion of PFOA and PFOS as hazardous substance under OAR 340-122.

**Permitted Releases**

DEQ needs to take into consideration the potential retroactive application of including new substances as hazardous substances under DEQ's Hazardous Substance Remedial Action Rules. This is a critical issue because regardless of DEQ's intent in the rulemaking, as soon as these substances are designated as hazardous substances under DEQ's rules, facilities with suspected past releases (including passive receivers or properties where, e.g., firefighting foam was released during firefighting activities) could potentially be subject to additional investigation, treatment, or remediation requirements on active as well as closed sites thereby triggering liability under ORS § 465.255.

DEQ should clarify that current and past permitted "releases" of the designated PFAS compounds are exempt from the requirements under OAR 340-122. Otherwise, a facility could be subject to inconsistent regulatory requirements as well as potential liability. As part of the rulemaking, DEQ should amend OAR 340-122-0030 to exempt the following releases:

(A) the disposal, discharge, release or threatened release from facilities which occurred or may occur in a manner consistent with all applicable federal or state laws governing such disposal or release at the time the activity was or is carried out including, without limitation, regulated airports, governmental facilities and other facilities or sites that were or are required under law to use or train with aqueous film forming foam containing per- or polyfluoroalkyl substances;

(B) a discharge, release or threatened release, including stormwater discharges, from a disposal site, landfill, landfill disposal site, or regional disposal site (as defined in ORS 459.005), a publicly owned or operated treatment works (treatment works) (as defined in ORS 454.010) or a municipality or community water system, pursuant to a permit issued under ORS 468B.050 or the federal Clean Water Act;

(C) a discharge, release or threatened release from a disposal site, landfill, landfill disposal site, or regional disposal site (as defined in ORS 459.005) or other industrial facility, pursuant to the pre-treatment standards of Section 307(b) and (c) of the Federal Water Pollution Control Act (33 U.S.C. 1317(b) and (c));

(D) a discharge, release or threatened release at any site related to a disposal of biosolids authorized by federal or state law; or

(E) a discharge, release or threatened release from public water systems including the disposal or release of water treatment residuals or any other byproduct of drinking water or wastewater treatment activities.

In addition, facilities that may discharge PFAS compounds in industrial wastewater or stormwater discharges should be regulated by the DEQ programs that issue such permits, not by the DEQ Cleanup Program.

**Fiscal and Economic Impacts**

DEQ is obligated by law to assess the fiscal and economic impacts the rule may have - especially on small business. In the Notice of Proposed Rulemaking, DEQ admits that there are uncertainties and estimating costs is challenging. In the case studies presented, the described costs primarily relate to investigation costs, not remediation costs. The cost to remediate PFAS compounds in soil and groundwater could be significant and may have a substantial impact on small and medium-sized industrial facilities and small community fire training facilities.

The one case study which included cleanup costs only presented an **estimate** of the cleanup costs (not actual costs) and this resulted from the application of firefighting foam at a fuel tank farm. Any location where firefighting foam was applied (including residential properties) could have resulted in releases of PFAS compounds. Requiring small businesses or even residential properties to investigate and cleanup PFAS compounds resulting from the firefighting activities could devastate these businesses and significantly impact property values.

In sum, DEQ needs to reassess the fiscal and economic impacts of the proposed rule as mandated by state statute, limit the proposed rule to only PFOA and PFOS, and exempt from the application of the rule permitted releases and releases that may have occurred from firefighting activities.

We appreciate DEQ's consideration of these comments.

Please call me at 503.727.2265 if you have any questions regarding these comments

Sincerely,

Jeffrey L. Hunter

## Comment #3

**Name:** Alexander Christy

**Organization:**

**Comment Text:** Subject: DEQ PFAS Comment

Hello,

I am highly supportive of your rulemaking effort to add per- and polyfluoroalkyl substances (PFAS) to the definition of hazardous substances in Oregon Administrative Rule 340-122-0115 (30). As a healthcare provider I am incredibly concerned about the effects of these chemicals on public health as well as on the environment generally, and request that DEQ regulate as many PFAS compounds as possible to reduce Oregonians' exposure.

Thank you for considering this comment.

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Very Respectfully,

Alexander R Christy, PA-C

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1, 4

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## Comment #4

**Name:** Ryan Jones

**Organization:**

**Comment Text:** Subject: Support for PFAS Rule Making 2025

Dear Sarah,

I’m writing in strong support of the proposed rule to include key PFAS chemicals, including PFOA, PFOS, PFHxS, PFNA, HFPO-DA (GenX), and PFBS, in Oregon’s definition of hazardous substances. These toxic compounds pose serious threats to human health, wildlife, and water quality, even at low exposure levels, and Oregon must have the authority to investigate and clean up PFAS contamination. Aligning with the EPA’s approach is a critical step in protecting our communities, ecosystems, and future generations from these persistent and dangerous chemicals. Thank you for moving this important rule forward.

Sincerely,

Ryan Jones

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1

## Comment #5

**Name:** Megan Beck

**Organization:**

**Comment Text:** Subject: Support for PFAS Rule Making 2025

Dear Sarah,

I’m writing in strong support of the proposed rule to include key PFAS chemicals, including PFOA, PFOS, PFHxS, PFNA, HFPO-DA (GenX), and PFBS, in Oregon’s definition of hazardous substances. These toxic compounds pose serious threats to human health, wildlife, and water quality, even at low exposure levels, and Oregon must have the authority to investigate and clean up PFAS contamination. Aligning with the EPA’s approach is a critical step in protecting our communities, ecosystems, and future generations from these persistent and dangerous chemicals. Thank you for moving this important rule forward.

Sincerely,

Megan Beck

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1

## Comment #6

**Name:** Ben Criswell

**Organization:**

**Comment Text:** Subject: PFAS Rulemaking Comment

Hello, I personally support adding the six identified PFAS compounds to DEQ’s hazardous substances list. I also support DEQ’s further analysis into listing additional PFAS compounds, and would like to see DEQ build on similar efforts in Washington and California. Further, DEQ should analyze the impact of PFAS compounds on water and food sources such as fish.

Regards,

Ben Criswell

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1, 4, 16

## Comment #7

**Name:** Dani Lightle and Katie Murray

**Organization:** Oregonians for Food & Shelter

**Comment Text:** Subject: PFAS Rulemaking Comments

Good afternoon,

Please find comments on the 2025 PFAS rulemaking attached.

Dani Lightle

**Attached Files:** https://comment-processor.herokuapp.com/comments/9194/attached_file/2762

**Comment topic IDs linked to this comment:** 5, 11, 12

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Comment #7


Oregonians for Food & Shelter
Serving Oregon Since 1980

# OREGONIANS FOR FOOD & SHELTER

1320 Capitol Street NE • Suite B-50 • Salem, Oregon 97301
ofsonline.org; 503-370-8092


A non-profit coalition to promote the efficient production of quality food and fiber while protecting human health, personal property and the environment, through the integrated, responsible use of pest management products, soil nutrients and biotechnology.



May 9, 2025

Sarah Van Glubt
Department of Environmental Quality
700 NE Multnomah Street
Suite 600
Portland OR 97232
PFAS.2025@deq.oregon.gov

Re: PFAS 2025 Rulemaking

Dear Ms. Van Glubt,

Thank you for the opportunity to comment on the Proposed Rulemaking for PFAS. OFS is a non-profit coalition of over 700 operations and organizations from agriculture, forestry, and other industries that rely on pesticides, fertilizers, and biotechnology to produce food and fiber. One of our primary organizational goals is to advocate for science-based regulation.

We agree with the necessity for DEQ to mitigate the impacts of PFOS and PFOA, which received a Hazardous Substances designation under CERCLA by EPA last year. However, we are concerned that DEQ has gone a step further and proposed adding an additional four PFAS compounds – PFHxS, PFNA, HFPO-DA, and PFBS – to the Oregon hazardous substance definition, which exceeds the designations currently provided by EPA.

Agreement in definitions between federal law and state law are critical for reducing confusion among the regulated community. We urge you to follow EPA's definitions, as the leading regulatory body in the country, and adopt the hazardous substance definition for only PFOS and PFOA.

We also have concerns with the potential fiscal and economic impacts of the rule, especially on small business. By DEQ's admission in the Proposed Rulemaking document, there are uncertainties on the cost of remediation, and estimating costs is challenging. In the case studies presented, the described costs primarily relate to

investigation costs, not remediation costs. The cost to remediate PFAS compounds in soil and groundwater could be significant and may have a substantial impact on small and medium-sized industrial facilities and small community fire training facilities. The fiscal and economic impacts should be reassessed to include remediation costs.

Thank you for the opportunity to comment,


**Dani Lightle, PhD**
Policy and Stewardship Director
Oregonians for Food & Shelter
dani@ofsonline.org

**Katie Murray**
Executive Director
Oregonians for Food & Shelter
katiemurray@ofsonline.org

## Comment #8

**Name:** Sharla Moffett

**Organization:** Oregon Business & Industry

**Comment Text:** Subject: OBI Comment Letter

DEQ:

Please find attached OBI’s comment letter on the PFAS 2025 Rulemaking.

Thank you for considering our comments.

Sharla Moffett | Senior Policy Director

Oregon Business & Industry

**Attached Files:** https://comment-processor.herokuapp.com/comments/9195/attached_file/2763

**Comment topic IDs linked to this comment:** 5, 10, 11, 12, 17

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Comment #8

OREGON BUSINESS & INDUSTRY | OBI

May 9, 2025

VIA EMAIL

Sarah Van Glubt
Department of Environmental Quality
700 NE Multnomah Street
Suite 600
Portland OR 97232
PFAS.2025@deq.oregon.gov

Re: PFAS 2025 Rulemaking

Dear Ms. Van Glubt:

We are writing to provide comments on the Department of Environmental Quality's (DEQ) PFAS 2025 rulemaking.

OBI is a statewide association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, more than 80% of which are small businesses, employ more than 250,000 Oregonians.

**DEQ's Proposed Update to the Definition of Hazardous Substances under OAR 340-122-0015(30)**

DEQ should only identify the two per- and polyfluoroalkyl substances (PFAS): perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), which EPA adopted as hazardous substances under CERCLA in 2024. As noted by DEQ in the rulemaking, PFOA and PFOS are among the most commonly detected PFAS. EPA has not fully evaluated whether other PFAS compounds including perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals), and perfluorobutane sulfonic acid (PFBS) may present a substantial danger to public health, safety, welfare or the environment. It is premature to identify other PFAS compounds as hazardous substances until EPA evaluates these compounds. Designating additional PFAS compounds as hazardous substances will lead to confusion between federal and state law.

In addition, the remediation technologies to address shorter-chain PFAS compounds including PFHxS, PFNA, GenX Chemicals and PFBS are not well developed. Generally, shorter-chain PFAS compounds are more water-soluble and can be more difficult to remediate. The remediation costs associated with these other PFAS compounds may be orders of magnitude greater than the remediation costs associated with PFOA and PFOS and DEQ has not addressed the potential fiscal and economic impacts of remediation of these additional compounds. This is another reason why DEQ should limit the rulemaking to only the inclusion of PFOA and PFOS as hazardous substance under OAR 340-122.

**Permitted Releases**

DEQ needs to take into consideration the potential retroactive application of including new substances as hazardous substances under DEQ's Hazardous Substance Remedial Action Rules. This is a critical

issue because regardless of DEQ's intent in the rulemaking, as soon as these substances are designated as hazardous substances under DEQ's rules, facilities with suspected past releases (including passive receivers or properties where firefighting foam was released during firefighting activities) could potentially be subject to additional investigation, treatment, or remediation requirements on active as well as closed sites as well as triggering liability under ORS § 465.255.

DEQ needs to clarify that current and past permitted "releases" of the designated PFAS compounds are exempt from the requirements under OAR 340-122. Otherwise, a facility could be subject to inconsistent regulatory requirements as well as potential liability. As part of the rulemaking, DEQ should amend OAR 340-122-0030 to exempt the following releases:

(A) the disposal, discharge, release or threatened release from facilities which occurred or may occur in a manner consistent with all applicable federal or state laws governing such disposal or release at the time the activity is or was carried out including, without limitation, regulated airports, governmental facilities and other facilities or sites that were or are required under law to use or train with aqueous film forming foam containing per- or polyfluoroalkyl substances;

(B) a discharge, release or threatened release, including stormwater discharges, from a disposal site, landfill, landfill disposal site, or regional disposal site (as defined in ORS 459.005), a publicly owned or operated treatment works (treatment works) (as defined in ORS 454.010) or a municipality or community water system, pursuant to a permit issued under ORS 468B.050 or the federal Clean Water Act;

(C) a discharge, release or threatened release from a disposal site, landfill, landfill disposal site, or regional disposal site (as defined in ORS 459.005) or other industrial facility, pursuant to the pre-treatment standards of Section 307(b) and (c) of the Federal Water Pollution Control Act (33 U.S.C. 1317(b) and (c));

(D) a discharge, release or threatened release from any site where the disposal of biosolids was authorized by federal or state law; or

(E) a discharge, release or threatened release from public water systems including the disposal or release of water treatment residuals or any other byproduct of drinking water or wastewater treatment activities.

In addition, facilities that may discharge PFAS compounds in industrial wastewater or stormwater discharges should be regulated by the DEQ programs that issue such permits, not by the DEQ Cleanup Program.

**Fiscal and Economic Impacts**

DEQ is obligated by law to assess the fiscal and economic impacts the rule may have especially on small business. In the Notice of Proposed Rulemaking, DEQ admits that there are uncertainties and estimating costs is challenging. In the case studies presented, the described costs primarily relate to investigation costs, not remediation costs. The cost to remediate PFAS compounds in soil and groundwater could be significant and may have a substantial impact on small and medium-sized industrial facilities and small community fire training facilities.

The one case study which included cleanup costs only presented an **estimate** of the cleanup costs (not actual costs) and this resulted from the application of firefighting foam at a fuel tank farm. Any location where firefighting foam was applied (including residential properties) could have resulted in releases of PFAS compounds. Requiring small businesses or even residential properties to investigate and cleanup PFAS compounds resulting from the firefighting activities could devastate these businesses and significantly impact property values.

DEQ needs to reassess the fiscal and economic impacts of the proposed rule, limit the proposed rule to only PFOA and PFOS and exempt from the application of the rule permitted releases and releases that may have occurred from firefighting activities.

We appreciate DEQ's consideration of these comments.

Please contact me at sharlamoffett@oregonbusinessindustry.com should you have any questions regarding these comments

Sincerely,

Sharla Moffett
Senior Policy Director

## Comment #9

**Name:** Josh Graper

**Organization:** Rogue Valley International-Medford Airport (KMFR)

**Comment Text:** Subject: PFAS Rulemaking Comments

To Whom It May Concern:

As the Compliance Coordinator for the Rogue Valley International – Medford Airport, I appreciate the opportunity to comment on Oregon DEQ's proposed amendments under the PFAS 2025 rulemaking (OAR 340-122-0115). This rule has significant implications for airports across Oregon, many of whom were required by the FAA to use aqueous film-forming foam (AFFF).

1. Operational Impacts and Regulatory Conflict

While our airport has proactively transitioned to PFAS-free firefighting foam, past compliance with FAA regulations required the use and testing of legacy PFAS-based foams (e.g., PFOA, PFOS). The proposed rule could retroactively expose the airport to liability for these historical, federally mandated activities. Without clear exemptions or liability protections for past compliance, airports like ours may face investigation and cleanup requirements despite having already moved to PFAS-free firefighting foam.

2. Financial and Liability Concerns

Airports operate under tight budgets and rely heavily on FAA funding and local revenues. If these rule changes move forward without specific protections for airports, we could be held financially responsible for investigating and cleaning up PFAS that was used in compliance with federal requirements. This creates an unfunded mandate that many public airports are not equipped to handle.

We're especially concerned about how these rules might affect construction projects. If PFAS is detected during routine work like taxiway or terminal upgrades, we could face unexpected delays, high testing costs, or cleanup obligations—with no clear support or funding mechanism. Airports need clear, risk-based guidance and state assistance to navigate these complex and costly challenges.

3. Need for Coordination and Technical Guidance

We respectfully request that DEQ:

* Work with the Oregon Department of Aviation, FAA, and airport sponsors to develop guidance specific to aviation-related PFAS contamination.

* Provide technical assistance and cost-sharing pathways for voluntary investigations.

4. Support for Addressing Legacy Contamination

We support a science-based, risk-informed approach to addressing contamination. Many airports have proactively taken steps to manage PFAS, such as:

* Switching to FAA approved fluorine-free foams (where allowed),

* Implementing containment and testing protocols.

Conclusion

I urge DEQ to:

* Clarify how these rules will interact with FAA-mandated PFAS use.

* Consider a phased implementation that provides time and funding assistance for compliance.

* Explicitly address airport-specific concerns in final rule language and guidance documents.

Thank you for considering these comments.

Sincerely,

Josh M. Graper

Operations Compliance Coordinator

Rogue Valley International-Medford Airport (KMFR)

**Attached Files:** None

**Comment topic IDs linked to this comment:** 12, 13, 17

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## Comment #10

**Name:** Drexell Barnes

**Organization:** City of Bend Water Services

**Comment Text:** Subject: City of Bend Water Services PFAS Rulemaking Letter

Please see the attached letter for PFAS Rulemaking comments. Thank you.

Drexell Barnes

Water Quality & Laboratory Services Manager

**Attached Files:** https://comment-processor.herokuapp.com/comments/9197/attached_file/2764

**Comment topic IDs linked to this comment:** 5, 17

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Comment #10

CITY OF BEND
WATER SERVICES

May 9, 2025

**LOCATION**
62975 Boyd Acres Rd
Bend, OR 97701

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**WEB**
bendoregon.gov/water-services



Mr. Dan Hafley Ms. Sarah Van Glubt
Oregon Department of Environmental Quality
700 NE Multnomah Street Suite 600, Portland OR 97232

**Subject: Comments on PFAS 2025 Rulemaking**

Dear Mr. Hafley and Ms. Van Glubt,

This letter is submitted on behalf of the City of Bend's Water Services Department to provide comments on the Oregon Department of Environmental Quality's (DEQ) proposed rulemaking regarding Per- and Polyfluoroalkyl Substances (PFAS). We appreciate the opportunity to provide input on this important matter.

We acknowledge and support DEQ's initial proposal, as outlined in the Rulemaking Advisory Committee (RAC) Charter, to update Oregon Administrative Rule (OAR) 340-122-0115 (30) to include perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), including their salts and structural isomers, in the definition of hazardous substances by aligning with the U.S. Environmental Protection Agency's (EPA) list under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This approach maintains consistency with federal regulations, as was the original intent of the rulemaking.

However, we strongly urge DEQ to **maintain the original scope of the rulemaking** and refrain from expanding the definition of hazardous substances at this time to include additional PFAS compounds, such as the four additional PFAS with drinking water Maximum Contaminant Levels (MCLs) discussed during the second RAC meeting. While we recognize the importance of addressing these additional compounds, we believe that deviating from the initial objective outlined in the PFAS 2025 Advisory Committee Charter could lead to unintended consequences and regulatory complexities.

In line with the comments submitted by the Oregon Association of Clean Water Agencies (ACWA), we have significant concerns regarding the potential for **Publicly Owned Treatment Works (POTWs) and public drinking water utilities to be considered as sources of a "confirmed release"** under the re-written rule, despite operating under DEQ-issued National Pollutant Discharge Elimination System (NPDES) or Water Pollution Control Facility (WPCF) permits. As ACWA has articulated, clean water facilities are **passive**

**receivers** of PFAS from various upstream sources and do not create or use these chemicals in our treatment processes. We operate under stringent permits issued by DEQ's Water Quality Division specifically to regulate wastewater discharges and protect public health and the environment.

Therefore, we echo ACWA's request for DEQ to **include specific language in OAR 340-122-0073(2) to clearly exclude facilities operating under a DEQ-approved NPDES or WPCF discharge permit from the definition of a "Confirmed Release"**. As ACWA notes, the current language regarding "permitted or authorized release" may not provide sufficient protection against third-party lawsuits and potential liability under CERCLA. This clarification is crucial to protect public ratepayers from bearing the costs of investigating and cleaning up contamination that originates from other sources.

Furthermore, as a public drinking water utility in Oregon with detectable levels of PFAS contamination in our source water, we face significant challenges in complying with potential new enforcement under the Cleanup Program for substances including PFOA and PFOS and beyond. The costs associated with increased monitoring, potential treatment technologies, treatment media regeneration and disposal and addressing potential source investigations are substantial and would ultimately impact our ratepayers. While DEQ's Draft Fiscal and Racial Equity Impact Statements suggest that permitted facilities are not expected to be directly impacted by this rulemaking, we further request DEQ to **include specific language in OAR 340-122-0073(2) to clearly exclude drinking water treatment facilities from the definition of a "Confirmed Release"**. The lack of a clear exemption for such facilities creates significant uncertainty and potential for future regulatory conflict.

We believe that focusing the current rulemaking on the initial scope of PFOA and PFOS, while incorporating the requested protections for clean and safe water agencies, is a more prudent and manageable approach. This will allow DEQ to align with EPA's current designation and provide a clear framework for addressing these two prevalent PFAS compounds. Addressing additional PFAS compounds could be considered in future rulemakings as more data, scientific understanding, and treatment technologies become available.

Thank you for considering our comments. We look forward to continued engagement in this rulemaking process.

Sincerely,

Drexell Barnes

Water Quality & Laboratory Services Manager

Water Service Department

dbarnes@bendoregon.gov

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## Comment #11

**Name:** Michael Martin

**Organization:** League of Oregon Cities

**Comment Text:** Subject: LOC Comment Letter: PFAS Rulemaking

Hello Sarah Van Glubt,

My name is Michael Maritn and I manage the League of Oregon Cities water, wastewater, and natural resources portfolio. I am writing to submit comments on the PFAS 2025 Rulemaking.

Many thanks,

Michael

Michael Martin, Lobbyist

**Attached Files:** https://comment-processor.herokuapp.com/comments/9198/attached_file/2766

**Comment topic IDs linked to this comment:** 5, 9, 14, 17

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Comment #11

May 9, 2025

**League of Oregon Cities Comments on Proposed PFAS Rulemaking** (OAR Chapter 340 Amendments)

On behalf of the League of Oregon Cities, which represents all 241 incorporated cities across the state, we appreciate the opportunity to provide comment on the Department's proposed rulemaking to amend Oregon Administrative Rules Chapter 340 by designating six specific per- and polyfluoroalkyl substances (PFAS) as hazardous substances.

While Oregon's cities support strong environmental protections and share DEQ's commitment to public and ecological health, we urge DEQ to proceed with caution in expanding liability designations for PFAS beyond those already listed under federal law. **This proposed expansion introduces substantial uncertainty and risk for cities – particularly those that operate wastewater and stormwater systems that passively receive PFAS without producing or using them.** We recommend deferring the separate listing of additional PFAS compounds beyond PFOA and PFOS until there is more clarity from EPA and sufficient opportunity for stakeholder input.

**Municipal Context and Concerns:**

Oregon's cities are at the forefront of protecting water quality and managing essential wastewater and stormwater systems. However, PFAS chemicals often enter municipal systems through upstream industrial, commercial, and household sources beyond city control. Cities are not producers or users of these compounds, but passive recipients facing the downstream consequences of PFAS contamination.

We are particularly concerned that the proposed rulemaking could unintentionally expose cities to strict liability and costly enforcement actions under Oregon's "polluter pays" framework, even when the cities themselves had no role in releasing or manufacturing these substances.

**Need for Additional Analysis and Clarification**

1. **Consistency with Federal CERCLA Standards**

   The League of Oregon Cities supports maintaining alignment between state and federal hazardous substance lists. Since EPA recently designated only PFOA and PFOS under CERCLA, Oregon should evaluate whether listing additional PFAS compounds at this stage is necessary or premature. At a minimum, we urge DEQ to ensure that any state-level listings are dynamic and automatically reflect the federal list as it evolves – reducing the need for repeated rulemakings.

2. **Scope of Rulemaking Exceeds Advisory Committee Framework**

The current rule proposal expands significantly beyond the scope laid out in the PFAS 2025 Policy Committee charter, which focused on PFOA and PFOS. A move to list four additional compounds – PFHxS, PFNA, GenX, and PFBS – requires a broader stakeholder engagement process, fiscal and legal analysis, and public input beyond what was provided in the condensed two-meeting process.

3. **Liability and Litigation Risk for Passive Receivers**

   Cities operating under NPDES or WPCF permits could be subject to CERCLA-style litigation or contribution claims without clear statutory protection, even when they play no causal role in PFAS pollution. ORS 465.255 offers no express liability shield for passive receivers. Without a clear exemption, cities and their ratepayers face unpredictable legal and financial exposure.

4. **Interaction with Existing Permits is Unclear**

   DEQ has indicated that the Cleanup Program would defer to permitting programs for facilities like wastewater plants. However, many municipal permits do not yet include PFAS-specific provisions or limits. This regulatory gap could make cities vulnerable to enforcement or cleanup demands outside of their control.

**Recommendations**

- Delay the expansion to six PFAS compounds until additional process, stakeholder input, and clarity from EPA can inform the rulemaking.

- Align Oregon's definition of hazardous substances with the federal CERCLA list on an ongoing basis to ensure regulatory consistency and reduce future administrative burden.

- Explore options for a statutory or regulatory passive receiver exemption to avoid exposing cities to liability for contaminants they do not generate.

- Conduct additional legal, fiscal, and implementation impact analysis before finalizing this rule, particularly with respect to municipal utility operations and funding implications.

**Conclusion**

Oregon's cities are ready and willing to partner with DEQ in addressing PFAS risks through science-based, source-focused, and equitable policies. **But we must ensure those policies do not penalize communities for contaminants they did not create and cannot currently remove.** We urge DEQ to take the necessary time to build a regulatory framework that is fair, targeted, and sustainable for all Oregonians.

Michael Martin, lobbyist
mmartin@orcities.org

## Comment #12

**Name:** Jessica Dorsey

**Organization:** Joint Water Commission

**Comment Text:** Subject: Joint Water Commission Comments on Proposed PFAS Rule

Hello,

Please find the Joint Water Commission's comments regarding DEQ's proposed PFAS rule attached.

Thank you,

Alyssa MacDonald | she/her | Water Quality Program Coordinator

City of Hillsboro | Water Department/Joint Water Commission

**Attached Files:** https://comment-processor.herokuapp.com/comments/9199/attached_file/2767

**Comment topic IDs linked to this comment:** 15, 17

Comment #12

Joint Water Commission

**General Manager**
Niki Iverson
150 E. Main Street
Hillsboro, OR 97123
503-615-6585

**Board of Commissioners**

***City of Hillsboro***
John Godsey
David Judah
Jim Yent

***City of Forest Grove***
Rod Fuiten
Peter Truax
Angel Falconer

***City of Beaverton***
Kevin Teater
Edward Kimmi
Nadia Hasan

***Tualatin Valley Water District***
Jim Doane
Todd Sanders
Elliott Lisac

May 9, 2025

Ms. Sarah Van Glubt
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100

**Subject: Joint Water Commission Comments on Draft 2025 PFAS Rule**

Dear Ms. Van Glubt,

The Joint Water Commission (JWC) appreciates the Oregon Department of Environmental Quality's (DEQ) continued partnership in safeguarding public health through clean, reliable, and affordable drinking water. JWC also supports DEQ's leadership on emerging contaminants, including per- and polyfluoroalkyl substances (PFAS). We commend DEQ for recognizing the significant threat that PFAS pose to human health and the environment, as highlighted by their persistence, mobility, and toxicity. The detection of PFAS in Oregon's drinking water systems underscores the urgent need for this rulemaking.

JWC staff have reviewed the proposed 2025 PFAS rule amendment to OAR 340-122-0115 (30) and strongly support its adoption. This amendment represents a critical step in protecting source water and holding responsible parties accountable for PFAS contamination. This proposed rule contains several key aspects that are particularly protective of public water systems:

**Direct Benefit to Water Systems**

As stated in the proposed rule, enabling DEQ to investigate sources of PFAS and require cleanup of contaminated areas "will help protect drinking water resources and benefit systems required to test and treat for these compounds by reducing contaminant load to the systems and identifying parties responsible" (pg. 7). This rule offers a roadmap to reduce levels of PFAS in source water, mitigating the need for costly treatment measures at drinking water treatment plants.

**Authority to Investigate Sources**

The rule highlights that "Without this rulemaking, DEQ lacks the ability to require investigation at facilities that may have released PFAS to the drinking water source area" (pg. 27-28). Addressing this gap is essential to mitigate sources of PFAS contamination that threaten our drinking water.

**Polluter Accountability**

The proposed rule allows DEQ to "require responsible parties to investigate, assess, and clean up PFAS releases that pose unacceptable risks to people or the environment" (pg. 3). By designating these PFAS as hazardous substances under OAR 340-122-0115 (30), DEQ can apply the "polluter-pays model" (pg. 18),

Joint Water Commission

**General Manager**
Niki Iverson
150 E. Main Street
Hillsboro, OR 97123
503-615-6585



ensuring that those responsible for contamination bear the financial burden—not the public or water ratepayers.

**Prioritization of High-Risk Sites**

JWC supports the Cleanup Program's intention to prioritize "sites with the highest likelihood of release and potential impact to people and the environment" (pg. 12). This risk-based approach helps direct resources where they are most needed to protect drinking water.

Furthermore, based on our understanding of the proposed rule and the information provided, we believe it appropriately considers the role of drinking water treatment plants by focusing on the sources of PFAS releases.

**Releases From Permitted Facilities:**

JWC also values the amendment's acknowledgement that under Oregon law, "the cost of identifying and cleaning up the PFAS remains with the polluter, as opposed to, for example, a water supply system that may need to test and treat to provide clean water" (pg. 18). While we appreciate the implication that a drinking water treatment plant producing PFAS-containing residuals solely due to upstream contamination is unlikely to be targeted by the Cleanup Program under this rule, JWC would like to see explicit language that protects public water systems from cleanup liability in the event of PFAS detection in drinking water or treatment plant residuals due to contamination from upstream sources.

Thank you for the opportunity to provide input on this proposed amendment. The JWC supports this rule as a necessary and meaningful advancement in protecting Oregon's water resources and public health, and looks forward to continued collaboration with DEQ towards this goal.

Sincerely,

Jessica Dorsey
Water Resources Division Manager

## Comment #13

**Name:** Chelsea Stewart-Fusek

**Organization:**

**Comment Text:** Subject: PFAS comment

Hello,

I'm writing to express my strong support for Oregon Department of Environmental Quality's PFAS rulemaking that will cover PFOA, PFOS, PFHxS, PFNA, HFPO-DA (or GenX), and PFBS.

Given the incredible quantity of "forever chemicals" compounds in existence, I also request that DEQ make the rule even stronger by adding additional per- and poly-fluoroalkyl chemicals to the list of hazardous substances. DEQ should also conduct more fish tissue testing to ensure the scope of the problem is fully understood and eventually remedied.

Thank you for your consideration of my comment.

Best,

Chelsea Stewart-Fusek

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1, 4, 16

## Comment #14

**Name:** Mary Stites and Teryn Yazdani

**Organization:** Northwest Environmental Defense Center and Columbia Riverkeeper

**Comment Text:** Subject: PFAS Rulemaking Comments

Good morning,

Please find the attached comments concerning DEQ's proposed rulemaking, submitted on behalf of the Northwest Environmental Defense Center and Columbia Riverkeeper. Please confirm receipt at your convenience and let me know if you have any issues accessing this document. Thank you for your consideration.

Sincerely,

Mary Stites

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Mary Stites

(she/her/hers)

Staff Attorney

Northwest Environmental Defense Center

**Attached Files:** https://comment-processor.herokuapp.com/comments/9202/attached_file/2768

**Comment topic IDs linked to this comment:** 1

Comment #14



May 9, 2025

Oregon Department of Environmental Quality
Attn: Sarah Van Glubt
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
*Submitted via email to* PFAS.2025@deq.oregon.gov

**RE: Comments on Oregon DEQ's Proposed Rulemaking to Amend Oregon's Hazardous Substance Remedial Action Rules.**

Dear Sarah Van Glubt:

The Northwest Environmental Defense Center ("NEDC") and Columbia Riverkeeper ("CRK"), collectively, Commenters, submit the following comments on Oregon Department of Environmental Quality's ("DEQ") proposal to amend the Oregon Hazardous Substance Remedial Action rules to include six per and poly-fluoroalkyl substances to the definition of hazardous substance.[1] Commenters support DEQ's decision to add these materials, and support DEQ's concerted decision to amend the rules in a manner that would establish enforceable, more protective standards. This decision is critical for safeguarding public health and protecting Oregon's environment from degradation from these persistent, toxic chemicals.

NEDC is an independent, nonprofit environmental organization established in 1969 by a group of professors, law students, and attorney alumni at Lewis & Clark Law School. The organization's members include citizens, attorneys, law students, and scientists. NEDC's mission is to protect the environment and the

[1] DEQ, *Notice of Proposed Rulemaking, March 28, 2025: PFAS 2025*, https://www.oregon.gov/deq/rulemaking/Documents/pfas2025pnpD.pdf. The proposed to include the following substances: Perfluorooctanoic acid ("PFOA") and its salts and structural isomers, perfluorooctane sulfonic acid ("PFOS") and its salts and structural isomers, perfluorohexane sulfonic acid ("PFHxS") and its salts and structural isomers, perfluorononanoic acid ("PFNA") and its structural salts and isomers, hexafluoropropylene oxide dimer acid or GenX Chemicals ("HFPO-DA") and its salts and structural isomers, and perfluorobutan sulfonic acid ("PFBS") and its salts and structural isomers.

natural resources of the Pacific Northwest by providing legal support to individuals and grassroots organizations with environmental concerns, and by engaging in education, advocacy, and litigation independently and in conjunction with other groups.

Columbia Riverkeeper is a nonprofit corporation whose mission is to protect and restore the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. Columbia Riverkeeper has over 16,000 members and supporters in Oregon and Washington and regularly comments on decisions impacting water quality, climate, and salmon habitat in the Columbia River Basin. Columbia Riverkeeper sat as a member of this Rulemaking Advisory Committee (RAC) and has a continued interest in protecting the Columbia and its river communities from the impacts of toxic pollution.

## DISCUSSION

Per- and polyfluoroalkyl substances ("PFAS") are a large group of human-made, fluorinated chemicals used in a variety of industrial and consumer products. PFAS are often referred to as "forever chemicals" because they are highly resistant to breaking down in the environment, allowing the materials to persist in the environment for decades, if not longer.[2] These chemicals have remarkable persistence and mobility, posing a substantial and long-lasting threat to the health of the public and the environment. These materials can migrate out of consumer products into household dust and air, are released by industries that produce and handle the materials, and contaminate drinking water and food. Due to their chemical persistence, this class of substances is notorious for bioaccumulation in human and non-human tissues.[3] Nearly all U.S. residents have PFAS in their bodies, with biomonitoring studies demonstrating that PFAS are present in human blood, breast milk, umbilical cord blood, and other tissues.[4] Indeed, a growing body

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[2] Morgan Coulson, *The Omnipresence of PFAS—and What We Can Do About Them,* (March 28, 2024), https://publichealth.jhu.edu/2024/what-to-know-about-pfas#:~:text=Because%20of%20their%20longevity%20and,treatment%20systems%2C"%20says%20Prasse.

[3] Toxic Free Future, *PFAS "Forever Chemicals,* https://toxicfreefuture.org/toxic-chemicals/pfas-forever-chemicals/?section=what-are-pfas-forever-chemicals; *see also,* Wang, Z. et al., *A never-ending story of per- and polyfluoroalkyl substances (PFASs)?,* Environmental Science & Technology 2017, 51, 2508-2518.

[4] Zheng, G. et. al., *Per- and Polyfluoroalkyl Substances (PFAS) in Breast Milk: Concerning Trends for Current-Use PFAS,* Environmental Science & Technology 2021, 55 (11), 7510-7520; *see also* Earthjustice, Breaking Down Toxics PFAS (May 14, 2024), https://earthjustice.org/feature/breaking-down-toxic-pfas?sourceid=1045710&ms=230313_paid_advacq_gg_pfas_embed&gad_source=1&

of research indicates links between PFAS exposure and numerous health problems including compromised immune systems, cancer, increased cholesterol, pregnancy-induced hypertension, liver damage, reduced fertility, and increased risk of thyroid disease.[5] In light of these developments, PFAS are becoming a major focus of agencies that regulate environmental and public health threats worldwide.

In recent years, the federal government has taken steps to enshrine protections from this class of substances into environmental statutes. In 2024, the Environmental Protection Agency ("EPA") added PFOA and PFOS to the federal list of hazardous substances, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), and issued enforceable drinking water standards under the Safe Drinking Water Act for PFOA, PFOS, PFHxS, PFNA, HFPO-DA, and PFBS. Further, on July 11, 2024, the EPA issued updated recommendations under the Clean Water Act for contaminants the states, Tribes, and territories should consider monitoring in locally caught, freshwater fish.[6] PFAS were added to this list for the first time, with a recommendation to monitor for twelve PFAS to better protect communities and reduce exposure through fish consumption.[7]

PFAS have been detected in Oregon's drinking water, fish, groundwater, surface water, soil, and sediment, in many cases exceeding health-based screening levels. Indeed, as DEQ has acknowledged, PFAS have been detected in 32 Oregon public water systems, with 23 of those systems exceeding federal drinking water standards. Commenters recognize and applaud Oregon for being one of just twelve

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gclid=CjwKCAjwqMO0BhA8EiwAFTLgIEZh2zU7NNT-QuCmvs2SokThEEldqQQcMMFUEbrtHFJ_hE3sOVJ3cBoCRVgQAvD_BwE ("Today, more than 97% of the U.S. population have PFAS in their bloodstream.").

[5] Toxic Free Future, *PFAS "Forever Chemicals,* https://toxicfreefuture.org/toxic-chemicals/pfas-forever-chemicals/?section=what-are-pfas-forever-chemicals; *see also* Fenton, S. E. et. al., *Per- and Polyfluoroalkyl Substance Toxicity and Human Health Review: Current State of Knowledge and Strategies for Informing Future Research,* Environmental Toxicology and Chemistry **2021,** 40, (3), 606-630; Barry, V. et al., *Perfluorooctanoic Acid (PFOA) exposures and incident cancers among adults living near a chemical plant,* Environmental Health Perspective, 2013, 121 (11-12), 1313-1318; U.S. Department of Health and Human Services, *Agency for Toxic Substances & Disease Registry Toxicology Profile for Perfluoroalkyls,* 2021.

[6] Press release: EPA Releases New Science-Based Recommendations to Help More States, Tribes, and Territories Reduce Exposure to PFAs in Fish (July 11, 2024), https://www.epa.gov/newsreleases/epa-releases-new-science-based-recommendations-help-more-states-tribes-and-territories.

[7] *Id.*

states that has adopted guidance, health advisories, or notification levels for certain PFAS chemicals.[8]

This rulemaking allows for DEQ to require responsible parties to investigate, assess, and cleanup PFAS releases that threaten human health and the environment under DEQ's Hazardous Substance Remedial Action Rules. The decision for DEQ to specify and explicitly name the six per- and poly-fluoroalkyl substances in the proposed rulemaking rather than merely refer to and incorporate the federal CERCLA list where PFAS/PFOA are included is admirable. This decision is not only clearer and more protective of public health than other rulemaking alternatives, but it also is wise given the uncertainty at the federal level. If DEQ were to instead propose a change to its Hazardous Substance Remedial Action Rules by merely citing to and incorporating CERCLA's lists, that could leave the state regulations vulnerable to CERCLA rollbacks at the federal level.

Below are general comments regarding the six proposed substances to be added to the definition of hazardous substance. While Commenters support this rulemaking and DEQ's approach to updating the proposed rule, we urge DEQ to take a proactive approach to environmental regulations as the science develops.

*Perfluorooctanoic Acid ("PFOA")*

PFOAs have been associated with numerous adverse health effects, including kidney and testicular cancer, immune system suppression, and developmental issues in infants and children.[9] The EPA published its final human health toxicity assessment for PFOAs in April of 2024. This review, which analyzed over 780 human and animal health studies, demonstrated that PFOA exposure elicits adverse noncancer and cancer health effects.[10] In light of the aforementioned conclusions regarding PFOAs carcinogenic effects, the chemical's persistence in the environment and propensity to bioaccumulate in human tissues, the decision to modify Oregon's administrative rules to include PFOAs is appropriate.

*Perfluorooctane Sulfonate ("PFOS")*

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[8] Safer States, *PFAS "Forever Chemicals",* https://www.saferstates.org/priorities/pfas/.

[9] EPA, *Human Health Toxicity Assessment for Perfluorooctanoic Acid PFOA) January 2025,* EPA Docket No. 822F25001, https://www.epa.gov/system/files/documents/2025-01/pfoa-human-health-toxicity-assessment-infographic-factsheet.pdf;

[10] *Id.; see also,* EPA, *Technical Fact Sheet – Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA) Technical Fact Sheet,* November 2017, https://19january2021snapshot.epa.gov/sites/static/files/2017-12/documents/ffrrofactsheet_contaminants_pfos_pfoa_11-20-17_508_0.pdf

PFOS is a synthetical chemical used to make products resistant to stains, grease, soil, and water.[11] Since the 1940s, PFOS have been used in many consumer and industrial products, including carpets, rugs, upholstered furniture, non-stick cookware, and leather products. It has also been used in some firefighting foams used at airports, firefighting training facilities, and military airfields.[12] While the principal U.S. manufacturer phased out its production in the early 2000s, PFOAS may still be present and imported products, and, despite decline in domestic production, continue to have widespread persistence in the environment, including drinking water sources.[13] Moreover, fish and shellfish can take up PFOS from contaminated water.[14] PFOS known to be highly toxic, cause liver damage, thyroid hormone disruption, and have been demonstrated to have developmental effects.[15] It's widespread detection underscores the need for aggressive regulation to mitigate the impacts of further contamination. Considering these concerns, it is appropriate to add PFOS to Oregon's list of hazardous substances.

*Perfluorohexane Sulfonate ("PFHxS")*

PFHxS is used in water- and stain-protective coatings for consumer products such as carpets, textiles, paper (including food-contacting paper), packaging (including food-contacting packaging), textiles, and electronics.[16] It is an industrial surfactant for cleaning and polishing products, and also serves as a water-proofing agent.[17] Additionally, it may also be present *unintentionally,* as an impurity from industrial production processes.[18] PFHxS has been demonstrated to be a highly persistent organic pollutant with significant propensity for bioaccumulation in human tissues. It has also been shown to likely to cause thyroid toxicity (specifically decreased thyroid hormones), it is likely to cause immunotoxicity, and evidence suggests that given sufficient exposure, exposure may result in adverse health effects on hepatic, cardiometabolic, renal, and neurodevelopmental systems, in

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[11] California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, *PFOS*, https://www.p65warnings.ca.gov/sites/default/files/downloads/factsheets/pfos_fact_sheet.pdf.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] Santos, Miguel et. al., *Adverse Effects of Perfluorooctane Sulfonate on the Liver and Relevant Mechanisms,* National Institute of Health, (May 2022), https://pmc.ncbi.nlm.nih.gov/articles/PMC9144769/.

[16] EPA, Perfluorohexanesulfonic Acid (PFHxS), https://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=355410.

[17] *Id.*

[18] *Id.*

addition to developmental effects.[19] Its persistence, mobility, and demonstrated harms make it a high-priority chemical for regulation.

*Perfluorononanoic Acid ("PFNA")*

PFNA is a kind of PFAS used to make fluoropolymers, a coating that can resist heat, water, and chemicals. Thus, PFNA is used in products including carpets, food-contact papers, and cleaning and polishing products. PFNA is also a breakdown product of other PFAS. [20] Concerns about PFNA stems from its high environmental persistence. Human epidemiological studies of PFNA exposure to health outcomes have demonstrated toxicity to the liver, thyroid, and immune system, and has been shown to cause negative developmental, hepatic, immune, endocrine, reproductive, and cardiometabolic effects, amongst other impacts.[21] Its persistence, mobility, and harms to human health make it a high-priority chemical for regulation.

*Hexafluoropropylene Oxide Dimer Acid, a GenX Chemical ("HFPO-DA")*

HFPO-DA is a chemical compound with a multitude of industrial applications, including use in cookware, automotive parts, electronics, and medical devices. Available studies report liver toxicity, kidney toxicity, immune effects (e.g., antibody suppression), hematological effects (e.g., decreased red blood cell count, hemoglobin, and hematocrit), reproductive/developmental effects, and cancer after exposure to GenX chemicals.[22] Regulating this chemical will prevent further accumulation in Oregon's waterways, ecosystems, wildlife, and communities.

*Perfluoroutanesulfonic Acid ("PFBS")*

PFBS is a replacement chemical for PFOS, which, as discussed above, were largely voluntarily phased out in the 2000s. Although considered in a shorter-chain PFAS and a newer substance, PFBS presents similar concerns of persistence and toxicity to other PFAS. PFBS has been identified in the environment and in consumer products, including surface water, wastewater, drinking water, dust,

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[19] EPA, *IRIS Toxicological Review of Perfluorohexanesulfonic Acid (PFHxS, CASRN 335-46-4) and Related Salts,* pg. 4-1, January 2025, https://iris.epa.gov/static/pdfs/0705tr.pdf.
[20] EPA, *IRIS Toxicological Review of Perfluorononanoic Acid (PFNA) and Related Salts*, at xvii (March 2024).
[21] *Id.*
[22] EPA, *Drinking Water Health Advisory: Hexafluoropropylene Oxide (HFPO) Dimer Acid (CASRN 13252-13-6) and HFPO Dimer Acid Ammonium Salt (CASRN 62037-80-3), Also Known as "GenX Chemicals",* at 20 (June 2022), https://www.epa.gov/system/files/documents/2022-06/drinking-water-genx-2022.pdf.

carpeting, carpet cleaners and floor wax.[23] Studies have shown health effects on the thyroid, reproductive organs and tissues, developing fetuses, and kidney following oral exposure. Based on information across different sexes, life stages, and durations of exposure, the thyroid appears to be particularly sensitive to oral PFBS. Including PFBS addresses the evolving challenges posed by newer PFAS chemicals and illustrates that proactive approaches to regulate newer PFAS can, and should be, taken on by Oregon.

While this proposed rule is a critical step forward, Commenters urge DEQ to remain open to additional rulemaking as new scientific data regarding persistence, bioaccumulation, toxicity, and impacts to environmental health becomes available. PFAS are an expansive class of chemicals, and ongoing toxicological studies may identify other PFAS with similar or greater risks to human health and the environment. Maintaining a proactive stance on PFAS regulation, especially considering changes in the federal administration, will help ensure that Oregon remains a leader in addressing this pressing public health and environmental challenge.

## CONCLUSION

The inclusion of PFOA, PFOS, PFHxS, PFNA, HFPO-DA, and PFBS as hazardous substances represents a vital, evidence-based action. These chemicals pose significant risks to the environment and public health, and their regulation is both overdue and necessary. Commenters encourage DEQ to adopt this rule as written and continue to expand on protections against PFAS pollution through future rulemaking.

Respectfully,

Mary Stites
Staff Attorney
Northwest Environmental Defense Center

Teryn Yazdani
Staff Attorney
Columbia Riverkeeper

[23] EPA, *Fact Sheet: Toxicity Assessment for PFBS,* https://www.epa.gov/newsreleases/epa-releases-updated-pfbs-toxicity-assessment-after-rigorous-scientific-review.

## Comment #15

**Name:** Jerry Linder

**Organization:** Oregon Association of Clean Water Agencies

**Comment Text:** Subject: ACWA Comments on Proposed PFAS Listings

Good morning. Please accept the comments from the Oregon Association of Clean Water Agencies and add to the record.

Jerry

Gerald Linder

Executive Director

Oregon Association of Clean Water Agencies

**Attached Files:** https://comment-processor.herokuapp.com/comments/9203/attached_file/2769

**Comment topic IDs linked to this comment:** 9, 17

Comment #15

*Working with community wastewater treatment and stormwater management agencies across the state to protect Oregon's water quality since 1987.*

81 East 14th Avenue
Eugene, Oregon 97401
(541) 485-0165 www.oracwa.org

May 9, 2025

Sarah Van Glubt, et al.
Oregon Department of Environmental Quality (DEQ)
700 NE Multnomah Street, STE 600
Portland, OR 97232

Re: Comments on DEQ PFAS 2025 Rulemaking

Dear Sarah:

Thank you for the opportunity to provide comments to the DEQ PFAS 2025 Rulemaking. These comments are provided on behalf of the Oregon Association of Clean Water Agencies (ACWA), which is a not-for-profit organization of Oregon's wastewater treatment and stormwater management utilities, along with associated professional consulting firms. We are dedicated to protecting and enhancing Oregon's water quality. Our members provide wastewater and stormwater services to over 3.5 million Oregonians, serving over 80% of Oregon's homes and businesses.

ACWA requests DEQ to consider the following comments regarding the PFAS 2025 rulemaking:

**Recognition of Publicly Owned Treatment Works (POTWs) as DEQ-Permitted and Regulated Passive Receivers of PFAS**

ACWA is highly appreciative of DEQ including a discussion at pp. 17-18 of the notice of rulemaking recognizing that for "[r]eleases from permitted facilities" the Cleanup Program "defers to the DEQ program issuing the permit". Addressing releases, testing, treatment, or discharge limits for PFAS "would be made by the permitting program[] and [is] independent of this rulemaking." Also, DEQ is in complete agreement with ACWA's belief in the polluter-pays model and endorses "identifying sources and responsible parties [to] reduce[] PFAS impacts to passive receivers by allowing DEQ to require cleanup of upstream sources. ACWA asked for a specific comment regarding regulated, permitted passive receivers and, within the context of this rulemaking, DEQ did what it could to address this concern.

Some of the challenges that ACWA raised in the rulemaking process remain, however. ACWA's primary concern is that DEQ's recognition of enforcement discretion by DEQ may not be sufficient to protect ACWA's member from liability, no matter how clear DEQ's intent to do so.

**Proposed Exclusion for "Confirmed Release of Hazardous Substances"--**ACWA proposes what it hopes is a simple fix. The concept is that when acting in accordance with all applicable laws, permitted POTW wastewater discharges and application of recycled water and biosolids should be excluded from the definition of "Confirmation of Release" in OAR 340-122-0073. The suggested approach is to add a

category of authorized release to OAR 340-122-0073 (2). This section currently states that "A release shall not be defined as a "Confirmed Release" if the Director determines the release meets any of the following criteria" and "[t]he release is a permitted or authorized release…" OAR 340-122-0073 (2)(c). The current language is not specific, and more problematically, migration of substances is not protected. In the case of a POTW there may be an argument that discharges migrate to water.

The following revision to this section of OAR 340-122 would make it clear that releases from facilities operating under a DEQ approved NPDES or WPCF discharge permit are not a confirmed release: **ADD--340-122-0073(2)(a) "The release of PFOS or PFOA is from a public facility operating under a DEQ-approved NPDES or WPCF discharge permit."**

DEQ seemed to understand ACWA's concern regarding potential liability but DEQ considered any more specific protections to be outside the scope of this rulemaking. ACWA requests that DEQ consider, if it cannot do so as part of this rulemaking, adding this proposed more specific exclusion to the OARs that would give NPDES-permitted municipal wastewater treatment plants protection more consistent with DEQ's expressed desire. Making this exclusion clear is important to shield POTWs from the risks, costs, and liabilities associated with third party lawsuits and potential joint and several liability—costs that would be directly passed through to the public ratepayers. Although DEQ may use enforcement discretion, that does not provide any protection from third party environmental or industry group lawsuits. Given that POTWs are publicly funded critical infrastructure, leaving them vulnerable to costly lawsuits would divert finite resources away from more effective source reduction and elimination efforts. AWA requests that DEQ undertake additional rulemaking to ensure this protection.

ACWA also remains concerned that the process exceeded the **Original Policy Objectives and Scope**-- The stated policy objectives on DEQ's PFAS 2025 Rulemaking webpage states:

> DEQ's rulemaking proposes to include **two** per- and polyfluorlalky substances, pefuuorooctanoic acid and perfluoroocatanessulfonic acid …in the definitions of hazardous substances… and would give DEQ authority to required investigation and removal and remedial actions of PFOA and PFOS releases and **align with the US Environmental Protection Agency's approach.** (emphasis added.)

Further, the November 5, 2024, PFAS 2025 Advisory Committee Charter specifies:

> "No language changes to the rule are proposed. OAR 340-122-0115 (30) references the US Environmental Protection Agency's (EPA) list of hazardous substances in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). At the time Oregon's hazardous substances rules were last updated (March 2006), PFAS were not included in EPA's list of CERCLA hazardous substances. EPA designated PFOA and PFOS as CERCLA hazardous substances in May 2024. By updating this rule, DEQ will readopt the EPA's current list of hazardous substances, including PFOA and PFOS."

In response to a request in the first RAC meeting to add other categories of PFAS and PFOA, DEQ was clear in stating "No, that is beyond the scope of this rulemaking. Correct. Yet at the second RAC meeting, DEQ asked if the RAC would like to expand PFOS and PFOA categories. Three options were proposed. Options 2 and 3 added additional substances and were clearly outside of the stated purpose of the rulemaking and represented a fundamental change. Options 2 and 3 should have been removed from consideration. DEQ should add ONLY the two substances that are in the EPA rule to be true to the stated

intent of the rulemaking. It is likely no coincidence that the two PFAS substances listed by EPA are, to my understanding, substances that have been banned for some time. Adding additional substances for Oregon without any apparent understanding of why the EPA list is specifically limited to two PFAS substances, especially within the expressly stated narrow scope of this rule amendment, is not defensible.

Thank you again for the opportunity to comment. Please feel free to contact me at linder@oracwa.org or call me at 3503-708-8366.

Sincerely,

*Jerry*

Gerald P. Linder
Executive Director, Oregon ACWA

## Comment #16

**Name:** Tracy Rainey

**Organization:** Clean Water Services

**Comment Text:** Subject: Clean Water Services - Public Comments on proposed Hazardous Substance Rulemaking

Please find attached comments on proposed rules to include six per- and polyfluoroalkyl substances (PFAS) in the definition of hazardous substances in Oregon Administrative Rule 340-122-0115 (30).

Please let us know if you have any questions.

Thank you.

Tracy Rainey (she/her) | Government Relations Manager

Clean Water Services | Government & Public Affairs

**Attached Files:** https://comment-processor.herokuapp.com/comments/9204/attached_file/2770

**Comment topic IDs linked to this comment:** 5, 9, 14, 17

Clean Water Services

**To:** Sarah Van Glubt, Oregon DEQ
*(submitted electronically to: PFAS2025@deq.oregon.gov)*
**From:** Tracy Rainey, Government Relations Manager, Clean Water Services
**Date:** May 9, 2025
**RE:** Comments on Proposed Rulemaking – Oregon Hazardous Substances Remedial Action Rules

Clean Water Services (CWS) appreciates the opportunity to provide comments on proposed amendments to Oregon Administrative Rules, Chapter 340, Division 122 (Oregon Hazardous Substances Remedial Action Rules). The proposed rules would expand Oregon's definition of "hazardous substance" to include six per- and poly-fluoroalkyl substances (PFAS) which will provide DEQ expanded authority to require investigation and remedial actions where these substances have been or may have been released. It is our understanding that the proposed rules would also result in the application of strict liability provisions under ORS 465 for these six PFAS compounds, which could increase litigation risk for Oregon water utilities because there is currently no passive-receiver exemption in federal/state law or in state administrative rules.

We appreciate DEQ's commitment to the protection of public health and the environment when it comes to PFAS and other emerging contaminants. As a public utility that provides sanitary sewer and stormwater services and infrastructure, we are supportive of and have been engaged in efforts to address public health and environmental impacts from PFAS. As DEQ is aware, PFAS are not generated through the wastewater treatment process. Our utility (along with many other utilities across the state) has taken proactive approaches to better understand and quantify the presence of various PFAS that may enter our wastewater treatment system and facilities. Unfortunately, we can detect the presence of PFAS compounds in wastewater influent as well as effluent, meaning that what we receive is passing through our treatment facilities without increase, decrease or change. We have been able to proactively measure and identify both domestic and industrial sources of PFAS coming into our system. We have worked in coalition with utilities across the nation and throughout Oregon to advocate for source reduction strategies and we have engaged in source tracking and source reduction within our utility service territory. In addition, we have strongly supported investments to promote enhanced data collection and research to help inform policies, regulations and data-driven approaches.

Unfortunately, there is no scalable treatment technology currently that can remove PFAS through the wastewater treatment process. As a result of that reality, the evolving-nature of water quality standards and regulations for PFAS, and that wastewater treatment utilities such as CWS may be "passive receivers" of PFAS into our systems, we are highly concerned that the proposed rules will increase litigation risk and the potential for costly regulatory enforcement. We appreciate DEQ's acknowledgement in the Notice of Proposed Rulemaking that:

> "Facilities that have a DEQ permit, for example wastewater treatment plants or landfills, are not expected to be directly impacted by this rulemaking. The Cleanup Program defers to the DEQ program issuing the permit for addressing releases to the environment from these facilities."

There are no limits in water quality permits though we do anticipate there will be limits established in the future. Due to this fact and the challenge of legacy PFAS that has been passively received and that has potentially passed through wastewater systems, we remain concerned that the proposed rules may unintentionally expose wastewater treatment facilities/systems to additional litigation risk as a result of the proposed rules.

With that, we ask DEQ to consider the following comments and our request that DEQ either:

- update the rule to achieve consistency with the most recent CERCLA list of hazardous substances as of May of 2024 (in lieu of separately listing the six proposed PFAS compounds), or
- defer rulemaking with the potential for re-initiating rulemaking in the future with a more robust and comprehensive process to consider the potential impacts, liability risks and costs associated with approaches that may exceed federal regulation.

**Request to Evaluate Need for Proposed Rule Change for Federal Consistency:**

Prior to advancing the proposed rule, we also ask DEQ to re-examine and confer whether a rule update is required in order to achieve consistency with the federal definitions under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). It is our understanding that the definition of "hazardous substance" in both Oregon statute and administrative rule references the definition of hazardous substance pursuant to section 101(14) of CERCLA (P.L. 96-510, as amended, and P.L. 99-499). With that, Oregon's rule appears to automatically include PFOS and PFOA consistent with the U.S. EPA's designation that occurred in May of 2024. DEQ has indicated that Oregon's administrative rules have not been updated since 2006 and, therefore, do not reflect changes made to EPA's list of hazardous substances under section 101 (14). Again, we ask that DEQ further explore whether this rulemaking is necessary to ensure consistency with EPA's most recent CERCLA list. If it is determined that a rule update is required, we would encourage that the rule update should clarify that the current list of hazardous substances under CERCLA is not tied to a specific date, but rather tied to the federal CERCLA list of "hazardous substances" as "amended, modified or vacated in the future". This would ensure consistency with federal CERCLA provisions and would avoid confusion and unnecessary future rulemakings as changes are made to the federal list.

**Request for Additional Process & Consideration of Expanded Rulemaking Scope (including six PFAS compounds):**

As noted above, the expansion from the initial draft rule to the proposed final rule represents a significant and impactful policy that could result in unintended consequences for local government entities and their ratepayers. The proposed rule goes beyond the scope that was initially identified in the *PFAS 2025 Policy Committee Charter* document. Under "Policy Objectives" the charter indicated:

> "The 2025 Advisory Committee's purpose is to provide input to the Department of Environmental Quality on proposed rulemaking DEQ is undertaking to include perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), including their salts and structural isomers, in the definition of hazardous substances in Oregon Administrative Rule (OAR) 340-122-0115 (30) …EPA designated PFOA and PFOS as CERCLA hazardous substances in May 2024. By updating this rule, DEQ will readopt the EPA's current list of hazardous substances, including PFOA and PFOS. This rulemaking will give the Department the authority and discretion to

require investigation and assessment of risk at PFOA and PFOS release sites and remediation where necessary to protect present and future public health, safety and welfare, and the environment. The Advisory Committee will provide DEQ input on the fiscal, economic, and racial equity implications for parties and communities impacted by the proposed rules."

The proposed rules to designate four additional PFAS as hazardous substances (PFHxS, PFNA, GenX and PFBS) than the two originally scoped (PFOA, PFOS) under Oregon administrative rule exceeds EPA's current designation under the federal CERCLA and divorces Oregon's hazardous substance definition from the federal definition. We strongly believe this action warrants additional consideration, input and process. The process by which EPA contemplated the addition of PFOS and PFOA took nearly two years. Given the condensed nature of this rulemaking process, which included one initial meeting in November of 2024 and concluded with a final, second meeting in January of 2025, we would suggest that the Department should not expand the scope of the rulemaking beyond what was initially described in the committee charter document.

In addition, we feel it is important to consider that both PFOS and PFOA have been largely phased out. However, the other four compounds have not been phased out. Due to the fact that water utilities have limited ability to control what enters the wastewater system, the listing of compounds that have not yet been phased out creates additional concern and risk for water utilities.

**Request for Additional Consideration of Liability Risk for Water Utilities:**

Public utilities across the nation have expressed significant concern over increased litigation risk resulting from EPA's designation of PFOS and PFOA. As noted in recent correspondence from the National Association of Clean Water Agencies, "EPA's designation of PFAS as hazardous substances under CERCLA would expose drinking water and wastewater utilities to litigation from the manufacturers of PFAS, who can unjustly include water systems as defendants in litigation to reduce their own clean-up costs. This legal loophole could increase costs on water utilities even further – costs that utilities are then forced to pass along to ratepayers."

We are concerned that DEQ's proposed rules to designate PFOS, PFOA, PFHxS, PFNA, GenX and PFBS as hazardous substances will similarly increase litigation risk for Oregon water utilities. To alleviate concerns that water utilities would be subject to enforcement under CERLCA, the U.S. EPA has issued the "PFAS Enforcement Discretion and Settlement Policy Under CERCLA". However, this enforcement discretion policy does nothing to protect a wastewater utility from third-party litigation through CERCLA or from being included as a defendant in litigation by PFAS producers looking to limit their liability and cost. We have similar concerns that expanding the definition of hazardous substance to include these six compounds could result in legal exposure for wastewater treatment facilities that are passive receivers of these substances as there are no practical means of removal. The more lasting solution is for DEQ to explore a specific passive receiver exemption in this proposed rule, and if such an exemption exceeds the scope of this rulemaking, we ask that DEQ defer adopting this rule in order to re-initiate rulemaking to consider this critical request. Congress is currently considering such an exemption at the federal level via HR 7944. This legislation would exempt water systems from liabilities under the federal CERCLA law and has bi-partisan support. It is worth noting that if Congress does pass this legislation, Oregon would be inconsistent with federal law and approaches.

While we appreciate DEQ's assurance that this rulemaking is not expected to have a direct impact on wastewater utilities (as indicated on page 18 of the Notice of Proposed Rulemaking), we encourage DEQ to consider the statutory constraints that may limit DEQs intent.

The Notice of Proposed Rulemaking reads:

> "…facilities such as landfills and wastewater treatment plants are called passive receivers because they may receive wastes or materials containing PFAS but never used or manufactured products containing the compounds themselves. Many passive receivers are permitted by other DEQ programs. **Facilities that have a DEQ permit, for example wastewater treatment plants or landfills, are not expected to be directly impacted by this rulemaking. The Cleanup Program defers to the DEQ program issuing the permit for addressing releases to the environment from these facilities.** Any testing, treatment, or discharge limit requirements for PFAS would be made by the permitting programs and would be independent of this rulemaking. The Cleanup Program may, however, become involved at unpermitted passive receiver sites, or in limited cases when the permitting programs request Cleanup Program assistance. For example, historic solid waste landfills not subject to DEQ's permitting rules may be impacted by this rulemaking. This rulemaking may have some financial benefits for some PFAS passive receivers, as well as public water systems, particularly those that have found PFAS in the materials they are receiving. This rulemaking would support identifying sources and responsible parties and result in reduced PFAS impacts to passive receivers by allowing DEQ to require cleanup of upstream sources. **Oregon law requires the Cleanup Program to follow a polluter-pays model, so the cost of identifying and cleaning up the PFAS remains with the polluter, as opposed to, for example, a water supply system that may need to test and treat to provide clean water**."

ORS 465.245 reads:

> "When the Department of Environmental Quality receives information about a release or a threat of release from a potential facility, the department **shall** evaluate the information and document its conclusions and may approve or conduct a preliminary assessment. However, if the department determines there is a significant threat to present or future public health, safety, welfare or the environment, the department **shall** approve or conduct a preliminary assessment according to rules of the Environmental Quality Commission. The preliminary assessment shall be conducted as expeditiously as possible within the budgetary constraints of the department."

In addition, ORS 465.255 prescribes strict liability provisions that may preclude DEQ discretion. There is no passive receiver exemption in the statute which reads "a person liable under this section shall not be barred from seeking contribution from any other person for liability under ORS 465.200-465.485 and ORS 465.900."

Water quality regulations for PFAS have been evolving over the course of many years, and we do not have clarity as to the specific regulations that may apply to Oregon's municipal wastewater facilities. As a result, we are concerned that the DEQ Hazardous Waste Program may be limited in their ability to defer to permits issued by other divisions of DEQ, such as NPDES or WPCF permits, because the permitted release of each of the six listed PFAS evaluated under the CWA framework may not provide adequate legal/liability protection. Again, we stress that water quality standards for specific PFAS are evolving. With that, we believe that DEQ should either limit the current proposed rules to achieve consistency with the federal CERCLA list or defer the rulemaking to allow for a more robust

consideration of implications associated with separately listing the six, specific PFAS compounds. If DEQ does move forward with the proposed rules, we ask DEQ to include language that provides a clear, passive receiver exemption from liability for wastewater treatment facilities.

In closing, we appreciate DEQ's consideration of our comments. We strongly encourage DEQ to consider additional engagement and discussion with stakeholders prior to adopting the rules as proposed. Thank you for consideration.

## Comment #17

**Name:** Amy Wentworth

**Organization:** Pacific Seafood

**Comment Text:** Subject: Comment Letter Submission for PFAS 2025: Pacific Seafood

Hello,

Please see the attached comment letter regarding PFAS. I am submitting on behalf of our Senior Director of Environment, Health, and Safety, Amy Wentworth. Please let me know if there are any additional elements needed to have this formally received and submitted.

Thank you so much.

Kind Regards,

Bella Johnson

Government Affairs Specialist

Pacific Seafood

**Attached Files:** https://comment-processor.herokuapp.com/comments/9205/attached_file/2771

**Comment topic IDs linked to this comment:** 5, 10, 11, 12, 17

Comment #17

Pacific Seafood

May 8th, 2025

VIA EMAIL

Sarah Van Glubt
Department of Environmental Quality
700 NE Multnomah Street
Suite 600
Portland OR 97232
PFAS.2025@deq.oregon.gov

Re: PFAS 2025 Rulemaking

Dear Ms. Van Glubt:

On behalf of Pacific Seafood, I appreciate the opportunity to provide comments on the Oregon Department of Environmental Quality's (DEQ) 2025 PFAS rulemaking.

**Limiting the Definition of Hazardous Substances under OAR 340-122-0015(30)**

We respectfully urge DEQ to limit its designation of hazardous substances under OAR 340-122-0015(30) to the two PFAS compounds, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), that were designated as hazardous under CERCLA by the U.S. Environmental Protection Agency in 2024. As DEQ has acknowledged, PFOA and PFOS are among the most frequently detected PFAS. The EPA has not yet completed a full evaluation of additional compounds such as PFHxS, PFNA, GenX (HFPO-DA), and PFBS. Prematurely including these substances in Oregon's hazardous substance list could create regulatory confusion and inconsistency with federal standards.

In addition, the treatment technologies for shorter-chain PFAS are not well established. These substances are more water-soluble and often more difficult to remediate. The potential remediation costs for these compounds could be significantly higher than for PFOA and PFOS. DEQ has not fully analyzed the fiscal or economic impacts of including additional PFAS in the rulemaking, which warrants a more cautious approach.

We are particularly concerned about the economic implications of this rulemaking as DEQ's analysis primarily considers investigation costs, not remediation and relies on case studies that may not fully reflect the broad scope of sites potentially impacted. The cost of soil and groundwater cleanup could be substantial and have lasting impacts on Oregon employers, including those in critical infrastructure and food production sectors.

**Regulatory Liability for Permitted Releases**

If additional PFAS compounds are designated as hazardous substances, facilities with historical permitted discharges, including those that may have used aqueous film-forming foam (AFFF) during emergency response or training, could face new investigation, treatment, or remediation obligations. This could apply even to previously closed sites, as well as trigger liability under ORS § 465.255.

We urge DEQ to clearly exempt current and past permitted releases from the requirements under OAR 340-122. Specifically, we recommend amending OAR 340-122-0030 to exclude:

- Releases conducted in accordance with federal or state law, including at regulated airports, government installations, and sites that used AFFF as required by law;
- Discharges from landfills, wastewater treatment systems, or community water systems operating under valid permits;
- Releases from facilities governed by pretreatment standards under the Clean Water Act;
- Authorized biosolids disposal sites; and
- Public water systems managing water treatment residuals or byproducts.

We appreciate DEQ's efforts to protect public and environmental health and ask that you carefully consider the practical implications for Oregon's business community. Please don't hesitate to contact me at 503-905-4276 with any questions.

Sincerely,

**Amy Wentworth**
Senior Director, Environment, Health and Safety
Pacific Seafood
16797 SE 130th Avenue l Clackamas, OR 97015

## Comment #18

**Name:** Rebecca Jacobsen

**Organization:**

**Comment Text:** Subject: I am a cancer survivor

Thank you for considering this rule-making about restricting PFAS.

I am a cancer survivor. PFAS increase the risk of cancer. Switching to PFAS-free fire fighting foam and cleanup efforts where PFAS already exist in the environment are worth the cost to reduce the occurrence of cancer and other PFAS linked diseases. I want to keep my fellow citizens healthy, keep them from having to go through cancer treatment, save time and cost of doctors and other medical staff, freeing them up for other medical pursuits. I want the total health of our community here in Oregon to improve. Restricting these chemicals is necessary.

Thank you,

Rebecca Jacobsen

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1

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## Comment #19

**Name:** Eric Lintner

**Organization:** Consonus Pharmacy

**Comment Text:** Subject: PFAs in Pharmaceuticals

Hello

Is there a place that I can find whether any of the chemical being considered are contained in prescription drugs?

Thank you

Eric Lintner, RPh

Director of Pharmacy, Oregon

Consonus Pharmacy

**Attached Files:** None

**Comment topic IDs linked to this comment:** 2

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## Comment #20

**Name:** Louise Tolzmann

**Organization:**

**Comment Text:** Subject: PFAS

As an environmental physician, I am extremely concerned with PFAS. They are absolutely hazardous substances, and I hope that they will be labeled this way.

We have only been able to test the general public for the past 18 months, and I am seeing elevated levels, not just in firefighters, but in adults without any clear known exposure.

The ramification of PFAS contamination in our environment is huge. We need to be doing everything we possibly can to stop the manufacture of them, and to be adequately disposing of them.

Please label them as hazardous waste.

Louise Tolzmann

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1, 2

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## Comment #21

**Name:** Lori Mason

**Organization:**

**Comment Text:** Subject: PLEASE pass this proposed rule!

Hello,

I wholeheartedly agree that it is imperative that we pass this rule in order to keep everyone healthy and safe in our community. PLEASE do the right thing for all of us, including yourselves, in passing this important rule against known contaminants and carcinogens.

Thank you,

Lori Mason

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1

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## Comment #22

**Name:** Joshua Shulman

**Organization:**

**Comment Text:** Subject: Public comment

PFAS are terrifying. Invisible killers. Actually, worse. Invisible rodents that invade our brains, blood, bones, and cause unknown harm. Thank you for your work to research, understand, and regulate these terrible things.

I am strongly in favor of adding the additional six additional compounds to the definition of hazardous materials in Oregon law.

Joshua Shulman

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1

## Comment #23

**Name:** Thomas Fox

**Organization:** Center for Environmental Health

**Comment Text:** Subject: Comments on Proposed Rule to List Six PFAS as Hazardous Substances

DEQ: please see attached comments from the Center for Environmental Health on DEQ's proposed rule to list six per- and polyfluoroalkyl substances (PFAS) as hazardous substances under DEQ’s Hazardous Substances Cleanup Program.

Thank you.

Thomas R. Fox

Senior Legislative Counsel

Center for Environmental Health

**Attached Files:** https://comment-processor.herokuapp.com/comments/9215/attached_file/2772

**Comment topic IDs linked to this comment:** 1, 4

Comment #23

CEH CENTER for ENVIRONMENTAL HEALTH

April 25, 2025

Oregon Department of Environmental Quality
Attn: Sarah Van Glubt
700 NE Multnomah Street
Suite 600
Portland, OR 97232-4100

Re: Comments on Proposed Rule to List Six Per- and Polyfluoroalkyl Substances as Hazardous Substances

The Center for Environmental Health (CEH) strongly supports the Oregon Department of Environmental Quality (DEQ) proposed rule to list several per- and polyfluoroalkyl substances (PFAS) as hazardous substances under DEQ's Hazardous Substances Cleanup Program.

CEH is a national non-profit organization headquartered in Oakland, California, dedicated to protecting the public from environmental and public health hazards, including harmful chemicals in air, food, water, and everyday products. CEH envisions a world where everyone lives, works, learns, and plays in a healthy environment.

This rulemaking proposes to include six PFAS in the definition of hazardous substances in Oregon Administrative Rule 340-122-0115 (30):

1. perfluorooctanoic acid (PFOA) (CAS # 335-67-1);
2. perfluorooctane sulfonic acid (PFOS) (CAS # 1763-23-1);
3. perfluorohexane sulfonic acid (PFHxS) (CAS # 355-46-4);
4. perfluorononanoic acid (PFNA) (CAS # 375-95-1);

5. hexafluoropropylene oxide dimer acid (HFPO–DA), commonly known as "GenX Chemicals" (CAS # 428-59-1); and
6. perfluorobutane sulfonic acid (PFBS) (CAS # 375-73-5).

The United States Environmental Protection Agency (EPA) has designated PFOA and PFOS including their salts and structural isomers, as hazardous substances pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).[1] EPA has also established National Primary Drinking Water Standards for all six of these PFAS pursuant to the Safe Drinking Water Act (SDWA).[2]

Based on the best available science and technical data showing widespread PFOA and PFOS contamination, EPA made the determination that PFOA and PFOS may present a "substantial danger to public health or welfare or the environment" pursuant to CERCLA section 102(a). In addition to the statutory finding, EPA also performed an additional analysis that weighed the advantages and disadvantages of the hazardous substance designation and determined that the advantages outweighed the disadvantages. EPA determined that designating PFOA and PFOS hazardous substances serves CERCLA's two primary objectives, timely cleanup of contamination and holding polluters accountable for cleanup costs, i.e., the "Polluter Pays" principle.[3] Those very same reasons support DEQ listing all six of these PFAS substances, including their salts and structural isomers, as hazardous substances under DEQ's Hazardous Substances Cleanup Program. The listing will provide DEQ with the tools to accelerate cleanups of PFAS contaminated sites and to hold polluters accountable for cleanup costs. CEH also believes that there is sufficient scientific basis to treat PFAS as a class and for DEQ to list all PFAS as hazardous substances under DEQ's Hazardous Substances Cleanup Program.[4]

In promulgating the PFAS Drinking Water Rule, EPA conducted a lengthy scientific and technical data review process, including developing extensive risk assessments and conducting external scientific peer review. In 2022, EPA issued SDWA Health Advisories for PFOA, PFOA, GenX, and PFBS. EPA's PFAS health advisories, which identify the concentration of chemicals in drinking water at or

[1] 89 Fed. Reg. 39124 (May 8, 2024); 2024-08547.pdf
[2] 89 Fed. Reg. 32532 (April 26, 2024); 2024-07773.pdf
[3] 89 Fed. Reg. at 39125.
[4] Scientific Basis for Managing PFAS as a Chemical Class | Environmental Science & Technology Letters

below which adverse health effects are not anticipated to occur, were: 0.004 parts per trillion (ppt) for PFOA, 0.02 ppt for PFOS, 10 ppt for GenX, and 2,000 ppt for PFBS.[5] In 2024, EPA promulgated final drinking water standards for the 6 PFAS in this proposed rule. EPA's SDWA PFAS rule included establishing health-based Maximum Contaminant Level Goals (MCLGs) for PFOA and PFOS at zero and Maximum Contaminant Levels (MCLs) for PFOA and PFOS at 4.0 parts per trillion (ppt). EPA also finalized individual MCLGs and MCLs for PFHxS, PFNA, and GenX at 10 ppt. In addition, based on consideration of the known toxic effects, dose additive health concerns and occurrence and likely co-occurrence in drinking water of these three PFAS, as well as PFBS, EPA finalized a Hazard Index (HI) of 1 (unitless) as the MCLG and MCL for any mixture containing two or more of PFHxS, PFNA, GenX, and PFBS.[6]

EPA's CERCLA PFOA and PFOS Rule[7] and the SDWA PFAS Rule[8] are currently being litigated in the DC Circuit. In both cases, the new administration has requested stays while EPA determines whether to reconsider the rulemakings. Regardless of what the administration does with these rules, the overwhelming scientific and technical data supporting these rules cannot be refuted.

DEQ should finalize the proposed rule and consider future rulemaking to list additional PFAS as hazardous substances and consider listing all PFAS as a class.

Respectfully,

Thomas R. Fox
Senior Legislative Counsel
Center for Environmental Health
tom@ceh.org
703-832-2233

[5] 87 Fed. Reg. 36848 (June 21, 2022); 2022-13158.pdf
[6] 89 Fed. Reg. at 32532.
[7] Chamber of Commerce, et al. v. EPA, No. 24-1193 (D.C. Cir. 2024).
[8] American Water Works Association, et al. v. EPA, No. 24-1188 (D.C. Cir. 2024).

## Comment #24

**Name:** David Terrault

**Organization:**

**Comment Text:** Subject: Pfas

Hi,

Please regulate PFAS chemicals. I do not want to continue to have companies put them in consumer goods. Thank you.

David Terrault

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1, 2

## Comment #25

**Name:** Doris Cellarius

**Organization:**

**Comment Text:** Subject: Comments from  Doris Cellarius on DEQ Rulemaking on PFAS

To: Oregon DEQ

From: Doris Cellarius

5704 DE 22nd Ave. Portland OR 97202

DEQ Rulemaking to Designate PFOS, PFOA, PFHxS, PFNA, HFPO-DA or GenX, and PFBS as Oregon Hazardous Substances.

I support DEQ's proposed permanent rule amendments that update Oregon's definition of hazardous substance to include six per- and poly-fluoroalkyl substances: perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, hexafluoropropylene oxide dimer acid, and perfluorobutane sulfonic acid, including their salts and structural isomers.

It is very important for DEQ to address these very dangerous substances by managing their use and beginning cleanup of sites where they have contaminated the environment.

A major concern for me is that Oregon should regulate these PFAS at levels that protect Native American people and other vulnerable populations.

Lots of information about this can be found in a document which you have referenced, EPA's proposed "Ambient Water Quality Criteria for PFOS, PFOA and PFBS (https://www.regulations.gov/document/EPA-HQ-OW-2024-0454-0001). Once they are adopted by EPA DEQ can use these federal criteria to adopt their own enforceable standards for protecting surface waters and drinking water from these forms of PFAS.

These comments on the proposed criteria submitted to Federal Docket Regulations.gov provide information that could be useful to addressing these substances in Oregon.

Comments from the Environmental Working Group Comments consisted of this article EPA-HQ-OW-2024-0454-0041_attachment_17.pdf  explaining that PFAS were detected in most samples taken.

Numerous Water Keeper groups sent comments complaining that the do not adequately protect subsistence fishing populations and that EPA should address more than just these few PFAS. Similarly Minnesota specifically mentioned the impacts of subsistence fish consumption and inability of the proposal to protect against the demonstrated developmental impacts of PFOA, PFOS, and PFBS.

Minnesota's comments ( EPA-HQ-OW-2024-0454-0035_attachment_1 (3).pdf) called for more stringent criteria that would protect subsistence fishing populations adults that are or may become pregnant .

Some individuals and organizations have urged EPA to adopt additional criteria and much stronger criteria for PFBS. EPA's proposed criteria for PFBS are too weak to protect vulnerable people, in particular Native Americans and others who consume lots of fish as subsistence foods,

Comments submitted by NRDC , Alabama Rivers Alliance et al (EPA-HQ-OW-2024-0454-0041_attachment_1 (4).pdf) addressed the need for EPA to set much stronger limits on PFBS which are now known to affect the development of the human fetus at very low ppt levels. It is EPA's responsibility to set criteria that are protective of all populations especially the most vulnerable. As the explanation in its Docket stated: "Adverse human health effects associated with exposure to PFBS include but are not limited to thyroid, developmental, and kidney effects." The biological effects of PFBS and other short-chain PFA are turning out to be more dangerous than previously believed. Without adequate limits on how much PFBS can be released to sewage plants under states NPDES permits it will be impossible to adequately protect the most sensitive people and those who rely on consuming fish contaminated with PFBS. The biological and developmental effects of PFBS are turning out to be more dangerous than previously assumed: "IRIS Toxicological Review of Perfluorobutanoic Acid (PFBA, CASRN 375 - 22- 4) and Related Salts." Final, December 2022. https://cfpub.epa.gov/ncea/iris/iris_documents/documents/toxreviews/0701tr.pdf

Another PFAS problem that DEQ's designation of these PFAS as Oregon Hazardous Substances could help correct is that PFAS are not regulated at the Coffin Butte Landfill. This quote from the attached report from its owner, Republic Services, explains this:

"Currently, the Coffin Butte Landfill does not test their leachate for the PFAS contaminates as they are currently not regulated by State of Oregon or the US EPA. However, once the State of Oregon and the US EPA establish the requirements for testing and reporting of the PFAS contaminates then the Coffin Butte Landfill will comply with those requirements."

An important way to protect public drinking water and the most sensitive people and subsistence users relying on fish, would be to limit the amounts of these PFAS landfills and other Oregon industries release to sewage plants under their NPDES permits. Sewage plants are unable to destroy PFAS in sewage so they release them when they discharge their effluent to surface waters, many of which are sources of drinking water

And a final comment – because DEQ will also consider sites with high potential to release PFAS including semiconductor facilities, adequate regulation of PFBS is very important in Oregon. According to this paper C4 sulfonamido derivatives such PFBS are some of the most dominant PFAS used in semiconductor production. See - Emerging Perfluorobutane Sulfonamido Derivatives as a New Trend of Surfactants Used in the Semiconductor Industry. https://pubs.acs.org/doi/10.1021/acs.est.2c03734. Environ. Sci. Technol. 2024.

"To investigate the potential source of PFAS in the semiconductor industry, we employed a distinctive nontarget approach, utilizing fragment and neutral loss strategies to screen both the hydrophilic head and hydrophobic chain of fluorosurfactants, enabling the identification of neutral and acidic PFAS compounds outside the homologous series. Specifically, the predominant identified PFAS compounds are C4 sulfonamido derivatives, including FBSE, FBSA, and FBSEE diol, with maximum concentrations of 482 μg/L, 141 μg/L, and 83.5 μg/L in sewage. The study offers the first evidence of their dominant deployment in semiconductor manufacturing through nontarget analysis. Notably, their metabolites, including FBSAA, FBSEE

diacid, FBSEE mono-ol monoacid, PFBSi, and PFBS, were identified. ……. (10) Technical reports from the semiconductor industry highlight the long-standing challenge of eliminating PFAS usage in semiconductor processes. (7,11). There is an ongoing need for research to identify emerging PFAS compounds and assess their degradation during wastewater treatment."

Thank you for considering my comments.

Doris Cellarius

**Attached Files:** https://comment-processor.herokuapp.com/comments/9217/attached_file/2773

**Comment topic IDs linked to this comment:** 1

Comment #25

**EXHIBIT 27**
**LEACHATE SUMMARY**

**LEACHATE MANAGEMENT SUMMARY**
**March 2024**

Leachate is a liquid generated when water comes into contact with waste placed in a landfill. Leachate flows down though the waste and is collected in a series of drainage layers and piping installed within the landfill as part of the lining system.

At Coffin Butte Landfill (CBL), leachate is collected in the leachate collection sumps and is pumped via pipelines to the existing leachate storage ponds. CBL has an agreement with the Corvallis wastewater treatment plant (CWWTP) to dispose of its leachate at their plant. CBL also has an agreement with the City of Salem wastewater treatment plant (SWWTP) to dispose of its leachate at their plant.

Republic Services (Republic), owner of the CBL, is focused on minimizing water entering the landfill and thus reducing leachate generation. Republic uses multiple methodologies to minimize inflow:

- Grading of landfill surfaces to promote runoff and minimize water entering the landfill;
- Grading areas surrounding the landfill to divert water before it enters the landfill;
- Installation of a synthetic covers over areas of the landfill to significantly reduce infiltration of stormwater into the landfill. The synthetic covers are held in place using both anchor trenches and a sand bag/rope ballast system.

Stormwater runoff at the facility is captured in multiple on-site stormwater management ponds.

The current methodology of filling areas in the landfill to grade, covering with soil (for short term inactive areas) or synthetic covers (for longer term inactive areas) will continue with the new cell. In addition, Republic will formally close portions of the existing Coffin Butte Landfill that have reached final approved grades. By installing the Oregon Department of Environmental Quality (ODEQ) approved final cover system, stormwater infiltration will be negligible in those areas. In the short term, the leachate quantity will increase slightly with the additional liner system installed. However, beginning in 2028, the Coffin Butte Landfill will commence closure activities on portions of the landfill and that will reduce the leachate quantity. Furthermore, as the Coffin Butte Landfill continues to add final cover materials over the older parts of the landfill the leachate generation will continue to decrease.

Leachate from the new cell will be managed using similar collection systems (drainage layers and piping) as now implemented in the existing landfill. Leachate will be pumped to and stored in the new leachate storage ponds. The leachate will be transported by tanker truck to the CWWTP or SWWTP. It should be noted that Coffin Butte Landfill is limited to the amount of leachate that can be transported to the CWWTP and once the that amount is reached the remaining amount of leachate is transported to the SWWTP. Furthermore, if the CWWTP is phased out, the leachate will be transported to the SWWTP.

The US Environmental Protection Agency (EPA) defines a hazardous waste as a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. The leachate produced by the Coffin Butte Landfill is not a hazardous waste since the landfill does not accept hazardous wastes and the leachate does not meet either of the two criteria used to classify a hazardous waste. A waste is determined to be a listed hazardous waste if it is specifically listed on one of four lists,

the F, K, P and U lists found in Title 40 of the Code of Federal Regulations (CFR) part 261. Municipal Solid Waste (MSW) leachate is not found on any of the four lists. Since MSW leachate is not found on any of the four lists, it would have to be characterized as a listed hazardous waste.

Currently, the Coffin Butte Landfill does not test their leachate for the PFAS contaminates as they are currently not regulated by State of Oregon or the US EPA. However, once the State of Oregon and the US EPA establish the requirements for testing and reporting of the PFAS contaminates then the Coffin Butte Landfill will comply with those requirements.

The federal regulation 40 CFR 261.24 defines the toxicity levels of characteristic hazardous waste. It specifies the test method and the contaminate levels that determine if a waste is toxic. Table 1 is the Maximum Concentration of Contaminates for the Toxicity Characteristic, from 40 CFR 261.24. If the leachate from Coffin Butte Landfill contains any of the contaminates listed in Table 1 at the concentration equal to or greater than the respective value given in Table 1, then it becomes a characteristic hazardous waste. The column titled VLF.L1 are the actual results from leachate sampled from the existing leachate storage pond dated August 30, 2023. As you can see, the results show that the leachate is not hazardous as none of the contaminates tested equaled or exceeded the regulatory level as shown in Table 1.


EXPIRES: **06/30/2024**

**TABLE 1**
**MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC**
From CFR 261.24

| EPA HW No.* | Contaminant | Regulatory Level (mg/L) | VLF.L1 (mg/L) |
|---|---|---|---|
| D004 | Arsenic | 5 | 0.17 |
| D018 | Benzene | 0.5 | 0.0048 |
| D006 | Cadmium | 1 | 0.00047 |
| D019 | Carbon tetrachloride | 0.5 | ND |
| D020 | Chlordane | 0.03 | ND |
| D021 | Chlorobenzene | 100 | 0.00045 |
| D022 | Chloroform | 6 | ND |
| D007 | Chromium | 5 | 0.2 |
| D027 | 1,4-Dichlorobenzene | 7.5 | 0.0012 |
| D028 | 1,2-Dichloroethane | 0.5 | ND |
| D030 | 2,4-Dinitrotoluene | 0.13** | ND |
| D012 | Endrin | 0.02 | ND |
| D031 | Heptachlor (and its epoxide) | 0.008 | ND |
| D032 | Hexachlorobenzene | 0.13** | ND |
| D033 | Hexachlorobutadiene | 0.5 | ND |
| D034 | Hexachloroethane | 3 | ND |
| D008 | Lead | 5 | ND |
| D013 | Lindane | 0.4 | ND |
| D009 | Mercury | 0.2 | ND |
| D036 | Nitrobenzene | 2 | ND |
| D037 | Pentachlorophenol | 100 | ND |
| D010 | Selenium | 1 | ND |
| D011 | Silver | 5 | ND |
| D015 | Toxaphene | 0.5 | ND |
| D042 | 2,4,6-Trichlorophenol | 2 | ND |
| D043 | Vinyl chloride | 0.2 | ND |

VLF.L1 = Analytical test results from sampling leachate on August 29, 2023

ND = Non Detect

* Hazardous Waste Number

** Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

## Comment #26

**Name:** Jane Stackhouse

**Organization:**

**Comment Text:** Subject: PFAS support rule change

To the members of the Environmental Quality Commission

I support adding the additional six PFAS to the list of hazardous substances.

Thank you for protecting our environment and our children.

Jane Stackhouse

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1

## Comment #27

**Name:** Kathy and Bruce Hanna

**Organization:**

**Comment Text:** Subject: Comments concerning PFAS & DEQ requirements

> Our family has recently dealt with the application for spreading biosolids on land near our home and well. I am attaching our response to DEQ which has more details that I will include in this email. Here is a summary of our concerns for PFAS and DEQ's minimal requirements for spreading biosolids near homes and wells. We have yet to receive a response from DEQ so don't know if our concerns will be addressed.

>

> 1) Current DEQ regulations require setbacks of 200 feet between biosolids land application sites and domestic water sources or wells and 50 feet for dwellings. No consideration is given to changes in elevation. This simply is not a large enough buffer area considering the possible risk from Class B biosolids. Between rains, snow, hail and irrigation, Class B biosolids will be moved by water which always runs downhill.

>

> 2) In general we have concerns about the lack of chemical or other analysis that is conducted on biosolids to determine a safe application rate. Including more PFAS in the regulated contaminants list is a step in the right direction but we encourage more consideration for toxins and other contaminants that are neglected. The requirements for Class B biosolids are insignificant compared to Class A biosolids which means the technology and tools are available.

>

> 3) Wind currents which can spread pathogens are not part of the consideration where biosolids are applied.

>

> 4) While the DEQ specifies that the public is to be notified of proposed land application, notification for the entire public and specifically the neighbors and land owners surrounding the area that is being proposed in the biosolids application, must have stronger requirements for the applicant to communicate the specifics of the project. The current notification language needs communication requirements via written letters to those properties in a larger and wider area of the proposed application. It is critical to engage the public and allow an early opportunity to respond in the process. Several Town Hall meetings and use of various media sources should be written into the application requirements! The lack of community involvement allows the proposed application to quietly slip by and be approved without a watchful, due diligent process.

>

> 5) Applicants for spreading Class B biosolids need to be required to explore all land that could be considered; not the land which is the easiest to find. All possibilities need to be explored and the one(s) which have the possibility of effecting the public the least chosen.

>

> Regards,

> Bruce and Kathy Hanna

**Attached Files:** https://comment-processor.herokuapp.com/comments/9219/attached_file/2774

**Comment topic IDs linked to this comment:** 2

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Permit Coordinator
Oregon DEQ
800 SE Emigrant Ave, Ste 330
Pendleton OR 97801

Re: Comments on Proposed Biosolids Management Plan for the City of Enterprise

We are writing to oppose the Biosolids Management Plan for the city of Enterprise. Our opposition is not about the benefits of applying biosolids to range, agricultural, and/or forest lands but to the sites that were chosen. We recognize the importance of restoring organic nutrients to the land.

Between the time that the discussion of biosolids began and an agreement with Cornerstone Farms was entered into in December 2024, there has been turnover in the City Council. As of January 2025, a new mayor and two new council members are now part of the 7-member council. We acknowledge that a lot of work has been done by all council members to find an alternative to taking biosolids to the Ant Flat County Landfill and to figure out how to fund the additional expense.

Despite these efforts, we request that the DEQ require the City to remove Sites 2 through 11 from the plan and find additional property where ground water and air contamination will not be a health concern. Our purpose in opposing the Management Plan as it is now written is to ensure that a healthy environment exists for all community members; that all parties are aware of where and how the biosolids will be applied; and that the City and the Engineer explore alternative properties.

In the Site Authorization Documentation, page 2, we are identified as the nearest residence to an application site and are opposing the application of biosolids in sites 2 through 11. While our property may meet the DEQ setback requirements of biosolids land application being 200 feet from a domestic water source and 50 feet from a residence (Biosolids Management Plan page 16), we feel that these requirements are not sufficient to protect our property nor that of our neighbors. We base this assumption on the following:

1. **No-till farming with the wind currents and the irrigation of the land will increase the likelihood of pathogen and vector problems.** The properties in sites 2 through 11 are all irrigated farm land using the "no-till" method. Generally, in no-till farming, farmers do not turn under their fields before planting to minimize soil disturbance. Once the biosolids are applied to this land, the biosolids will remain on the surface of the soil until a crop is planted. Even then, using this method, it is expected that only the channels where the seeds are planted will be incorporated with the seeds in the planted ground. Part of the biosolids will remain on the surface with the remnants of the previous crop.

   This causes the following problems for our home which is less than 700 feet away.

a. As indicated by the runway at the airport (Figure 4, strip west of Site 5) and is known by pilots, there is a prevailing northwest wind. Without either all or part of the biosolids not being turned under, both solid and microscopic material will blow over our home leaving unwanted "dirt" and infiltrating the air that we breathe. See Appendix 1 for a diagram showing the wind at our home. Note, at times, the gusts are regularly up to and exceeding 20 miles per hour throughout the year. Sustained winds are regularly near 10 miles per hour.

b. If the biosolids meet the pathogen reduction and vector attraction reduction standards, the material will still become odoriferous when the biosolids are wet. Since this is irrigated land and not all of the biosolids will be turned under during planting, there will be an odor anytime moisture is on the land.

c. According to our understanding, if the biosolids do not meet the pathogen and vector requirements at the time of application, the biosolids must be injected below the surface and incorporated within 6 hours of application to the land. <u>We do not understand how can this happen with typical no-till farming practices.</u>

d. Studies have shown that wind can convey both pathogens[1] and persistent contaminants including PFAS and microplastics[2] to nearby areas.

2. **Because of the slope of the land and the elevation changes, ground water could be affected.** As the soil map shows, Sites 2 through 11 are on hilly properties with the slopes varying from 2 to 30 percent. There is a great difference in elevation between where the biosolids are being applied and domestic water sources. The highest application site is 4,360 feet and neighbor #8 is at 3,800 feet which is a drop of 560 feet. Our well location is roughly 440 feet lower than the high point. Please refer to attached Appendix 2. As gravity does its work, we are left with significant concern about the safety of our ground water. We know all water runs downhill.

    a. We wish to highlight that current Oregon regulations for land application of Class B biosolids do not take into account the most recent science regarding pollutants. We highlight that the EPA has recently undertaken some research to collect the information that is currently available.[3] As nearby homeowners, we are particularly concerned about risks associated with persistent species.

    b. Class B biosolids have very few requirements with regard to pathogen reduction; as a result, these products are not allowed to be applied near

[1] https://bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-2-11
[2] https://www.sciencedirect.com/science/article/abs/pii/S2468584421000817
[3] https://www.epa.gov/biosolids/risk-assessment-pollutants-sewage-sludge

homes and gardens. We wish to point out that OAR 340-050 has very few requirements for Class B biosolids that address the concerns of neighbors or the nearby general population. For example, there is no method of removing inherently nonbiodegradable materials, including solids, microplastics, and a broad range of polymers commonly found in detergents and personal care products.

i. Of utmost concern is a lack of chemical or other analysis that should be conducted on the biosolids to determine safe application rates; while agronomical rates based on nitrogen are important, it would be more important to consider concentration of toxins and other contaminants that are fully neglected by this approach. It should also be noted that while pathogen reduction is required for Class B biosolids, it is insignificant compared to what is required for Class A biosolids.

ii. We note that PFAS in biosolids is an area of key concern for the Oregon legislature, and bills have been introduced in 2023, 2024, and 2025 to address questions around PFAS in biosolids and/or migration into groundwater.[4,5,6,7] We note that PFAS in biosolids is not just a concern in Oregon; other states including Texas[8] also have bills addressing these materials. While Maine has strict regulations related to a unique situation, Michigan[9] has taken a more pragmatic approach to regulating PFAS in biosolids, requiring monitoring for specific PFAS species.

c. With regard to PFAS in particular, we point to the EPA Draft Risk Assessment performed on PFOA and PFOS.[10] The fact sheet for farmers advises that wells should be monitored, but such testing for PFAS species is not a part of typical well water monitoring protocols. <u>It would seem disproportionate and frankly, unfair, that nearby well owners will have to submit their well water for costly testing to ensure its safety when neighbors are applying biosolids to the land.</u> Furthermore, the fact sheet advises that alternate fertilizer sources should be considered for farms near home drinking water wells.[11] One of the particular cases in the EPA's slide deck that most closely matches our scenario is a no-till

[4] https://olis.oregonlegislature.gov/liz/2024R1/Measures/Overview/HB4049
[5] https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/HB3123
[6] https://olis.oregonlegislature.gov/liz/2024R1/Measures/Overview/HB4049
[7] https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/HB3052
[8] https://capitol.texas.gov/tlodocs/89R/billtext/html/HB01674I.htm
[9] https://www.michigan.gov/egle/about/organization/water-resources/biosolids/pfas-related
[10] https://www.epa.gov/biosolids/draft-sewage-sludge-risk-assessment-perfluorooctanoic-acid-pfoa-and-perfluorooctane
[11] https://www.epa.gov/system/files/documents/2025-01/fact-sheet-farmers-draft-sewage-sludge-risk-assessment-pfoa-pfos.pdf

pasture land application, where it is cited that there may be significant risks associated with drinking water.[12]

3. **We do not feel that proper notification was given to the parties that could be affected.** While the City of Enterprise may have met the minimum requirements for notification, they certainly did not meet the spirit of the obligation.

    a. We first learned of biosolids being spread on farm land in the December 18th article in the Eastern Oregonian. The article states that at the December 9th Enterprise City Council meeting, an agreement was reached between the City of Enterprise and Cornerstone Farms Joint Venture. As the neighbors nearest to the application location, but outside the City limits, we question how an agreement was reached before we were made aware of this consideration.

    b. On February 10th, we asked the City Council how we should have been made aware of this topic prior to December. We were advised that we should have been following Facebook and agendas for upcoming City Council meetings. When we looked later, we found nothing in those places that could have told us that the City was going to apply biosolids adjacent to our land. Furthermore, we are not City residents, so it would not make sense to be following this information in this manner. We talked to numerous community members and no one was aware that the biosolids were going to be applied to land less than 2 miles outside of Enterprise.

    c. Official letters from the City which we received were mailed at the end of December. These letters are published in the Biosolids Management Plan and inform the receivers that biosolids would be applied but do not mention the DEQ process of a Management Plan being submitted and the public having the opportunity to make comments within a certain time period. The only point of contact indicated was Dave Wilkie, but the letters don't give his title or professional role in the process. We now know that Dave is the Wastewater Operations Manager for the City of Enterprise. He does an excellent job managing the waste, but we question if he is the right person to contact for concerns about the Biosolids Management Plan. After receiving our letter, we checked with the DEQ in January and found the information related to the Biosolids Disposal Improvements Projects, but nothing on the Biosolids Management Plan, which is the relevant topic for neighbors.

    d. The well on property owned by Walter & Aleda Hennick's was identified in figure 4 but their residence was not and they did not receive a notification letter. The Hennick home is residence #3 in Appendix 2. On February 10,

[12] https://www.epa.gov/system/files/documents/2025-01/draft-ra-public-webinar-slides.pdf (slide 13)

when we asked the City Council why nearby neighbors were not notified, the City Engineer advised that they did not receive a notification letter because the property did not border the proposed application sites. However, on page 16 of the Management Plan in the "Public Notice" paragraph, it states that "A public notice campaign addressing property owners and/or those residing on the properties adjacent to or near the biosolids land application sites was completed." This statement published in the Management Plan is not consistent with what happened and what we were told at the City Council Meeting.

4. **We question whether sufficient research has been conducted to identify appropriate application sites.** When we attended the February 10, 2025 Enterprise City Council meeting, we asked if property other than Sites 2 through 11 had been considered and did not receive a direct answer. We know searching for other landowners willing to accept the biosolids might take some time, but we found that the same farmer who had entered into the contract with the city owns additional land North of Enterprise where Site 1 is located.

   In looking at the acreage for Site 1 (Map 01S44E, 700), there are no residences close by and there is also no irrigation. Property in this area is all dry land farming.

   Our research found that the contracted farmer who owns Site 1 also owns over 1,200 more acres adjacent to it (Map 01S44E,301,500 and Map 01N44E,5600). In Appendix 3, the land owned by the contracted farmer is outlined in red. The black dotted line indicates the property identified in Figure 3 of the Management Plan for Site 1 and the acreage is 288.29 acres. The total of the Site 1 acres and the additional acres is a bit over 1,488 acres. There are 2 residences in the southeast corners and possibly a couple on the northeast side. It seems that within the 1,488 acres, there would be sufficient space to safely apply the biosolids, eliminating the need for Sites 2-11.

   We asked the City's Engineer why sites in the additional 1,200 acres near Site 1 were not chosen as opposed to Sites 2-11, which are close to residences and wells. <u>He said he didn't know and for us to ask the contracted farmer.</u>

We realize that the City of Enterprise has and will incur additional cost as they switch from hauling their biosolids to the landfill to processing it for land application. Our intention is not to minimize the magnitude of this project or to cause the City more work or expense by finding other property. But we feel that with the potential dangers that can come with exposure to biosolids, not enough attention was given to finding an alternative to Sites 2-11 where 8 homes and 1 church, all with wells, are downhill and within a 2,500 feet of the application of biosolids.

We further are disappointed to see our legitimate concerns dismissed in the media[13], especially when our serious questions were not respectfully and fully addressed. In addition the questions noted above, we were disappointed to be told in the City Council meeting on February 10 that if we had concerns, we should take them up with the contracted farmer. The contracted farmer is our neighbor and a great farmer. But it is not an appropriate to suggest that we, as a third party, intervene in a contract between the City and the contracted farmer. Our concerns have nothing to do with our neighbor; our concerns are that biosolids will be applied close to homes, wells and the City itself. We are simply the neighbors who are affected by this decision made by the City. We believe that had this activity been properly and broadly communicated to all interested stakeholders, there would have been more of a response during this comment period. In addition, if the City had been more careful and methodical in their search to find suitable land for the biosolid application, we believe sites 2 to 11 would not and should not have been chosen. As described in the Management Plan, the City of Enterprise is able to apply the biosolids on land anywhere in three rural counties; it seems unnecessary and short-sighted to not at least evaluate other options.

**In conclusion, we ask that the DEQ deny the Biosolids Management plan as it is submitted and require the city of Enterprise to**

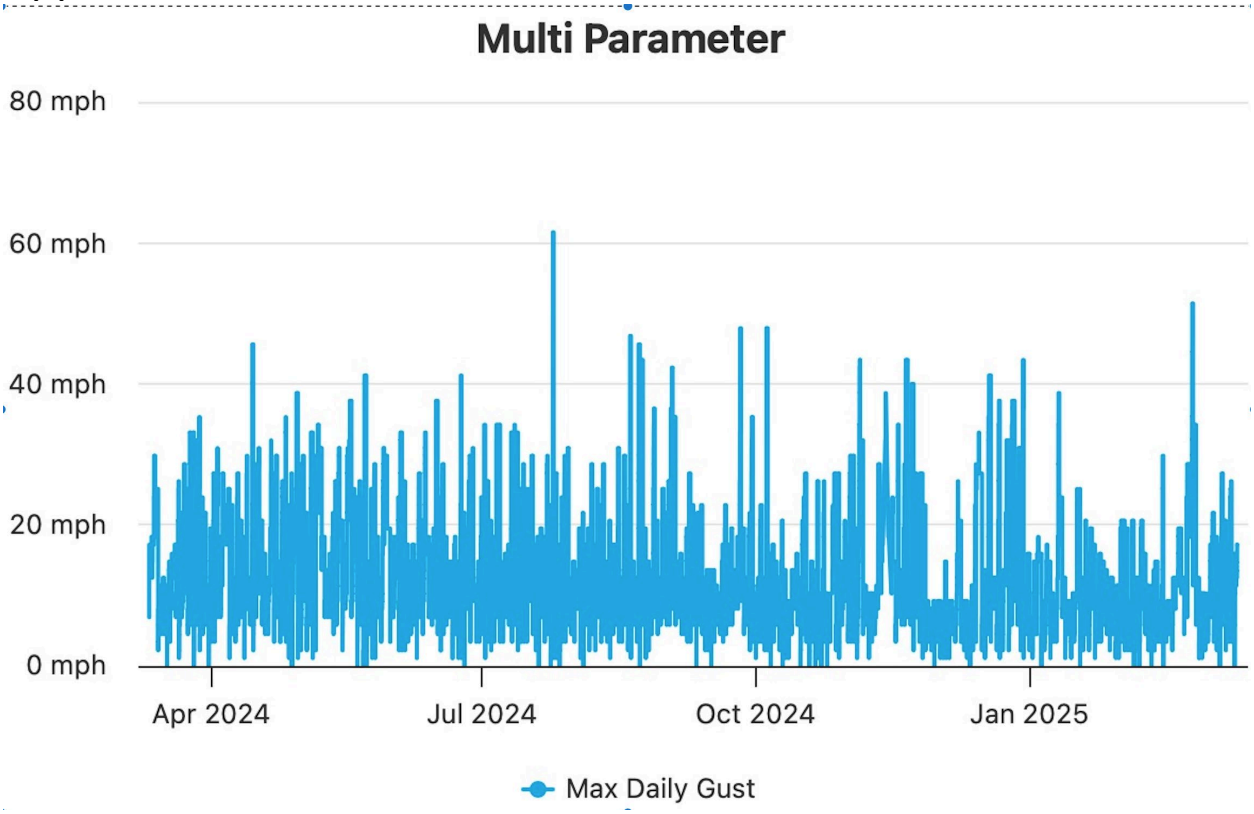
- Remove Sites 2 through 11 from the plan.
- Find alternate application sites where risks associated with biosolids application are minimized.
- Properly notify all neighbors of the plan and how and when to respond with their comments.

Sincerely,

*Kathleen Hanna*

[13] https://farmonaut.com/usa/oregon-city-council-tackles-biosolids-disposal-balancing-agriculture-and-environmental-safety/

Appendix 1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60 mph
40 mph
20 mph
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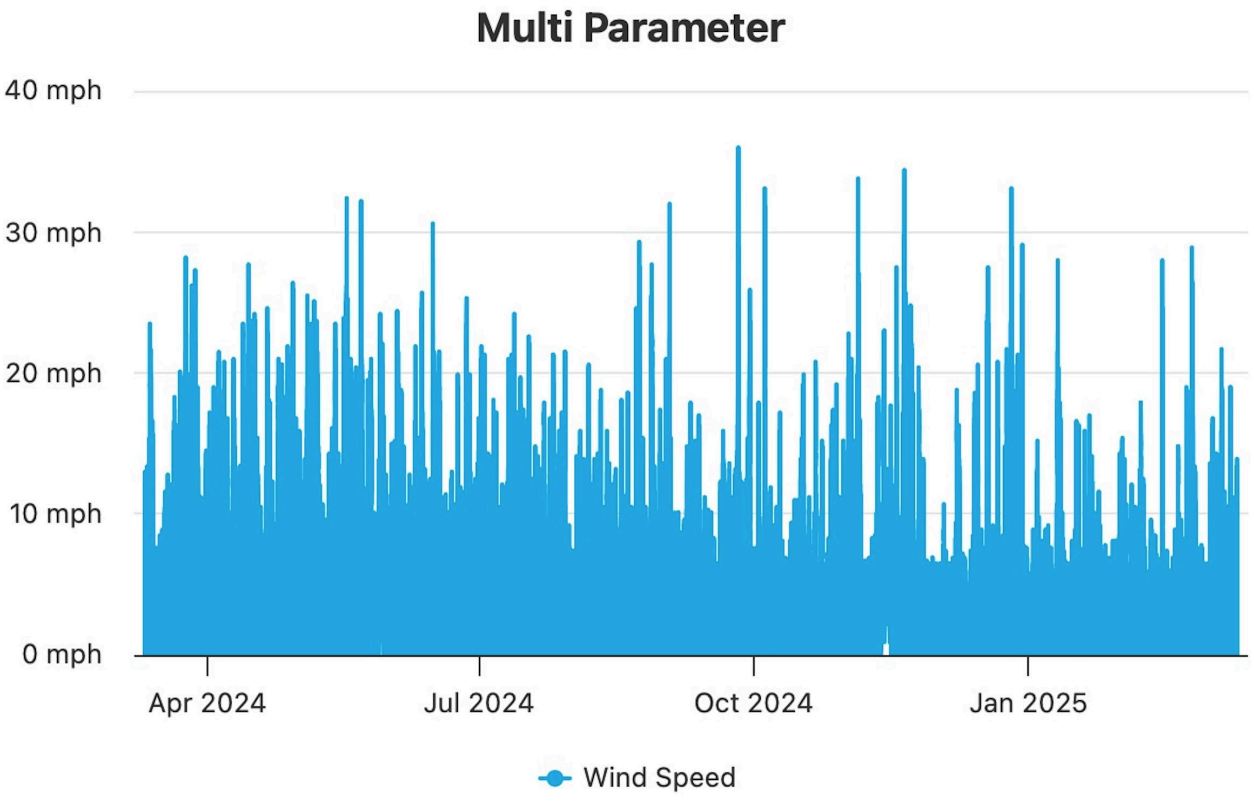
Apr 2024
Jul 2024
Oct 2024
Jan 2025
Max Daily Gust


Multi Parameter
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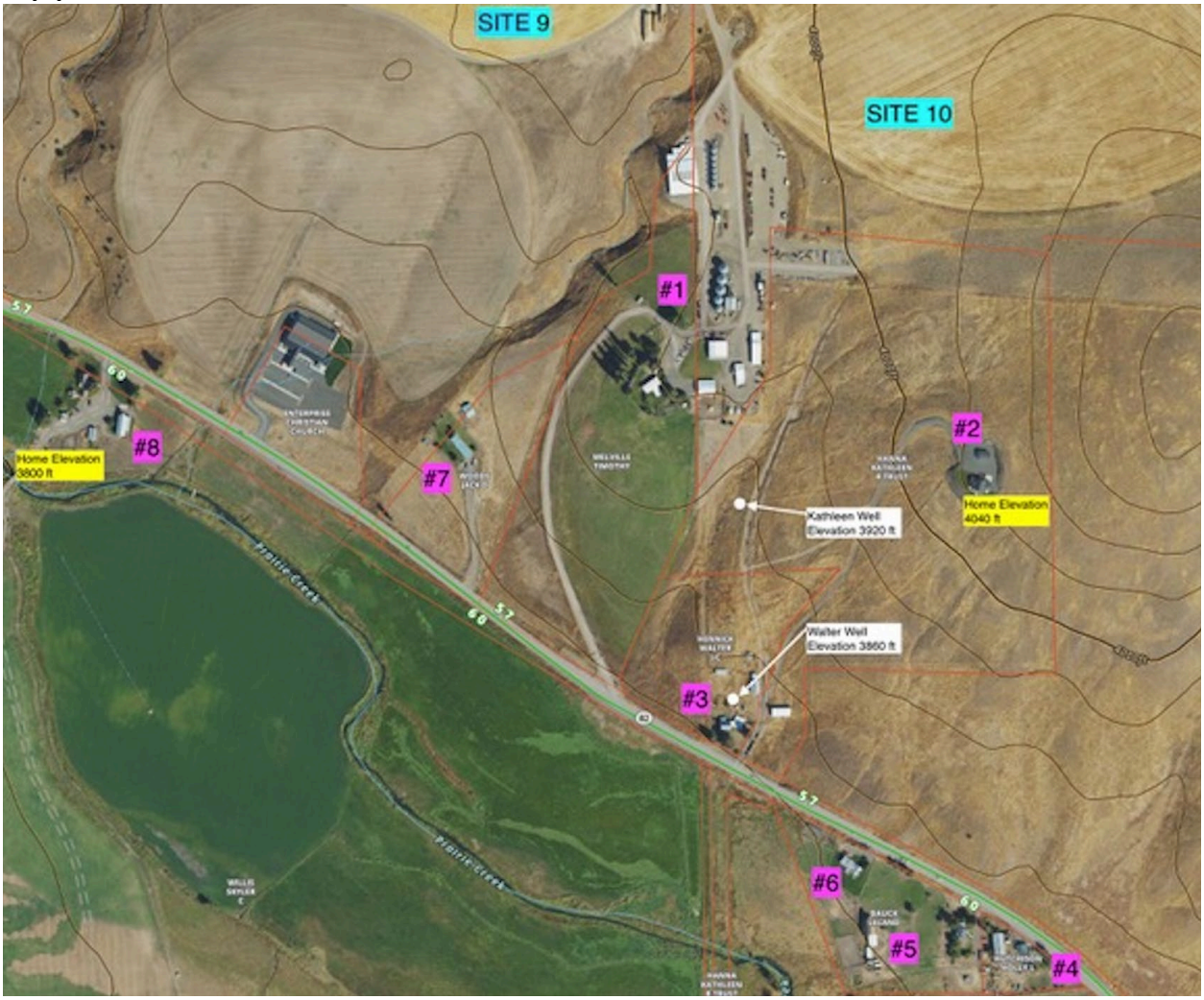
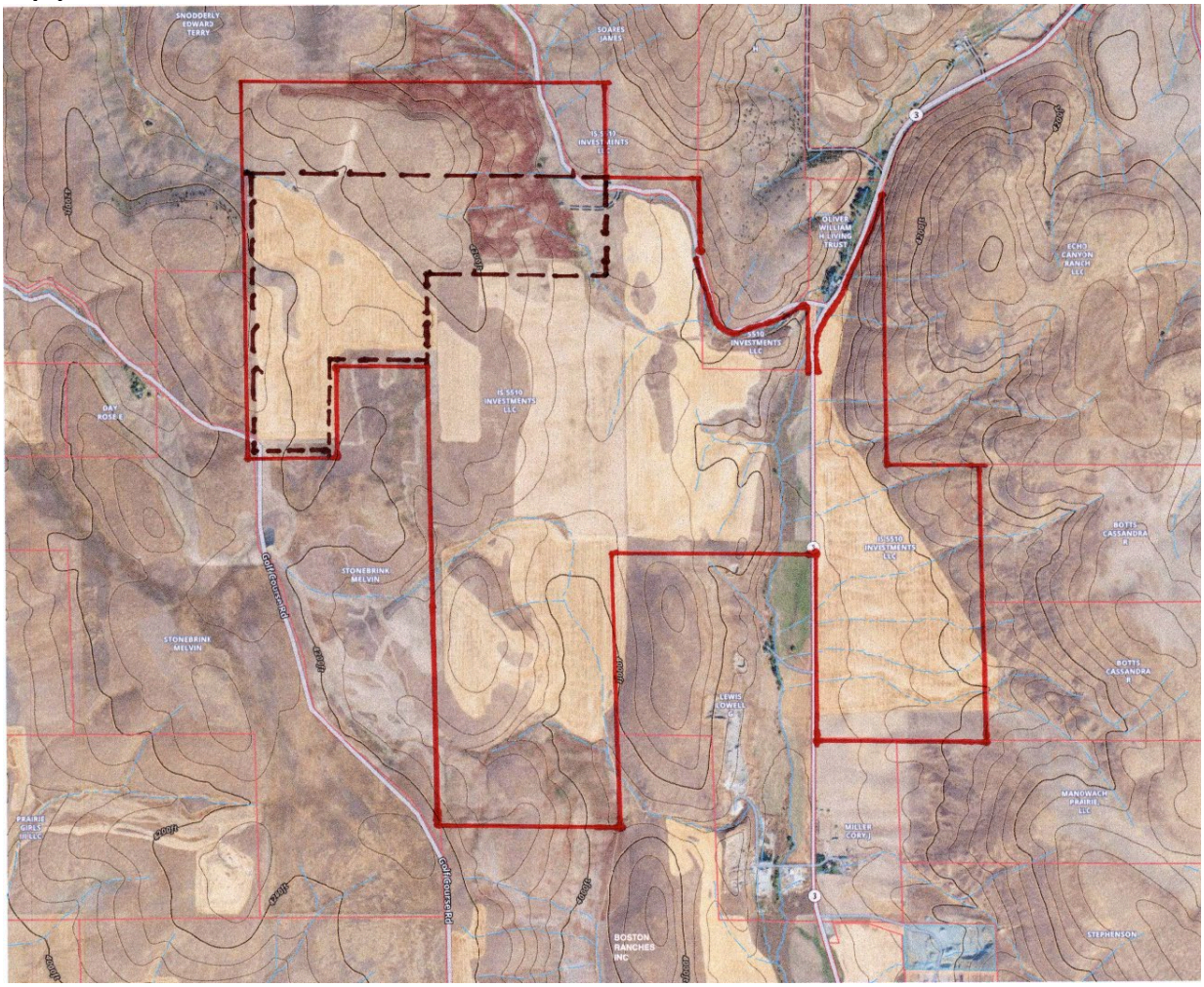
30 mph
20 mph
10 mph
0 mph
Apr 2024
Jul 2024
Oct 2024
Jan 2025
Wind Speed

Appendix 2


SITE 9
SITE 10
#1
#2
#3
#4
#5
#6
#7
#8
Home Elevation
3800 ft
Kathleen Well
Elevation 3920 ft
Home Elevation
4040 ft
Walter Well
Elevation 3860 ft
Prairie Creek
Prairie Creek
57
60

# Appendix 3


SNODDERLY EDWARD TERRY
SOARES JAMES
OLIVER WILLIAM H LIVING TRUST
ECHO CANYON RANCH LLC
IS 5510 INVESTMENTS LLC
DAY ROSE E
STONEBRINK MELVIN
BOTTS CASSANDRA R
LEWIS LOWELL
MANDWACH PRAIRIE LLC
MILLER CORY J
PRAIRIE GIRLS HILLS
BOSTON RANCHES INC
STEPHENSON
Colt Creek Rd

## Comment #28

**Name:** Dick Hellberg

**Organization:**

**Comment Text:** Subject: New Rulex

Stop this insanity! Don’t try and oiut Climatr Change the New Federal Government!!’nn

You’re not elected by anyone!

CO2 has been higher and plants / Food grew better

CO2 follows temperature increase which is function of the SUN not Man!!!

**Attached Files:** None

**Comment topic IDs linked to this comment:** 2

## Comment #29

**Name:** Emily Belford

**Organization:**

**Comment Text:** It's terrifying me that we all have so many microplastics in our bodies - and I want better for my kid and the future of our planet & humanity.

*Note this is a transcription of a comment provided in writing.*

**Attached Files:** https://comment-processor.herokuapp.com/comments/9221/attached_file/2776

**Comment topic IDs linked to this comment:** 2

# Public Comment

Comment #29

Name: Emily Belfast Email: missemilybe[illegible]@gmail.com

Street: NW Rhodes City: Portland State: OR Zip:

Comments:

It's terrifying me that we all have so many microplastics in our bodies - and I want better for my kid and the future of our planet & humanity.

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Department of
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## Comment #30

**Name:** Jewelara Burgeye

**Organization:**

**Comment Text:** I support blocking PFAS

*Note this is a transcription of a comment provided in writing.*

**Attached Files:** https://comment-processor.herokuapp.com/comments/9222/attached_file/2775

**Comment topic IDs linked to this comment:** 1

# Public Comment

Comment #30

Name: Jewelwa Burgoyne Email: jewelsrbr@gmail.com

Street: 1311 SW Gibbs St. City: Portland State: OR Zip: 97239

Comments: I support blocking PFAS :)

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## Comment #31

**Name:** Mat Merritt

**Organization:**

**Comment Text:** PFAS should be regulated as it effects the quality of air water and all life reliant on it.

*Note this is a transcription of a comment provided in writing.*

**Attached Files:** https://comment-processor.herokuapp.com/comments/9223/attached_file/2777

**Comment topic IDs linked to this comment:** 1

# Public Comment

Comment #31

Name: Mat Merritt Email: Matdavidmerritt@gmail.com

Street: 2824 Main St. City: Forest Grove State: OR Zip: 97116

Comments:

PFAS should be regulated as it effects the quality of our water and all life reliant on it.

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## Comment #32

**Name:** Leah Titus

**Organization:**

**Comment Text:** PFAS are FOREVER, in the name of our lives and all our children's futures - please do something NOW before it gets worse and worse. For our FUTURE

*Note this is a transcription of a comment provided in writing.*

**Attached Files:** https://comment-processor.herokuapp.com/comments/9224/attached_file/2778

**Comment topic IDs linked to this comment:** 1

Comment #32

# Public Comment

Name: Leah Titus Email: leah.a.titus@gmail.com

Street: 10510 N Midway Ave City: Portland State: OR Zip:

Comments: PFAS are FOREVER, in the name of our lives and all our children's futures - please do something NOW before it gets worse and worse. For our FUTURE

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## Comment #33

**Name:** Tiffany Kallgren

**Organization:**

**Comment Text:** PFAS 2025 is a very necessary step in so many ways. Even if the regulation raises taxes to start the program

*Note this is a transcription of a comment provided in writing.*

**Attached Files:** https://comment-processor.herokuapp.com/comments/9225/attached_file/2779

**Comment topic IDs linked to this comment:** 1, 2

Comment #33

# Public Comment

Name: Tiffany Kallgren Email: Kallmemorr@yahoo.com

Street: City: State: Zip:

Comments: PFAS 2025 is a very necessary step in so many ways. Even if the regulation raises taxes to start the program

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## Comment #34

**Name:** Melissa Ulrich

**Organization:**

**Comment Text:** For current residents and future generations, I hope that we can eliminate PFAS and find sustainable solutions. The profits won't matter if humans are dying in the process.

*Note this is a transcription of a comment provided in writing.*

**Attached Files:** https://comment-processor.herokuapp.com/comments/9226/attached_file/2780

**Comment topic IDs linked to this comment:** 1, 2

Comment #34

# Public Comment

Name: Melissa Ulrich Email: melissa.ray.clare@gmail.com

Street: NE 73rd Ave City: Portland State: OR Zip: 97748

Comments: For current residents + future generations, I hope that we can eliminate PFAS and find sustainable solutions.

The profits won't matter if humans are dying in the process.

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## Comment #35

**Name:** Jenn Seim

**Organization:**

**Comment Text:** I support the PFAS 2025 Rulemaking. Forever chemicals pose a real threat to our environment and future generations.

*Note this is a transcription of a comment provided in writing.*

**Attached Files:** https://comment-processor.herokuapp.com/comments/9227/attached_file/2781

**Comment topic IDs linked to this comment:** 1

Comment #35

# Public Comment

Name: Jenna Seim Email: jenna.e.seim@gmail.com

Street: 1481 NW 13th Ave Apt 242 City: Portland State: OR Zip: 97209

Comments:

I support the PFAS 2025 Rulemaking. Forever chemicals pose a Real threat to our environment & future generations.

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## Comment #36

**Name:** Connor Katchmark

**Organization:**

**Comment Text:** Please list PFAS as hazardous

*Note this is a transcription of a comment provided in writing.*

**Attached Files:** https://comment-processor.herokuapp.com/comments/9228/attached_file/2782

**Comment topic IDs linked to this comment:** 1

Comment #36

# Public Comment

Name: Connor Hatchmark Email: Spiderdog1344@gmail.com

Street: 37th Ave City: Milwaukie State: OR Zip: 97222

Comments: Please list PFAS as hazardous

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## Comment #37

**Name:** Christopher Lave-Massee

**Organization:**

**Comment Text:** Would PFAS be incorporated into TMDL Reports? And keep rocking it!

*Note this is a transcription of a comment provided in writing.*

**Attached Files:** https://comment-processor.herokuapp.com/comments/9229/attached_file/2783

**Comment topic IDs linked to this comment:** 1, 3

Comment #37

# Public Comment

Name: Christopher Lane-Massee Email: 123hermies@gmail.com

Street: 784 dearborn ave N City: Keizer State: OR Zip: 97303

Comments: would PFAS be incorporated into TMDL Reports?

& keep rocking it!

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## Comment #38

**Name:** Doris Cellarius

**Organization:**

**Comment Text:** Thank you very much. I am so happy to see DEQ take this action because there are a variety of reasons why PFAS in Oregon needs to be cleaned up and identified at sites. So I had been paying quite a bit of attention to what you've been doing and I'm happy to see some members of the commission represent tribal entities because it's very important for the standards that Oregon sets to adequately protect subsistence users and other vulnerable communities such as tribal members who eat more fish and subsistence foods. Primarily I just want to thank you, encourage you to be as stringent as possible. I hope that since you will also address the computer industry we have a lot of computer manufacturers in Oregon that use PFAS to make the important computer chips we all use and love. So I hope you will set some standards that will require that air emissions and water emissions from these computer facilities could be addressed as hazardous substances. That's about it for me. Just thank you for your work. I'm done. I'm Dori Cellarius, I live in Portland, Oregon, and I'm a citizen.

*Note this is a transcription of a comment provided orally at a public hearing.*

**Attached Files:** None

**Comment topic IDs linked to this comment:** 1

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