

**Congress of the United States**  
**Washington, DC 20515**

November 7, 2019

The Honorable Andrew Wheeler  
Administrator  
U. S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

Dear Administrator Wheeler,

We write with continued concern over dangerous levels of per- and polyfluoroalkyl substances (PFAS) and other hazardous materials polluting waterways in Massachusetts. The Environmental Protection Agency (EPA) recently reissued a National Pollutant Discharge Elimination System (NPDES) permit that will allow water from the Turnkey landfill in Rochester, New Hampshire, which contains high levels of PFAS, to be discharged into the Merrimack River.<sup>1</sup> The Merrimack River is a key source of drinking water in the region, serving around 500,000 people,<sup>2</sup> and has struggled with pollution and contaminant issues for decades.<sup>3</sup>

Since 2017, the Turnkey landfill has delivered as much as 100,000 gallons a day of landfill leachate, the liquid that passes through landfill waste, to a regional wastewater utility located in Lowell, Massachusetts. Tests of the landfill leachate have shown extremely high levels of PFAS, reaching as high as 8200 parts per trillion of perfluorooctanoic acid (PFOA) and 430 parts per trillion of perfluorooctansulfonic acid (PFOS),<sup>4</sup> levels that are more than 1000 times higher than EPA's own lifetime health advisory.<sup>5</sup> PFAS are frequently referred to as "forever chemicals" because of their environmental persistence and bioaccumulation into, for example, fish and other food sources. As a routine matter, the landfill does not test for PFAS or attempt to eliminate PFAS from its leachate before sending this liquid to the wastewater plant, which does not have the ability to filter out PFAS.

This source of PFAS contamination should come as no surprise to the EPA. In the PFAS Action Plan, the EPA notes, "Common sources of PFAS include groundwater plumes associated with [...] landfills, including leachate, where materials with high levels of PFAS have been disposed. If a source (or sources) can be identified, then actions can be taken to remediate, reduce or divert

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<sup>1</sup> Authorization to Discharge under the National Pollutant Discharge Elimination System, 2019 Final Permit. NPDES Permit No. MA0100633. <https://www3.epa.gov/region1/npdes/permits/2019/finalma0100633permit.pdf>

<sup>2</sup> Letter from Public Employees for Environmental Responsibility to MA State Representatives Hogan and Benson, and Senator Cyr (November 4, 2019), [https://www.peer.org/assets/docs/ma/11\\_4\\_19\\_Petition\\_PFAS\\_WQS.pdf](https://www.peer.org/assets/docs/ma/11_4_19_Petition_PFAS_WQS.pdf)

<sup>3</sup> EPA Website. *Environmental Challenges for the Merrimack River* (May 23, 2019). <https://www.epa.gov/merrimackriver/environmental-challenges-merrimack-river#>

<sup>4</sup> King, Jessica O. PFOA and PFOS leachate in Turnkey Landfill compared to other Landfills. *Emerging Contaminants & Landfill Leachate*. [https://www.peer.org/assets/docs/ma/11\\_4\\_19\\_Mass\\_Permit\\_for\\_PFAS-Turnkey\\_PFAS\\_Comparison.pdf](https://www.peer.org/assets/docs/ma/11_4_19_Mass_Permit_for_PFAS-Turnkey_PFAS_Comparison.pdf)

<sup>5</sup>EPA Website. *Drinking Water Health Advisories for PFOA and PFOS* (February 13, 2019). <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos>

the source, or address exposure.”<sup>6</sup> Yet even with this identifiable source of PFAS contamination into the Merrimack River and tests that surpass the EPA drinking water health advisory of 70 parts per trillion for PFOA and PFOS, the EPA has put its Action Plan aside and has made no effort to remediate, reduce, or divert these chemicals.

In its response to public comments on the NPDES permit, the EPA stated that it “reserves broad discretion to ask for additional information pursuant to Section 308 of the [Clean Water Act] and may utilize this authority during the permit term if facts are brought to its attention” that warrant action.<sup>7</sup> By bringing these facts to your attention, we are urging the EPA to immediately take all available actions to assess and limit PFAS pollution in the Merrimack River. EPA relying on test results from 2015, prior to the agreement for the Lowell wastewater plant to receive and discharge leachate from the Turnkey landfill, is wholly inadequate. It is clear that further monitoring and actions are needed to protect residents who rely on the Merrimack River.


PFAS already pose a serious health risk to residents across Massachusetts. Efforts to address existing contamination will likely be both lengthy and expensive. Our state does not need additional PFAS pollution to contend with as we work to clean up legacy contamination in our air, soil, and water. The NPDES permit is set to come into effect on November 24, 2019. We urge EPA to reassess this permit and use its broad discretion to protect public health in Massachusetts.

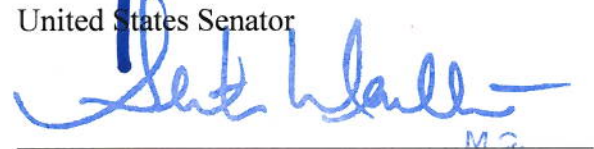
Sincerely,

  
Edward J. Markey  
United States Senator

  
Richard E. Neal  
Member of Congress

  
Lori Trahan  
Member of Congress

  
Elizabeth Warren  
United States Senator

  
Seth Moulton  
Member of Congress

<sup>6</sup> EPA. *EPA's Per- and Polyfluoroalkyl Substances (PFAS) Action Plan* (February 2019).

[https://www.epa.gov/sites/production/files/2019-02/documents/pfas\\_action\\_plan\\_021319\\_508compliant\\_1.pdf](https://www.epa.gov/sites/production/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf) p. 29

<sup>7</sup> EPA response to comments NPDES Permit No. MA0100633 Lowell Regional Wastewater Utility.

[https://www.peer.org/assets/docs/ma/11\\_4\\_19\\_Mass\\_PFAS\\_Permit\\_EPA\\_Response\\_to\\_Comments.pdf](https://www.peer.org/assets/docs/ma/11_4_19_Mass_PFAS_Permit_EPA_Response_to_Comments.pdf)