



ENERGY,  
INSTALLATIONS,  
AND ENVIRONMENT

## OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-3400

AUG 08 2018

Ms. Alexandra Dapolito Dunn  
Regional Administrator  
5 Post Office Square – Suite 100  
Boston, MA 02109-3912

Dear Ms. Dunn:

Thank you for your July 3, 2018, letter concerning the Department of Defense's (DoD) activities to address the presence of perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) in the area of the former Fort Devens Army Installation (Fort Devens). We agree that the June 15, 2018, meeting was productive and the DoD stakeholders would like to continue to work collaboratively with the Environmental Protection Agency (EPA) to address this issue.

The DoD supports EPA's commitment to provide the regulated community and impacted public with the tools and resources needed to address PFOS/PFOA under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and looks forward to the release of EPA's "Recommendations for PFOS/PFOA in Groundwater" guidance document. This will provide the regulated community, including DoD, the helpful guidance needed to address PFOS/PFOA consistently under CERCLA. DoD also supports EPA's initiation of the process to develop a maximum contaminant level (MCL) to address certain per- and polyfluoroalkyl substances (PFAS) in drinking water under the Safe Drinking Water Act (SDWA). A MCL would allow for consistent application to regulated public water systems, consistent integration with the CERCLA process, and would reduce the possibility of inconsistent enforcement actions.

To that point, the DoD sees a SDWA imminent and substantial endangerment order, as suggested by EPA for Fort Devens, as unnecessary and inconsistent given the circumstances at the site and the ongoing close collaboration and steady progress being made through the CERCLA process. Devens drinking water supply wells have had no detections above the Lifetime Health Advisory (LHA), and while the Town of Ayer has detected PFOS/PFOA in one drinking water supply well in the 87-114 ppt range, Ayer's drinking water system blends water from a number of source wells and this one supply well was voluntarily taken offline. Blending water is fully consistent with the SDWA and the non-binding guidance EPA provided to all public drinking water suppliers in its LHA guidance. Importantly, the finished drinking water from the Ayer and the Devens water systems has not had a detection of PFOS/PFOA above the LHA, and this includes the time period when Ayer's affected supply well was in use.

DoD recognizes Region I's concern with the general length of time it takes to complete the CERCLA process. The Army has addressed this concern by proactively adding PFOS/PFOA sites to the Federal Facility Agreement (FFA) for Fort Devens. Additionally, the Army has completed the Preliminary Assessment (PA) and Site Inspection (SI) for PFOS/PFOA, and is

now initiating a Remedial Investigation (RI) to address PFOS/PFOA pursuant to the schedule in the FFA which was developed in close coordination with Region I. The schedule developed by the Army prioritizes and accelerates the investigation of the highest priority sites. As part of the RI, and beginning during the Summer of 2018, the Army will be conducting quarterly sampling of the Town of Ayer's and Devens' drinking water systems and conducting a survey of public and private drinking water wells in the area, which also will be sampled. A human health risk assessment will be completed as well. Based on the results of the RI and as required by the Defense Environmental Restoration Program and the FFA, the need for remedial action will be assessed consistent with CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan. The FFA provides the EPA with a mechanism to resolve disputes and enforce CERCLA to address imminent and substantial endangerment to human health or the environment at Fort Devens.

While we understand it is EPA's preference that Army provide funding to support the voluntary actions taken by the Ayer and Devens water systems to install additional treatment even though the finished water is below the LHA, DoD must follow existing laws and regulations that govern our funding and activities. DoD does not have authority to fund the water systems' actions until a need for remedial action is established under CERCLA. DoD will continue to comply with CERCLA and the FFA to address the release of the CERCLA pollutants and contaminants, in partnership with your staff and the Massachusetts Department of Environmental Protection.

I remain committed to ensuring that the CERCLA investigation and necessary remedial action are completed as swiftly as possible, and I will continue to monitor the progress of these actions.

Sincerely,



*for* Maureen Sullivan  
Deputy Assistant Secretary of Defense  
(Environment, Safety and Occupational Health)