

September 30, 2026

Lee Zeldin | Administrator
U.S. Environmental Protection Agency
Office of the Administrator (1101A)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Arizona Department of Environmental Quality's public comment on June 29, 2026, Draft Guidance Memorandum: *Draft Guidance for Reducing Risk from Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS) in Biosolids*.

Dear Administrator Zeldin:

This letter is written in response to the June 29, 2026, *Draft Guidance for Reducing Risk from Perfluorooctanoic Acid and Perfluorooctane Sulfonic Acid in Biosolids* (hereafter referred to as "Draft Guidance"). The Arizona Department of Environmental Quality (ADEQ) appreciates this opportunity to provide comments, and values the U.S. Environmental Protection Agency's (EPA) commitment to improving existing regulatory approaches through stakeholder engagement.

In the sections below, ADEQ identifies where portions of the Draft Guidance could be more detailed for states and regulated communities. The prevalence of PFAS and PFOS, taken with their recalcitrant molecular nature and potentially infinite number of chemical variations are a cause for concern among Arizonans. EPA's CompTox Database shows roughly 430 chemical analytes in use, with more than 16,000 total. Data taken over the last five years shows roughly 51.3% of the biosolids in the state are land-applied. ADEQ's recommendations in this comment letter denote aspects of the Draft Guidance where state regulators could benefit from more information, benchmarks, or data so that ADEQ can continue to encourage this practice in Arizona. ADEQ shares EPA's perspective that, "[...] [t]he continued practice of using biosolids for fertilizer is critical for both [wastewater treatment plants] seeking to manage sewage sludge in a manner that has environmental benefits, and farmers who rely on the biosolids for fertilizer."

MONITORING AND REPORTING REQUIREMENTS INFORM FUTURE STATE ACTION

In the Draft Guidance, EPA highlights states with their own PFAS monitoring requirements.¹ These states require one-time, fixed-interval, or tiered monitoring based on the amount of sewage sludge generated. States with these monitoring and reporting requirements plan to use the occurrence data to inform future actions.

¹ *Id.* at 6, ("States like Washington, Oregon, and Florida have enacted legislation requiring monitoring programs.").

While the Draft Guidance notes how multiple states added PFAS monitoring requirements to their permits to “inform future actions,” the guidance should ideally also offer a structured protocol on how to use this data. For instance, on page 8, EPA states that monitoring PFAS in sewage sludge can help determine sources by analyzing the mixture of PFAS. Regulators would benefit if the Guidance incorporated greater details on how to determine sources. On the same page, EPA suggests people using biosolids at home or in their community consider “researching the supplier of the sewage sludge.” Additional details explaining how regulators could then use this information to make a risk determination would be helpful. ADEQ would appreciate greater specificity outlining what EPA recommends these “future actions” should entail, such as establishing tiered limits, screening levels, or recommended numeric PFAS caps, to best support state agencies in reducing risk from PFOA and PFOS in biosolids.

A seemingly infinite number of PFAS substances is possible with the man-made chemical chain. EPA estimates over 120,000 facilities have handled or released PFAS. ADEQ would appreciate future guidance that includes a long-term plan to phase out or cease “next generation” releases of PFAS. Given that many identified PFOA and PFOS have been largely phased out, other variations of PFAS may represent a greater share of future contamination. Regulators would benefit from deeper discussion in the guidance addressing how stakeholders should weigh the risk of these other contaminants, the levels of risk EPA associates with varying contaminants, and what factors indicate greater level of risk.

While emerging treatment technologies—like PFAS stabilization and incineration—represent tremendous progress toward PFAS remediation, these methods alone will not ameliorate the existing pollutants that risk going undetected in soil, potentially leaching into the groundwater aquifer.

LOWER VS. HIGHER RISK CROPS UNDEFINED

The Draft Guidance recommends (i) “[c]onducting land application on farms with lower risk crops for human exposure, like farms growing grain, fiber crops, or corn for ethanol production,” and “avoiding land application for agricultural practices that have higher risks for human exposures.”² While crops at issue under this section assuredly vary across states, regulators would benefit from a deeper understanding of the difference between low and high risk crops. Other sections of the CFR, such as 40 CFR 180.41, categorize plant commodities by group as opposed to more ambiguous legal tiers based on “risk”.

² *Id.* at 7.

ADEQ recommends: To provide greater clarity, EPA should provide more structured examples in the guidance on what constitutes “lower risk crops” and “higher risk crops” for human exposure. As written, the Draft Guidance advises bulk land appliers to target farms cultivating lower risk crops and avoid those with higher risk agricultural operations, but establishing clear criteria for these categories would provide meaningful benchmarks for regulators. Meaningful data is helpful. If future guidance would be accompanied by an updated Draft Risk Assessment or supplemental documentation that captures what states, researchers, and EPA (through programs like the POTW Influent PFAS Study) are actually finding as it relates to PFAS prevalence, crop uptake, environmental transport, etc. this is critical information that can help states like Arizona make better decisions.

PROXIMITY TO FISHABLE WATERS AND GROUNDWATER

EPA guidance recommends avoiding land application of sewage sludge “near fishable waters, lakes or reservoirs [...] used as a source of drinking water,” or areas with heightened risks for groundwater impacts. While this guidance supports states who share the same goal of maintaining domestic water sources, the phrase “near fishable waters” is ambiguous. Land appliers who sample voluntarily risk uncovering cause for liability or harm. Therefore, potential impacts to these water sources may go undetected.

ADEQ recommends: EPA should provide an objective measure, or otherwise revise the Draft Guidance to provide more examples of distances that would constitute proximity to “near fishable waters, lakes or reservoirs that are used as a source of drinking water,” or areas that may have higher risks for potential groundwater impacts to reduce ambiguity.

NON-BINDING GUIDANCE IN THE FORM OF POLLUTANT CONCENTRATIONS COULD SERVE AS A BASELINE

The Draft Guidance highlights several state-level tiered frameworks designed to manage PFOA and PFOS in biosolids. There are no federal rules addressing these substances in biosolids. In the absence of a standardized federal framework, state regulatory agencies would benefit from guidance that could serve as benchmarks to determine the minimum safety standards for appropriate biosolids use and disposal, akin to the Clean Water Act §304(a) list. If EPA could publish science-backed criteria tables, or another Draft Risk Assessment, for listed pollutants that show threshold levels for PFAS and PFOA at chemical concentrations to better inform impacts to Human Health and/or Aquatic and Wildlife, this information would be useful for state regulators administering Clean Water Act programs.

Certain states, like Maine and Connecticut, have outright banned land application of biosolids. Last year, the Arizona legislature circulated a bill to a similar effect. HB2646 proposed to amend Arizona's laws on pesticides and fertilizer by banning any biosolids containing PFAS. In the Draft Guidance, EPA emphasizes how approaches to PFAS in biosolids differ among states, with some using what EPA refers to as "tiered frameworks."³ Incentivizing states to adopt their own regulatory programs that could be based on scientifically-developed pollutant criteria not only comports with EPA's recommendations under the tiered approach, but helps prevent disparities in such concentrations across the country.

The Draft Guidance explicitly stresses how EPA "[...] has endorsed and encouraged the land application of biosolids for decades," and that "[t]he continued practice of using biosolids for fertilizer is critical for both WWTPs seeking to manage sewage sludge in a manner that has environmental benefits, and farmers who rely on biosolids for fertilizer."⁴ Science-backed data helps regulators address the growing public concern over biosolids land application head on and could better address public concern and lessen calls for total bans on land application altogether. A federal floor for PFAS in biosolids represents a step toward maintaining these prerogatives for EPA and states alike.

ADEQ recommends: EPA should consider publishing non-binding criteria tables for pollutant concentrations for states to apply in tiered frameworks. EPA actively promotes land applying biosolids as fertilizer and ADEQ shares this objective. However, the governing authority under 40 CFR Part 503 regulates just nine heavy metals. Any data-driven guidance on other pollutants would help state regulators administering land application permits, and could better inform voluntary monitoring done by states.

CONCLUSION

ADEQ appreciates EPA's review of our Department's suggestions for the Draft Guidance. Any future federal guidance should be science-based, practical to implement, and developed with stakeholder feedback from states as well as the regulated community. ADEQ is committed to a workable framework for PFAS regulation in biosolids.

Thank you for your time and consideration of this comment.

Sincerely,

DocuSigned by:

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Karen Peters

Director | Arizona Department of Environmental Quality

³ See *Draft Guidance Memorandum: Draft Guidance for Reducing Risk from Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS) in Biosolids*, at 6; 10 FR 41020.

⁴ *Id.* at 2.