



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Region 1

5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

**BY ELECTRONIC MAIL**

November 10, 2020

Andrea Amico  
Pease RAB Member, Community Co-chair  
[abrown3@worchester.edu](mailto:abrown3@worchester.edu)

Re: Pease Air Force Base Superfund Site, NH

Dear Ms. Amico:

The U.S. Environmental Protection Agency (EPA) is in receipt of your September 18, 2020 letter to EPA, New Hampshire (NH) Department of Environmental Services (NHDES) and the U.S. Air Force as well as your October 7, 2020 letter to EPA regarding the NH Maximum Contaminant Levels (MCLs) for per- and polyfluoroalkyl substances (PFAS) and private drinking water wells downgradient of Pease Air Force Base with elevated detections of PFAS compounds. EPA is also in receipt of NHDES's August 20, 2020 letter, which, among other things, asks the Air Force to state their intention related to taking action on the private drinking water wells. The Air Force's September 2, 2020 response, as well as its recent letter responding to congressional inquiries, stated that it would act based on an exceedance of EPA's Health Advisories (HAs) for PFOA/PFOS in drinking water and that it would not provide bottled water or other actions based on the new NH AGQS/MCL levels.

Additionally, on November 4, 2020, New Hampshire Governor Sununu issued a letter to the Air Force outlining the state's recent provision of bottled water to the affected private wells and its plans to permanently address the impacted private wells through either connections to existing public water systems or installation of point-of-entry treatment.

It is important for all residents to have access to drinking water that is safe and protective of human health in the short as well as the long term. As you are aware, in order to provide protection from a lifetime exposure to PFOA and PFOS from drinking water, in 2016, EPA established the HAs for PFOA and PFOS at 70 ppt, individually or combined.

In your letters, you expressed concern and asked questions related to EPA's authority under Section 1431 of the Safe Drinking Water Act (SDWA) and under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to address the levels PFAS detected in the abovementioned private wells.

With respect to the SDWA, EPA's authority under Section 1431 is predicated on circumstances where there is "a contaminant which is present in or is likely to enter a public water system or an underground source of drinking water, . . . which may present an imminent and substantial endangerment to the health of persons, and that appropriate State and local authorities have not acted to protect the health of such persons."<sup>1</sup> 42 U.S.C. § 300i(a). Based on New Hampshire Governor Sununu's November 4, 2020 letter to the Air Force outlining the state's provision of bottled water and additional planned action to permanently address the impacted private wells, EPA is not invoking 1431 authority to address the private wells at this time.

However, as you note in your October 7 letter, in 2015, EPA issued an administrative order to the Air Force under Section 1431 of SDWA, which required the Air Force to take several actions to address PFOA/PFOS contamination in the Pease aquifer. As required by the order, the Air Force continues to provide funding to the City of Portsmouth to provide PFAS treatment for its impacted drinking water supply wells and is operating two on-base PFAS groundwater treatment systems – the Site 8 and the AIMS systems – as part of its efforts to remediate the aquifer underlying and in the vicinity of the Pease Superfund Site. EPA further notes that the private drinking water wells in question have been sampled quarterly since September 2014 as part of the ongoing private well sampling program, and the Air Force transmits the sampling results along to every resident in the sampling program after each sampling event.

With respect to your concerns related to CERCLA, EPA is working with the Air Force and NHDES to develop a proposed cleanup remedy for the Pease Air Force Base Superfund Site ("the Site") that will ensure long-term protectiveness. CERCLA requires EPA to consider whether state regulations, as identified by the State, qualify as cleanup standards known as "Applicable or Relevant and Appropriate Requirements" (ARARs). In the context of this investigation, EPA expects to consider whether the newly promulgated NH MCLs and AGQS are ARARs at the Site.

Regarding taking immediate action under CERCLA, although the PFOA/PFOS levels in the wells in question have exceeded the newly promulgated NH MCLs and AGQSs for PFOA/PFOS, these levels do not exceed EPA's HAS. Therefore, an early or interim action is not warranted under CERCLA. This approach is consistent with EPA's December 2019 Office of Land and Emergency Management (OLEM) Directive entitled *Interim Recommendations to Address Groundwater Contaminated with Perfluorooctanoic Acid and Perfluorooctanesulfonate (OLEM Directive 9283.1-47)* which states, "In situations where groundwater is currently being used for drinking water, EPA expects that responsible parties will address levels of PFOA and/or PFOS over 70 ppt."

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<sup>1</sup> For additional information on EPA's 1431 authority, see *Updated Guidance on Emergency Authority under Section 1431 of the Safe Drinking Water Act*, Office of Enforcement and Compliance Assurance (May 30, 2018), available at <https://www.epa.gov/sites/production/files/2018-09/documents/updatedguidanceonemergencyauthorityundersection1431sdwa.pdf>.

EPA thanks the community members of the Pease Restoration Advisory Board for their continued dedication. We look forward to working with you, the State, and the Air Force to continue to address PFAS contamination at this site.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Deziel', with a stylized, cursive script.

Dennis Deziel, Regional Administrator

cc: Mindi Messmer, PG, CG, Pease RAB Community Member  
Margaret Lamson, Pease RAB Community Member  
Michael Donahue, Pease RAB Community Member  
Jameson Paine, Pease RAB Community Member  
Lulu Pickering, Pease RAB Community Member  
Mark Mattson, Pease RAB Community Member  
Dennis Malloy, State Representative, Greenland/Newington, NH  
Ted Connors, Newington Board of Selectmen