CBIA Energy & Environment Council

CBIA e^2 Waste Task Force Summary
March 15, 2019

Harold Blinderman: Day Pitney LLP **Mark Bobman: Bristol Resource Recovery**

Issue	Notes
DEEP – Cleanup Transformation	• **RSR Wave 2 Roll Out** ❖ Wave 2 proposed regulations remain at OPM. Pending OPM and the Governor's review, DEEP intends to commence the public notice process. DEEP is currently anticipating a 90 day public comment period and will host informational forums during the public comment period.
DEEP – Spill Reporting	• **Spill Reporting Regulation Status** ❖ P.A.16-199 required DEEP to draft and adopt regulations specifying numeric thresholds for reporting spills, discharges or other releases – reports required if exceed applicable threshold. ❖ An internal DEEP Spill Reporting regulation team continues to draft/finalize a proposed regulation.
DEEP – Remediation Roundtable	• **Next Remediation Roundtable March 19, 2019 -- Agenda Items Include:** ❖ Remarks by DEEP Commissioner Katie Dykes ❖ Wave 2 RSRs Update ❖ Compliance and Enforcement Update (Jan Czeczotka, Remediation Division Director). ❖ Presentation: o Significant Environmental Hazard Easy Status Reporting Forms for Soil, Drinking Water, and Groundwater Hazard Conditions (Camille Fontanella, Remediation Division SEH Coordinator). ❖ Presentation: o General Permit for In-situ Groundwater Remediation: Enhanced Aerobic Biodegradation (Ken Feathers, Remediation Division Supervising Sanitary Engineer). ❖ Presentation: o Rem In / Rem Out: A presentation on remedial projects entering the system, exiting the system, and ramifications (Rob Robinson, Remediation Division Supervising Environmental Analyst).
DEEP – Solid Waste	• **DEEP-Solid Waste Advisory Committee** ❖ Next Meeting March 26, 2019.

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EPA – TSCA	• **EPA Releases Updated TSCA inventory** ❖ On February 19, 2019, EPA released an update of the Toxic Substances Control Act (TSCA) Chemical Inventory (TSCA Inventory), expressly identifying chemicals that are "active" versus "inactive" in commerce in the U.S. ❖ According to EPA, a "key result of the update is that less than half of the total number of chemicals on the current TSCA Inventory (47 percent or 40,655 of the 86,228 chemicals) are currently in commerce." ❖ The updated TSCA Inventory includes an updated commercial activity status field designating which chemical substances are "active" in U.S. commerce. All substances not reported as "active" are identified as "inactive."

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More on PFAS	• **EPA Releases PFAS Action Plan** ❖ On February 14, EPA released its long-awaited Per- and Polyfluoroalkyl Substances (PFAS) Action Plan with a focus on the potential impacts of PFAS compounds in the environment. The EPA's Action Plan presents a framework for future federal regulatory initiatives. ❖ PFAS are a family of chemicals. Their widespread product applications range from nonstick cookware and electronics to medical garments and firefighting foam. These chemicals are persistent in the environment. They don't break down easily, and they can accumulate over time. PFAS compounds may be present at sites throughout the country and can present remediation challenges. ❖ The EPA's PFAS Action Plan describes long- and short-term actions that include the following: o **Drinking Water**: The EPA is moving forward with the maximum contaminant level (MCL) process outlined in the Safe Drinking Water Act (SDWA) for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonate (PFOS). By the end of 2019, the EPA advises it will propose a regulatory determination, the next step in the SDWA process for establishing an MCL. This would be the first time a new MCL has been established since the passage of the SDWA in 1996. Over the next two years, the EPA intends to propose nationwide monitoring for other PFAS compounds in drinking water. o **Cleanup**: The EPA has initiated the regulatory development process for listing PFOA and PFOS as CERCLA hazardous substances and advises it will develop interim groundwater cleanup recommendations for sites contaminated with PFOA and PFOS.
More on PFAS continued	• **EPA Releases PFAS Action Plan continued** o **Monitoring**: The EPA will propose to include PFAS in nationwide drinking water monitoring under the next Unregulated Contaminant Monitoring Rule program. o **Toxics**: The EPA will consider listing PFAS chemicals as part of the Toxics Release Inventory Program under the Toxic Substances Control Act. This listing reflects the agency's interest in identifying where these chemicals are being released. The Action Plan also indicates that the EPA will publish draft toxicity assessments for five other compounds — perfluorobutanoic acid (PFBA), perfluorohexanoic acid (PFHxA), perfluorodecanoic acid (PFDA), perfluorohexane sulfonic acid PFHxS) and perfluorononanoic acid (PFNA). The EPA expects to publish these drafts in 2020. o **Research**: The EPA advises of its commitment to the development of new analytical methods, whereby PFAS chemicals can be more readily detected in drinking water, soil and groundwater. • **Maine**

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More on PFAS continued	❖ On March 6, 2019, Maine Governor Janet Mills issued "*An Order to Study the Threats of PFAS Contamination to Public Health and the Environment*." ❖ The Executive Order established a task force to: o Review information regarding known locations of PFAS and the status of response strategies o Identify significant data gaps in the knowledge of PFAS in Maine and develop recommendations o Identify opportunities for public education regarding PFAS contamination and its effects o Identify the sources of PFAS contamination and exposure pathways that pose the greatest risk o Examine the benefits/burdens of treatment and disposal options for PFAS-contaminated media o Assess how state agencies can use their existing authority and resources to reduce or eliminate PFAS risks o Determine the inventory and use of fluorinated Aqueous Film Forming Foam in firefighting and fire training activities and evaluate effective non-fluorinated alternatives; and o Examine data regarding PFAS contamination in freshwater fish and marine organisms and determine whether further examination is warranted ❖ The task force will issue a report to Governor Mills' administration with its findings and recommendations to address PFAS exposure and contamination. The task force report is to be issued "as soon as reasonably practicable." • **California** ❖ On March 6, 2019, the California State Water Resources Control Board announced a "Phased Investigation Plan" for PFAS.. ❖ The Investigation Plan represents a coordinated effort by the Water Board to identify PFAS in discharges and drinking water sources across California. ❖ Under each phase, the Water Board will issue orders to the covered facilities requiring at least one round of testing of their discharge to identify whether PFAS are present: Phase 1 will target airports and landfills, along with sources of drinking water within a 1-mile radius of systems that historically have been identified as having PFAS in their discharge, Phase 2 will focus on discharges from refineries, bulk terminals, and certain facilities for firefighting training, while Phase 3 will cover an as-yet-undetermined set of "secondary" manufacturers.

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Comprehensive Materials Management Strategy (CMMS)	• **March 11, 2019 Environment Committee Public Hearing** ❖ Numerous bills on materials management (ban, tax, extended producer responsibility, redemption, expanded bottle bill) ❖ Plastic and paper bags, straws, polystyrene food containers, helium balloons, wine & spirits, nips ❖ Following a 4-month outage at MIRA's Connecticut Solid Waste System Project (formerly Mid-CT project under CRRA), DEEP is advocating for legislation to enable the Commissioner to **issue an order requiring the execution of a contract** for redevelopment of the project ❖ Despite severely restricted markets and widespread disposal and storage of processed "recyclables," DEEP continues to advocate pay-as-you-throw, event "recycling" and food waste composting
Food Waste	• **Anaergia is reportedly on track to develop the largest food waste diversion and energy recovery facility in North America** ❖ Three California utilities and several sanitation agencies in that state, including the City of Rialto, which will host the plant ❖ Organics from mixed solid waste will be processed using anaerobic digestion to recover energy and produce fertilizer ❖ Capacity reportedly will be 1,000 tons per day of food waste and biosolids