Oklahoma and PFAS

The fox is guarding the hen house

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Yesterday I received an email from an environmental activist in Oklahoma who asked me to review a bill that has been introduced in the Oklahoma Legislature that purports to regulate PFAS in the state. I remembered there were astronomical PFAS levels at Tinker Air Force Base, so I reviewed the engineer’s reports for him and wrote a brief critique of the bill which I’ve included here.

The clean water activist explained that Ken Wagner is Oklahoma’s Secretary of Energy & Environment. Wagner, he said, is a close associate of Scott Pruitt and followed Pruitt from Tulsa to Washington when Pruitt took the reigns of the EPA. Pruitt and Wagner were Trump’s darlings and proceeded to methodically deregulated a host of Obama-era environmental rules before Pruitt was ousted for ethical lapses. When Pruitt departed, Wagner came home to run the state’s energy and environment department..

The groundwater outside of Hangar 230 on Tinker Air Force base, about 5 miles southeast of Oklahoma City, was found to contain 464,000 parts per trillion pf PFOS and PFOA when the Air Force had it tested in 2017. The US EPA has established an advisory for groundwater at 70 parts per trillion, although it’s not enforced. When the overhead foam suppression systems in the hangars were operated, the foam was either allowed to drain into the ground or it was sent through drains to the sanitary sewer. Both threaten public health. Several other hangars and fire training areas had similarly dangerous levels of the toxins in the soil and groundwater.

The soils outside of the hangars and in the fire training areas are loaded with a deadly cocktail of PFAS chemicals of apocalyptic proportions, although this is mostly unnoticed in Oklahoma, a largely deregulated oil and gas state. It makes you wonder if the founders of the republic who championed a federalist system
would have laid it out differently if they had been able to factor in modern-day environmental concerns.

Anyway, groundwater at Tinker tends to flow northwest, toward the North Canadian River. Surface water on base drains to Crutcho Creek and then to the North Canadian River which flows through Oklahoma City.

![Map of Tinker AFB and surrounding areas](image)

Crutcho Creek drains Tinker AFB of dangerous toxins.

From 1963 to 1972, the solid waste treatment plant on base treated both industrial and sanitary wastewater. In 1996, the old SWTP was closed, and the system was removed by 2002. Tinker AFB now disposes of sanitary wastes to the Oklahoma City Publicly Owned Treatment Works. Sewer Sludge from the base contained approximately 5,600 ppt of PFOS/PFOA. Where is that sludge being applied to land? How lethal in the wastewater? Does anyone in a position of authority care in Oklahoma?

Will Rogers Airport, the Midwest City Readiness Center and Bethany, OK have also reported high levels of PFAS contamination.

I went through a few sections of the bill, commenting in all caps. I also provided him with items that ought to go into a more responsible bill. The language from segments of the bill is in normal type. My responses ARE IN ALL CAPS.
“PFAS waste shall not include consumer and industrial products that may incidentally contain PFAS and are routinely discarded as part of the municipal solid waste stream, unless the concentration of PFAS contained in the waste substantially exceeds levels typically found or expected in that type of waste or waste stream as determined by the Department of Environmental Quality.”

I’M STILL SHAKING MY HEAD AFTER READING THIS A FEW TIMES. WHAT DO THEY MEAN BY “TYPICALLY FOUND OR EXPECTED?” HAVE THESE LEVELS BEEN SET? THIS SECTION ASSUMES THAT ALL SOLID WASTE WILL BE TESTED?

“Rules and regulations adopted under subsection A of this section shall include provisions requiring that any person accepting PFAS waste for storage, treatment and/or disposal shall demonstrate to the Department that the manner in which the PFAS waste is to be stored, treated and/or disposed of is protective of human health and the environment. The rules and regulations shall establish criteria or guidelines to assist the Department in making a determination regarding this protection.”

THERE IS AN ASSUMPTION HERE THAT THERE IS A SAFE WAY TO “DISPOSE” OF THESE CHEMICALS. MAYBE OKLAHOMA KNOWS SOMETHING THE REST OF US HAVEN’T BEEN ABLE TO FIGURE OUT?

“A generator of PFAS waste may not transfer this liability to any other person. Nothing in this section shall prohibit any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section. Nothing in this section shall prohibit a cause of action that the generator of the PFAS waste or any other person subject to liability under this section, or a guarantor, may have or would have, by reason of subrogation or otherwise, against such person.”

YOU NEED A LEGAL EXPERT HERE! CAN POLLUTERS WALK AWAY FROM LIABILITY?

Here are several measures that ought to go into a responsible bill that is intended to protect public health from the scourge of PFAS:

Test

Oklahoma must test surface waters throughout the state for the presence of PFAS, especially in locations near military and industrial sites known to use or have had a history of using PFAS.

Oklahoma must test sewer sludge and wastewater throughout the state for the presence of per- and polyfluoroalkyl substances (PFAS) and make the results public. Fish should also be tested, as well as the soils and crops where sludge is
spread. All prior test results by civil and military authorities should be publicly released.

Oklahoma must test drinking water in all municipal water systems and in the most vulnerable private wells located near military and industrial sites known to use, or have had a history of using, PFAS.

**Regulate**

Oklahoma must set surface water standards for PFAS and it must develop fish and wildlife standards for PFAS.

Oklahoma must establish a Maximum Contaminant Level (MCL) of 1 part per trillion, (ppt.) in groundwater and drinking water for all PFAS types combined.

Oklahoma must establish a PFAS infrastructure grant program for municipal water providers. These funds would be used primarily to establish Granular Activated Carbon (GAC) filter systems to filter out the carcinogens so that tap water may be provided under the newly established MCL.

Oklahoma must immediately ban the use of all fire-fighting foams containing PFAS. Capable substitutes known as fluorine-free foams, or 3F are in regular use throughout European airports.

Oklahoma must ban the use of PFAS in a multitude of consumer products - from food packaging to cookware to cosmetics.

Oklahoma must immediately publish an emergency health warning specifically targeting women who are pregnant or may become pregnant. They must be told of the potential danger in their food and water.

Oklahoma must immediately ban the incineration of PFAS.

Please help us pay for testing water and seafood near military and industrial sites.

This is a project of WILPF US Earth Democracy Committee and Military Poisons. We use Eurofins Environment Testing, the country's largest PFAS testing laboratory.

Eurofins charges about $325 per sample of fish filet, foam, surface water, and drinking water. Our goal is to collect samples in a dozen locations in New England and Maryland. We'd like to raise $10,000 to cause a fuss. We will painstakingly adhere to all testing protocols and we'll film all our collection events. If you'd like to suggest a location to test and can bundle $325, please let us know. Contributions will also be used for administrative costs and are tax deductible. $10 would help. PLEASE DONATE