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Solid Waste Association of North America 2017 Technical Session: PFAS and Other Emerging Contaminants

Presented by
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Presentation Outline

- Background and Big Picture
- The Vermont drinking water advisory and emergency rules
- Agency of Natural Resources and Department of Health response, Spring 2016
- The Act 154 Chemicals Working Group
- Natural Resources Damages Rulemaking
- The Investigation and Remediation of Contaminated Properties Rule
- The Groundwater Rule and Protection Strategy
- The Vermont Hazardous Waste Management Regulations
- Conclusions and Questions

Background and Big Picture

- Current environmental challenges present both technical and fiscal puzzles for regulators, business groups and public officials
- Difficult policy choices can look easier when seen from different perspectives and compared to multiple analogues
- The rule of law must balance science, public interest and cost feasibility



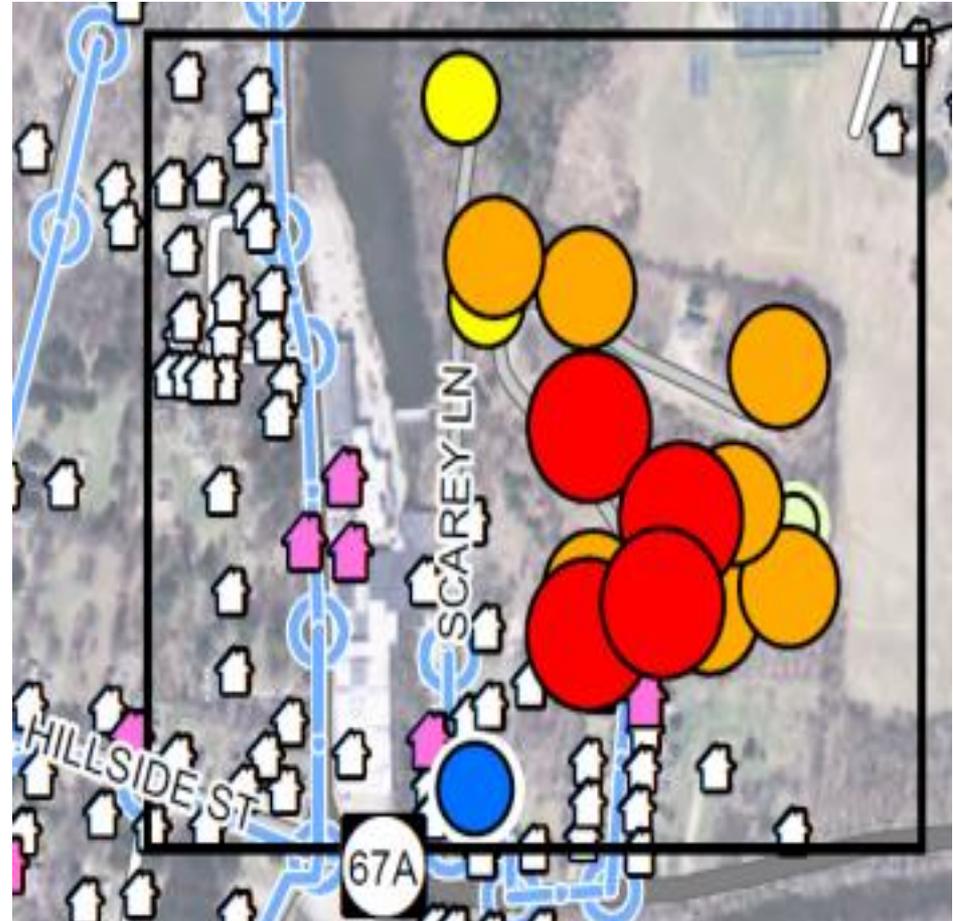
Vermont drinking water advisory and emergency rules



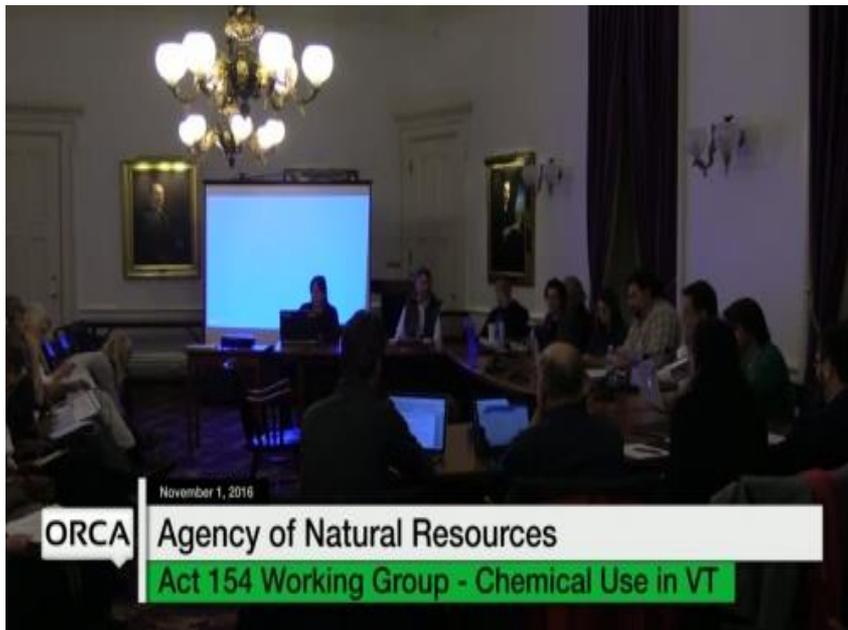
- Drinking water Advisory of 20 parts per trillion for PFOA and PFOS established by Vermont Department of Health in late February, 2016
- Emergency rules under 3 V.S.A. § 844 adopted with approval from Legislative Committee on Administrative Rules:
 - Hazardous waste management rules
 - Groundwater protection rule and strategy
 - Interim groundwater standard and hazardous waste listing

Spring, 2016

- Background, legislative inquiry and state response
- Well Testing
- Bottled water and filters
- Blood testing
- Legislative action and regulatory mandates
- Negotiations with PRPs



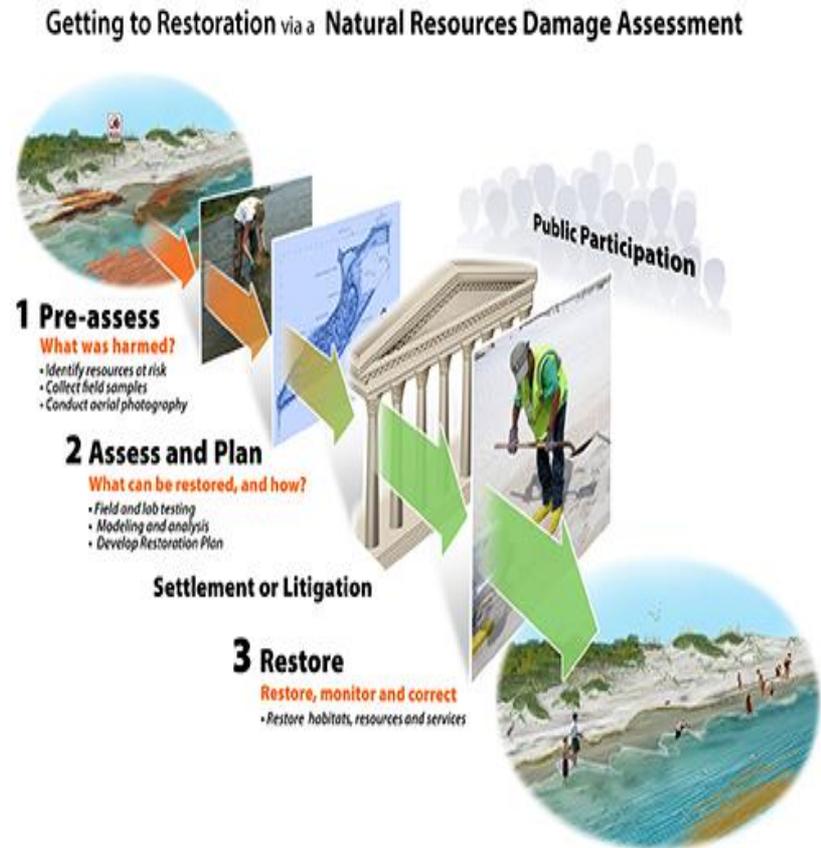
Act 154 Chemicals Working Group



- Agency of Natural Resources Tasked with leading work group of businesses, health advocates and state programs
- Report reviewed current regulatory scheme, emerging contaminants and potential programmatic solutions
- Report submitted January, 2017
- S.10 and S.103

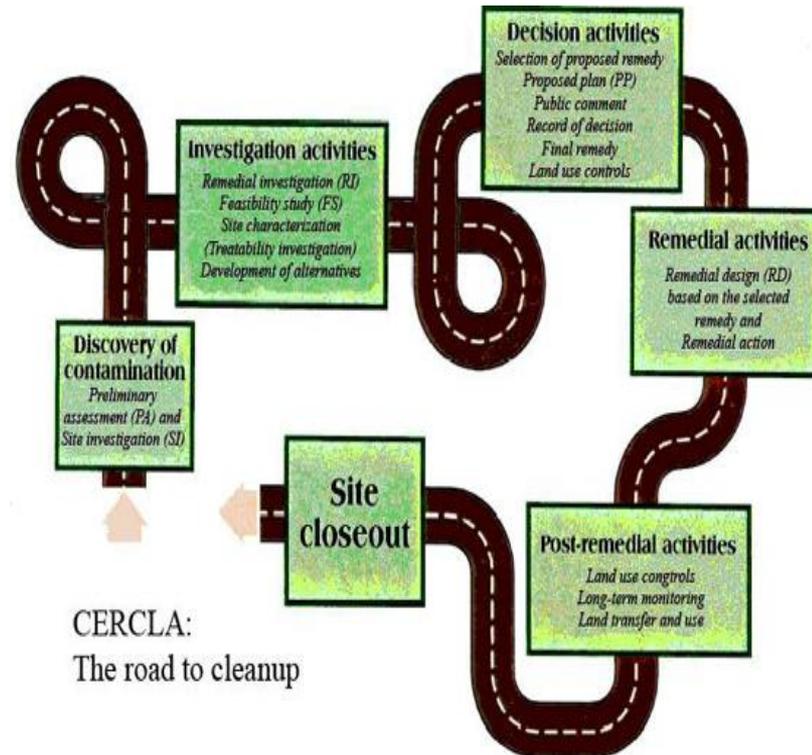
Natural Resources Damages Rulemaking

- Act 154 required Agency of Natural Resources public outreach in preparation for adopting rules to establish methodology for assessing natural resources damages
- Draft rule on VT DEC waste management division website
- PFOA not named, but rule would provide for damage assessments to surface and ground water, air and biological resources
- Provides for assessment of damages through data collection and damaged assessment, coordinated by trustee, with PRP and public input



The IROCP Rule

- Regulation implementing state version of Federal Comprehensive Environmental Response, Compensation and Liability Act
- Adopted July 27, 2017
- Rule establishes process for corrective action, from initial investigation of contaminated properties to final cleanup, remediation, and closure
- New rule adds the following changes:
 - PFOA soil screening standard .3 mg/kg
 - New criteria for evaluating cost of corrective action plan alternatives
 - New background levels

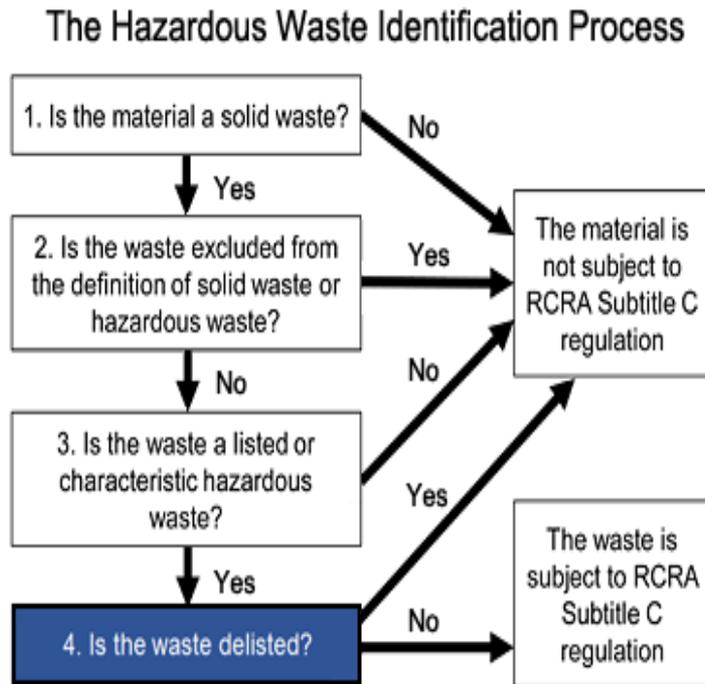


Groundwater Rule and Protection Strategy

- Groundwater as a public trust enacted by Vermont General Assembly in 2008, 10 VSA § 1390(5), to protect groundwater quantity and quality
- Groundwater Rule and Protection Strategy adopted December 16, 2016, establishes guidance for classification, management, and risk assessment for groundwater resources
- Enforcement standard / preventative action level
 - PFOS: .02 ppb / .01 ppb
 - PFOA: .02 ppb / .01 ppb



Hazardous Waste Management Rules



- Vermont regulations implementing Federal Resource Conservation and Recovery Act, to regulate the generation, storage, collection, transport, treatment, disposal, use, reuse, and recycling of hazardous waste in Vermont
- Rule amended as of December 31, 2016
- Amended to include PFOA and PFOS as Vermont listed hazardous wastes VT 21 and VT 22, hazard class "T"

Conclusions and Questions

- Limited public and private investment dollars for environmental cleanup
- Liability scheme under state and federal law is based on sound policy to hold property owners in chain of title accountable, but does not work at every site
- Groundwater contamination from chemicals competes with other hazardous waste cleanup, surface water remediation, waste management and infrastructure needs
- Where will public investment needed to support ECF, PCF, Brownfields grants and/or BRELLA come from?



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