

GOVERNMENT RELATIONS

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**Berks County
Water & Sewer
ASSOCIATION**

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EPA Announces Proposed Decision to Regulate PFOA and PFOS in Drinking Water

On February 20, 2020, the U.S. Environmental Protection Agency (EPA) took another important step in implementing the Agency's PFAS Action Plan by proposing regulatory determinations for perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) in drinking water. Today's preliminary determinations mark a key milestone in EPA's extensive efforts under the **PFAS Action Plan** <https://www.epa.gov/pfas> to help communities address per- and polyfluoroalkyl substances (PFAS) nationwide.

"The U.S. leads the world in providing access to safe drinking water for its citizens, thanks in part to EPA's implementation of the Safe Drinking Water Act," said EPA Administrator Andrew Wheeler. "Under President Trump's leadership, EPA is following through on its commitment in the Action Plan to evaluate PFOA and PFOS under this Act." Aggressively addressing Per and Polyfluoroalkyl (PFAS) is an ongoing and high priority effort for EPA. EPA's PFAS Action Plan commits the agency

to take important steps that will enhance how the agency researches, monitors, detects and addresses PFAS. Over the past year, EPA has made significant progress under the Action Plan to help states and local communities address PFAS.

Through today's action, EPA is seeking public comment on its proposed regulatory determinations for eight contaminants listed on the fourth Contaminant Candidate List. The Agency is proposing to regulate two contaminants, PFOS and PFOA. EPA is also asking for information and data on other PFAS substances, as well as seeking comment on potential monitoring requirements and regulatory approaches EPA is considering for PFAS chemicals. The Agency is proposing to not regulate six contaminants: 1,1-dichloroethane, acetochlor, methyl bromide, metolachlor, nitrobenzene, and RDX.

EPA will seek comment on these preliminary determinations for 60 days after the notice is published in the Federal Register. For additional information on **EPA's efforts to address PFAS**, visit <https://na01.safelinks.protectionoutlook.com/?url=https%3A%2F%2Fusenvironmentalprotectionagency.comail20.com%2Ft%2Fd-1-mmulll-jjuhljyil-y%2F&data=02%7C01%7CLabbe.Ken%40epa.gov%7C9a9c3d8d33e14e74c96408d7b64e65d3%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7>

[C637178320138396091&sdata=GViXJJ188wc30fhRpuDI2bGkBSDSO1kAkqOgQmEGlzs%3D&reserved=0](https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fenvironmentalprotectionagency.email20.com%2Ft%2Fd-1-mmulll-jjuhljyil-j%2F&data=02%7C01%7CLabbe.Ken%40epa.gov%7C9a9c3d8d33e14e74c96408d7b64e65d3%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637178320138406085&sdata=RtgeSn2T21q0N%2BpvLw%2BKoPaUFvEckp1NAMH49E3%2Bg54%3D&reserved=0) .

For additional information on this action, visit <https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fenvironmentalprotectionagency.email20.com%2Ft%2Fd-1-mmulll-jjuhljyil-j%2F&data=02%7C01%7CLabbe.Ken%40epa.gov%7C9a9c3d8d33e14e74c96408d7b64e65d3%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637178320138406085&sdata=RtgeSn2T21q0N%2BpvLw%2BKoPaUFvEckp1NAMH49E3%2Bg54%3D&reserved=0>.

Background

The Safe Drinking Water Act establishes a robust scientific and public participation process that guide EPA's development of regulations for unregulated contaminants that may present a risk to public health. Every five years, EPA must publish a list of contaminants, known as the Contaminant Candidate List or CCL, that are known or anticipated to occur in public water systems and are not currently subject to EPA drinking water regulations. The EPA publishes draft CCLs for public comment and considers those comments prior to issuing final lists.

After issuing the final CCL, the EPA determines whether or not to regulate no fewer than five contaminants on the CCL through a process known as a Regulatory Determination. The EPA publishes preliminary regulatory determinations for public comment and considers those comments prior to making final regulatory determinations. If the EPA makes a positive regulatory determination for any contaminant, it will begin the process to establish a national primary drinking water regulation for that contaminant.

Background on the PFAS Action Plan

PFAS are a large group of man-made chemicals used in consumer products and industrial processes. In use since the 1940s, PFAS are resistant to heat, oils, stains, grease, and water-properties which contribute to their persistence in the environment.

The Agency's PFAS Action Plan is the first multi-media, multi-program, national research, management, and risk communication plan to address a challenge like PFAS. The plan responds to the extensive public input the agency received during the PFAS National Leadership Summit, multiple community engagements and through the public docket.

The PFAS Action Plan outlines the tools EPA is developing to assist states, tribes and communities in addressing PFAS.

EPA is taking the following highlighted actions:

Highlighted Action: Drinking Water

- EPA is committed to following the national primary drinking water regulation rulemaking process as established by the Safe Drinking Water Act (SDWA).
- On February 20, 2020, EPA issued preliminary determinations to regulate PFOA and PFOS.
- The agency is also gathering and evaluating information to determine if regulation is appropriate for other chemicals in the PFAS family.

Highlighted Action: Cleanup

- On December 19, 2019, EPA issued Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS <https://www.epa.gov/pfas/interim-recommendations-addressing-groundwater-contaminated-pfoa-and-pfos> , which provides cleanup guidance for federal cleanup programs that will be helpful to states and tribes.
- EPA has initiated the regulatory development process for listing perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Highlighted Action: Monitoring

- EPA will propose nationwide drinking water monitoring for PFAS under the next UCMR monitoring cycle.

Highlighted Action: Toxics

- On September 25, 2019, EPA issued an advanced notice of proposed rulemaking that would allow the public to provide input on adding PFAS to the Toxics Release Inventory toxic chemical list.
- On February 20, 2020, EPA issued a supplemental proposal to ensure that new uses of certain persistent long-chain PFAS chemicals in surface coatings cannot be manufactured or imported into the United States without notification and review under TSCA.
- On February 20, 2020, EPA released an updated list of 172 PFAS chemicals subject to Toxics Release Inventory reporting as required by the National Defense Authorization Act for Fiscal Year 2020.

Highlighted Action: Surface Water Protection

- EPA is exploring data availability and research to support the development of Clean Water Act human health and aquatic life criteria for certain PFAS, as data allows.
- EPA is examining available information about PFAS released into surface waters by industrial sources to determine if additional study is needed for potential regulation.

Highlighted Action: Biosolids

- EPA is in the early scoping stages of risk assessments for PFOA and PFOS in biosolids to understand any potential health impacts.

Highlighted Action: Research

- On November 22, 2019, EPA announced availability of \$4.8 million in funding for new research on managing PFAS in agriculture <https://www.epa.gov/research-grants/national-priorities-research-pfas-impacts-rural-communities-and-agricultural>.
- EPA continues to compile and assess human and ecological toxicity information on PFAS to support risk management decisions.
- EPA continues to develop new methods to test for additional PFAS in drinking water.

- The agency is also validating analytical methods for surface water, ground water, wastewater, soils, sediments and biosolids; developing new methods to test for PFAS in air and emissions; and improving laboratory methods to discover unknown PFAS.
- EPA is developing exposure models to understand how PFAS moves through the environment to impact people and ecosystems.
- EPA continues to assess and review treatment methods for removing PFAS in drinking water.
- EPA is working to develop tools to assist officials with the cleanup of contaminated sites.

Highlighted Action: Enforcement

- EPA uses enforcement tools, when appropriate, to address PFAS exposure in the environment and assists states in enforcement activities.
- EPA has already taken actions to address PFAS, including issuing Safe Drinking Water Act orders and providing support to states. See examples in the **PFAS Action Plan** <https://www.epa.gov/research-grants/national-priorities-research-pfas-impacts-rural-communities-and-agricultural> .

Highlighted Action: Risk Communications

- EPA is working collaboratively to develop a risk communication toolbox that includes multi-media materials and messaging for federal, state, tribal, and local partners to use with the public.

Source: EPA Press Release, 2/20/2020

EPA Awards Funds in Pennsylvania to Restore Streams in Chesapeake Bay Watershed

On February 18, 2020, the U.S. Environmental Protection Agency (EPA) announced the award of \$464,200 to the Pennsylvania Fish and Boat Commission (PFBC) to hire eight employees to assist with stream

improvement projects in Pennsylvania's portion of the Chesapeake Bay watershed.

The grant is part of EPA's action to ensure the timely spending of federal Chesapeake Bay grants to Pennsylvania.

The grant funds will be used to employ eight staff in the Commission's Stream Habitat Section. The staff, comprised of full-time, part-time and seasonal employees, will provide technical assistance to conservation districts and landowners for the planning, design and installation of stream habitat improvement and bank stabilization structures as well as other stream and riparian corridor best management practices (BMPs).

"This action ensures that our federal grant funds are applied in a timely manner to improve Pennsylvania streams and the Chesapeake Bay," said EPA Regional Administrator Cosmo Servidio.

"We're excited for the opportunity to expand our efforts in this vital area of conservation," said Tim Schaeffer, PFBC Executive Director. "Enhancing our waterways for both fish and anglers while protecting water quality for everyone upstream and downstream in the Chesapeake Bay watershed fits our mission and we're anxious to get started."

EPA redirected portions of Pennsylvania's Chesapeake Bay Implementation Grant (CBIG) to the Pennsylvania Fish and Boat Commission to accelerate the assistance for stream improvements. EPA took the action in light of the commonwealth's long-standing issue of unspent grant funds, known as unliquidated obligations, or ULOs.

EPA and the National Fish and Wildlife Foundation **announced** recently <https://www.epa.gov/newsreleases/epa-nfwf-announce-24-million-projects-improve-pennsylvania-streams-and-chesapeake-bay> that \$2.4 million of those unspent funds from two prior fiscal years would be applied to 14 water quality projects that will reduce stormwater runoff pollution from urban, suburban, and agricultural lands.

EPA also announced plans to redirect funds to support stream-side forest buffer projects proposed

by the Pennsylvania Department of Conservation and Natural Resources and to fund critical staff positions, including those at PADEP and Pennsylvania's Conservation Districts, and up to eight new coordinator positions to implement county action plans under the commonwealth's Phase III Watershed Implementation Plan.

EPA also is encouraging applications for Chesapeake Bay funding from the Pennsylvania Department of Agriculture and other Pennsylvania agencies or commissions for projects that improve local water quality and further nutrient and sediment reductions to the Chesapeake Bay.

Today's award, which helps protect public health and surface water ecosystems, supports **EPA's 50th anniversary celebration** <https://www.epa.gov/newsreleases/epa-50-progress-stronger-future> and its February theme of protecting America's waters.

Source: EPA Press Release, 2/18/2020

Southwestern PA Water Resources Center Hosts Smart Green Corridors, MS4 Stormwater Refresher, Stormwater & Flood Management Workshops

The Southwestern PA Commission Water Resource Center is scheduled to hold a series of workshops on smart green corridors, a refresher on MS4 Stormwater requirements and comprehensive stormwater and flooding management in March.

MS4: Smart Green Corridors

The development of a Smart Green Corridor is invaluable to the ideology of decision-making at the municipal and regional scale.

The process of developing an SGC serves to identify particular "hot spots" or challenge areas and provide a visual representation of where the

biggest environmental, financial, and social return on investments are.

An implemented SGC is a linkage system tying together human, built, and natural capital to foster a dynamic closed-loop approach to bolstering the local economy, protecting the environment, and providing positive social impacts through implemented elements that are complementary to each other.

An inherent and potential benefit of an implemented SGC is a reduction in overall MS4 program tasks and activities.

The workshop will be held:

- **March 18:** Peters Township Municipal Building, 200 Municipal Drive, McMurray, Washington County. 9:00 a.m. to Noon. Click here to register.
http://r20.rs6.net/tnp?f=001E1JkYW0ZTDmdY YL-tHaVmZrS_Cjo6ImgUqBOPws0eWrfEPKeXUYseWX4MgG1Y_dqDMYZel2arX7YWXq2K VtE66YClruRRmSS6XmLAvhytNUbQoDnRr w5O2Chk6Sh9yNKhXQWTI03OK9hKKLhDN Simcu3wj0vvQHKhoURtbEUbWmOiFbB0dE MzeP_KVF3h3udhqpW_dTSiEyS5kRY6mhRv QN7Q8URNnocJmsLkr8mTjWZEo7bO4rWA==&c=3e2tifGKI_klrfHmRBL1FGCfYAgQYqIh I0p_22rmFif8UDxXRr6oiw==&ch=UKWb6RX tWYsp-tk6mKmlI9wAS02Oh2tum17vwzVVZbnEAKb UK1fJmA==

Presenting the workshop will be Mike LaSala, LandStudies, Inc.

MS4 Stormwater Refresher

Need a crash course to better understand MS4 permits? The MS4 Refresher Workshop is geared towards new employees, current employees with more MS4 responsibilities or for individuals looking for more knowledge related to MS4 permit requirements.

The workshop will provide high-level explanations of Stormwater Management Programs (SWMPs), Minimum Control Measures (MCMs),

TMDL Plans and Pollutant Reduction Plans (PRPs), permit implementation, and how these items are supposed to interact with each other to facilitate a compliant MS4 program.

The workshop will be held:

- **March 19:** North Fayette Municipal Building, 400 North Branch Road, Oakdale, Allegheny County. 9:00 a.m. to Noon. Click here to register.
http://r20.rs6.net/tnp?f=001E1JkYW0ZTDmdY YL-tHaVmZrS_Cjo6ImgUqBOPws0eWrfEPKeXUYseWX4MgG1Y_dquTdgrGVbzXzMh7VDWo 1UKcU2NH-E-eEupFIG875da6vYxysCIZQLVU_E- eqmloChAGNI8S03B-u200fPrXwbqDIqUmzoHFcO27gxxZ3RuupFS SC7eZ4diRBuB2bSXEsMcG-mIJk_BI4tfluDYNXc2ZZKM3z5t4NI5SYrCx9 MpuiXqm-2tgWKg==&c=3e2tifGKI_klrfHmRBL1FGCfY AgQYqIhI0p_22rmFif8UDxXRr6oiw==&ch=U KWb6RXtWYsp-tk6mKmlI9wAS02Oh2tum17vwzVVZbnEAKb UK1fJmA==

Presenting the workshop will be Mike LaSala, LandStudies, Inc.

Stormwater & Flooding Management

These workshops are essential to gaining a better understanding of how different aspects of water resource management topics are connected. The workshop will cover integrated approaches to water resources planning and management with an emphasis on the stormwater/flooding/water supply connection.

Topics covered will include stormwater and flooding, integrated water resources planning, stormwater fee establishment, legal issues for stormwater and floodplain management, the driving forces and means for prioritizing flood mitigation initiatives over wide regions, an integrated approach to prioritizing flood mitigation efforts, where stakeholders can help craft and ultimately support the reasons for various targeted flood mitigation

measures, and comprehensive watershed plan for a Pennsylvania watershed.

Speakers include: NTM Engineering, Inc.: Paul DeBarry, PE, PH, GISP , D.WRE; HDR - Chad Davis, PE; GTN Law - Vincent Tucceri, Esq.; and Brown & Caldwell.

Who should attend: Municipal officials and staff, engineers, planners, agencies, Conservation Districts, watershed organizations, DEP and PennDOT staff.

The workshops will be held:

- **March 31:** Green Tree Municipal Building, Sycamore Hemlock Room, 10 Manilla Avenue in Pittsburgh from 8:30 a.m. to 12:30 p.m. Click here to register.
<https://events.r20.constantcontact.com/register/eventReg?oeidk=a07egwzlx1641dbfa28&oseq=&c=&ch=>
- **April 1:** Cranberry Township Municipal Building Council Chambers, 2525 Rochester Road in Cranberry Township, Butler County from 8:30 a.m. to 12:30 p.m. Click here to register.
<https://events.r20.constantcontact.com/register/eventReg?oeidk=a07egwzlxsyb28a131f&oseq=&c=&ch=>

The workshop is the same at both locations.

For more information on programs, initiatives, other upcoming educational opportunities and more, visit the **Southwestern PA Commission Water Resource Center website** at <https://www.spcwater.org/>

Source: PA Environmental Digest, 2/24/2020

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