

# Water Task Force Status Summary

## CBIA e<sup>2</sup> Council

***Revised November 2021***

Program	Status	Comments
<b>DEEP Programs</b>		
Program	Status	Comments
<b>Wastewater Permits</b>		
<u>Contact:</u> Ozzie Inglese at (860) 424-3725 or <a href="mailto:oswald.inglese@ct.gov">oswald.inglese@ct.gov</a>		
Bill No. 837 Public Act No. 21-191	Issued and in effect	<p>An act concerning the use of perfluoroalkyl or polyfluoroalkyl substances in class B Firefighting Foam. As provided by the Act on or after October 1, 2021, no person shall use a class B firefighting foam that contains an intentionally added perfluoroalkyl or polyfluoroalkyl substance for any vapor suppression or firefighting purpose unless such fire is a flammable liquid-based fire and the Commissioner of Energy and Environmental Protection (CTDEEP) fails to identify an alternative to such use on or before July 1, 2021.</p> <p>For any airport-related entity with a facility that utilizes a fire suppression system containing class B firefighting foam that contains an intentionally added perfluoroalkyl or polyfluoroalkyl substance on or before October 1, 2021 mitigation measures shall be employed to prevent releases of such foam into the environment, including the implementation of plans and physical features that are designed to prevent releases of such foam into the environment through the use of containment, treatment and disposal of such foam, event when such foam is deployed in its intended manner.</p> <p>No later than October 1, 2023, any such system shall be removed or repurposed to remove such firefighting foam.</p> <p>Not later than October 1, 2021, the Commissioner of CTDEEP shall develop or identify a take-back program for municipally owned class B firefighting foam containing perfluoroalkyl or polyfluoroalkyl substances that results in the application of best management practices for the disposal of such substances.</p>

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Comprehensive General Permit for Discharges to Surface Water and Groundwater	<b>NO CHANGE</b> Effective 3/30/18 Expires 3/29/2023	<p>The purpose of the Comprehensive General Permit is to provide a single general permit that will encompass discharges from the General Permit for the Discharge of Water Treatment Wastewater, General Permit for the Discharge of Minor Non-contact Cooling and Heat Pump Water, and the General Permit for the Discharge of Hydrostatic Pressure Testing Water. The Comprehensive General Permit will also include coverage for discharges of <b><i>fire suppression testing wastewater</i></b>, hydrant flushing wastewater, potable water system tank and pipeline draining wastewater, and boiler blowdown wastewater (to groundwater only).</p> <p>The Swimming Pool GP has been reissued for two more years (expires August 05, 2021) without any changes or re-registration required. It is the intent to eventually consolidate this general permit into the Comprehensive GP in the future.</p>
MIU General Permit (formerly known as MISC Wastewater General Permit)	<b>NO CHANGE</b>  Issuance Date: Sept. 29, 2020 Effective Date: October 31, 2020 Expiration Date: October 30, 2025	<p>This general permit is issued under the authority of section 22a-430b of the Connecticut General Statutes.</p> <p><a href="https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Industrial-Wastewater/Industrial-Wastewater">https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Industrial-Wastewater/Industrial-Wastewater</a></p> <p>This general permit authorizes discharges of Miscellaneous Industrial User (MIU) wastewater to a Publicly Owned Treatment Works (POTW) from an Industrial User which is not a Significant Industrial User, as defined in this general permit, and where such wastewater is:</p> <ul style="list-style-type: none"> <li>• conveyed by sanitary sewer; or</li> <li>• transported by a licensed waste hauler in accordance with Section 5(e)(4) of this general permit.</li> </ul> <p><a href="https://portal.ct.gov/DEEP/Permits-and-Licenses/Water-Discharge-Permits-and-General-Permits">https://portal.ct.gov/DEEP/Permits-and-Licenses/Water-Discharge-Permits-and-General-Permits</a></p>

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SIU General Permit (formerly known as the General Permit for the Discharge of Wastewaters from Categorical Industrial Users to a Publicly Owned Treatment Works (POTW))	<b>NO CHANGE</b>  Issuance Date: October 30, 2020 Effective Date: October 31, 2020 Expiration Date: October 30, 2025	This general permit is issued under the authority of section 22a-430b of the Connecticut General Statutes. <a href="https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Industrial-Wastewater/Industrial-Wastewater">https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Industrial-Wastewater/Industrial-Wastewater</a>  Provided the requirements of Section 3(b) of this general permit are satisfied, this general permit authorizes the following indirect discharges from a Significant Industrial User, as defined in this general permit, to a Publicly Owned Treatment Works (POTW) via sanitary sewer or through transport by a licensed waste hauler in accordance with Section 5(e)(4) of this general permit: (1) Metal finishing wastewater, as defined in this general permit; and/or (2) Process and non-process wastewater that is not subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N.  Any discharge of water, substance or material into the waters of the state other than those specified in this section is not authorized by this general permit, and any person or municipality which initiates, creates, originates or maintains such a discharge shall apply for and obtain authorization under section 22a-430 of the Connecticut General Statutes prior to the occurrence of such discharge. <a href="https://portal.ct.gov/DEEP/Permits-and-Licenses/Water-Discharge-Permits-and-General-Permits">https://portal.ct.gov/DEEP/Permits-and-Licenses/Water-Discharge-Permits-and-General-Permits</a>
<b>Stormwater Permits</b> <u>Contact:</u> the stormwater group at 860-424-3025 or DEEP.StormwaterStaff@ct.gov	REMINDER to set up user accounts in ezFile and subscriber agreements for both ezFile and NetDMR.	Construction and Industrial Stormwater General Permits - Effective January 20, 2016, DEEP's ezFile on-line system should be used to submit stormwater construction and industrial general permit registration(s). Please refer to the Construction Stormwater web page or the Industrial Stormwater web page for details on using ezFile.

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Industrial Stormwater General Permit	<b>NO CHANGE</b> Permit effective October 1, 2021 <u>without modifications posted</u>  Expires September 30, 2024 No renewal registration is required for existing sources.	<p>The current industrial general permit became effective on October 1, 2011. It was most recently reissued <i>without modifications</i> on October 1, 2019 and will expire on September 30, 2021. The DEEP is proposing to <b>continue permit authorization</b> by issuing this notice to reissue the industrial general permit <i>without modifications</i> for the period beginning on October 1, 2021 and expiring on September 30, 2024.</p> <p>The Department intends to reissue a new industrial general permit <i>with modifications</i> prior to the expiration of this proposed reissued general permit <i>without modifications</i>. <b>The Department will seek public comment on a notice of tentative decision to reissue the industrial general permit <i>with modifications</i> by July 2022.</b></p> <p>For more information, go to: <a href="https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Industrial-Stormwater-GP">https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Industrial-Stormwater-GP</a></p>

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Stormwater and Dewatering Wastewaters from Construction Activities	<p><b>NO CHANGE</b></p> <p>Issued: 12/21/2020; Effective Date: 12/31/2020</p> <p>Renewal registration is required within 120 days.</p> <p>Notice of Reissuance of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities</p>	<p>The Department of Energy &amp; Environmental Protection (DEEP) hereby gives notice of the reissuance with modifications of the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (construction general permit). The reissued construction general permit will be effective December 31, 2020.</p> <p>The Public Notice of Tentative Decision to modify the construction general permit was published in newspapers statewide on December 31, 2019 and January 2, 2020 and a public informational meeting was held on January 8, 2020. Two hundred and four (204) comment letters or emails and a petition for hearing were received during the 45-day comment period for the general permit. Staff from the Water Permitting and Enforcement Division met with a workgroup of consulting engineers, representatives from the solar industry, and other intervening parties from June to October 2020 to reach agreement on the final construction general permit. The petition for hearing was withdrawn on October 23, 2020. Further information on the general permit and a Response to Comments is available on the DEEP website at <a href="https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Construction-Stormwater-GP">https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Construction-Stormwater-GP</a>.</p> <p><b>Current Permittees Under the construction general permit</b>--Permittees currently authorized to discharge under the construction general permit must submit a reregistration electronically via DEEP's eZFile portal within 120 days of the date of issuance of the general permit in order to continue authorization.</p> <p>For more information, search for 'construction stormwater' on the DEEP website.</p>

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Stormwater Associated with Commercial Activity	<b>NO CHANGE</b>  Reissued 9/10/2020 Expires 5/14/2022	The DEEP will be reissuing without modifications for two years – no registration required for existing registrants. Registrants are expected to comply with the terms and conditions of the current Commercial Stormwater General Permit in the interim until such time the reissued general permit becomes effective. The current commercial general permit became effective on May 15, 2017 and expired on May 14, 2020. The DEEP is proposing to continue permit authorization by issuing a notice to reissue the commercial general permit without modifications for the period beginning on the date of issuance by the Commissioner and expiring on May 14, 2022.  For more information, go to: <a href="https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Commercial-Stormwater">https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Commercial-Stormwater</a>
<b>Water Diversion Program</b>  <u>Contact:</u> Land and Water Resources Division at (860) 424-3019	2020 Annual Water Use Reporting Form for reporting of both registered and permitted diversions  2022 water use forms posted on website for 2021 reporting year	July 14, 2020 – Letter from the Commissioner Re <i>Notice of Availability of Forms for the Reporting of Operating Data for Registered Diversions and Submission Deadline</i> In accordance with Section 22a-368a of the General Statutes of Connecticut, the Commissioner of the Connecticut Department of Energy and Environmental Protection hereby gives notice that a form for the reporting of operating data for water diversions registered pursuant to Section 22a-368 CGS is available on-line at <a href="http://www.ct.gov/deep/waterdiversionreporting">www.ct.gov/deep/waterdiversionreporting</a> . The deadline for diversion registrants to submit their first completed reporting form was January 31, 2021. This form will contain daily diversion operating data for the year 2020. All registrants expected to submit annual reports were mailed individual notices dated September 30, 2019. Anyone requiring more information regarding this matter may visit the Department's Water Diversion Reporting website at <a href="http://www.ct.gov/deep/waterdiversionreporting">www.ct.gov/deep/waterdiversionreporting</a> or contact the Department by email at <a href="mailto:deep.waterdiversionreporting@ct.gov">deep.waterdiversionreporting@ct.gov</a> or by phone at 860-424-3020. Department staff has limited access to phones during the on-going health crisis therefore email contact is preferred. NOTE: In light of COVID-19, timely renewal for individual diversion permits has been reduced to 30 days prior to expiration.

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<b>Water Quality Standards</b> <u>Contact:</u> Bureau of Water Protection and Land Reuse at (860) 424-3020	<b>NO CHANGE</b>  Triennial Review Process underway?	9/17/2020 From Phil Trowbridge (since retired): “DEEP is currently finalizing our response to comments on the list of topics to be considered for rule changes. After that, we will need to submit the document to EPA for approval. Once approved, we will post the document on our website and email all those who commented. I expect that we will be done with these steps by the end of the year. The next step after that would be to start the rulemaking process for making changes to the standards, which is a long process by itself.” Topics under Consideration for Revision within the WQS Regulations include Updates to Numeric Water Quality Criteria, Revise the Low Flow Statistic Applicable to Fresh Waters, Extended Disinfection Period, Define Highest Attainable Use, Downstream Protection, and Water Quality Classification Maps. More information including the public comments can be found at <a href="https://www.ct.gov/deep/cwp/view.asp?a=2719&amp;q=325618&amp;deepNav_GID=1654">https://www.ct.gov/deep/cwp/view.asp?a=2719&amp;q=325618&amp;deepNav_GID=1654</a> or by searching the DEEP website for “water quality standards”.
<b><i>EPA Programs</i></b>		
<b>PFOA, PFOS and Other PFASs</b>	<b>On-going</b> <b>EPA launches national strategy on PFAS pollution</b>  EPA’s PFAS website at <a href="https://www.epa.gov/pfas">https://www.epa.gov/pfas</a>	<b>WASHINGTON (Oct. 18, 2021)</b> – Today U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan announced the agency’s comprehensive Strategic Roadmap to confront PFAS contamination nationwide. The Roadmap is the result of a thorough analysis conducted by the EPA Council on PFAS that Administrator Regan established in April 2021. EPA’s Roadmap is centered on three guiding strategies: Increase investments in research, leverage authorities to take action now to restrict PFAS chemicals from being released into the environment, and accelerate the cleanup of PFAS contamination. North Carolina Governor Roy Cooper and other elected leaders will join Administrator Regan at North Carolina State University in Raleigh, NC, for the announcement.  “For far too long, families across America – especially those in underserved communities – have suffered from PFAS in their water, their air, or in the land their children play on,” said EPA Administrator Michael S. Regan. “This comprehensive, national PFAS strategy will deliver protections to people who are hurting, by advancing bold and concrete actions that address the full lifecycle of these chemicals. Let there be no doubt that EPA is listening, we have your back, and we are laser focused on protecting people from pollution and holding polluters accountable.”

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		<p>"This roadmap commits the EPA to quickly setting enforceable drinking water limits for these chemicals as well as giving stronger tools to communities to protect people's health and the environment," said North Carolina Governor Roy Cooper. "As we continue partnering with the EPA on this and other important efforts, the Bipartisan Infrastructure Deal and the larger budget resolution would provide critical help by dedicating significant resources to address PFAS contamination."</p> <p>The Strategic Roadmap delivers on the agency's mission to protect public health and the environment and answers the call for action on these persistent and dangerous chemicals. Today, alongside the release of the Roadmap, the agency is announcing a new national testing strategy that requires PFAS manufacturers to provide the agency with toxicity data and information on categories of PFAS chemicals. The PFAS to be tested will be selected based on an approach that breaks the large number of PFAS today into smaller categories based on similar features and considers what existing data are available for each category. EPA's initial set of test orders for PFAS, which are expected in a matter of months, will be strategically selected from more than 20 different categories of PFAS. This set of orders will provide the agency with critical information on more than 2,000 other similar PFAS that fall within these categories.</p> <p>The Roadmap lays out:</p> <ul style="list-style-type: none"> <li>• Aggressive timelines to set <b>enforceable drinking water limits</b> under the Safe Drinking Water Act to ensure water is safe to drink in every community.</li> <li>• <b>A hazardous substance designation</b> under CERCLA, to strengthen the ability to hold polluters financially accountable.</li> <li>• Timelines for action—whether it is data collection or rulemaking—on <b>Effluent Guideline Limitations under the Clean Water Act for nine industrial categories</b>.</li> <li>• A <b>review of past actions on PFAS taken under the Toxic Substances Control Act</b> to address those that are insufficiently protective.</li> <li>• Increased <b>monitoring, data collection and research</b> so that the agency can identify what actions are needed and when to take them.</li> </ul>



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		<ul style="list-style-type: none"> <li>• A final <b>toxicity assessment for GenX</b>, which can be used to develop health advisories that will help communities make informed decisions to better protect human health and ecological wellness.</li> <li>• Continued efforts to build the <b>technical foundation needed on PFAS air emissions</b> to inform future actions under the Clean Air Act.</li> </ul> <p>“I’m encouraged that EPA is giving this urgent public health threat the attention and seriousness it deserves,” said Senator Tom Carper. “This is truly a soup-to-nuts plan—one that commits to cleaning up PFAS in our environment while also putting protections in place to prevent more of these forever chemicals from finding their way into our lives. After the previous administration failed to follow through on its plan to address PFAS contamination, EPA’s new leadership promised action. I look forward to working with them on living up to this commitment.”</p> <p>“Communities contaminated by these toxic forever chemicals have waited decades for action,” said Ken Cook, President of the Environmental Working Group. “So, it’s good news that Administrator Regan will fulfill President Biden’s pledge to take quick action to reduce PFOA and PFOS in tap water, to restrict industrial releases of PFAS into the air and water, and to designate PFOA and PFOS as hazardous substances to hold polluters accountable. It’s been more than 20 years since EPA and EWG first learned that these toxic forever chemicals were building up in our blood and increasing our likelihood of cancer and other health harms. It’s time for action, not more plans, and that’s what this Administrator will deliver. As significant as these actions are, they are just the first of many actions needed to protect us from PFAS, as the Administrator has said.”</p> <p>EPA’s Strategic Roadmap is a critical step forward in addressing PFAS pollution. Every level of government – from local, to state, to Tribal, to federal will need to exercise increased and sustained leadership to continue the momentum and make progress on PFAS. President Biden has called for more than \$10 billion in funding to address PFAS contamination through his Build Back Better agenda and the Bipartisan Infrastructure Deal. These critical resources will enable EPA and other federal agencies to scale up the research and work, so that they meet the scale of the PFAS challenge.</p>

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		<p>Over the coming weeks, EPA will be working to partner for progress on PFAS. The agency will be engaging with a wide range of stakeholders to continue to identify collaborative solutions to the PFAS challenge, including two national webinars that will be held on <a href="#">October 26</a> and <a href="#">November 2</a>.</p> <p><b>Background</b></p> <p>In April 2021, Administrator Regan established the EPA Council on PFAS to address the dangerous impacts of PFAS contamination and meet the needs of EPA's partners and communities across the United States. To date, under the Biden-Harris Administration, EPA has:</p> <ul style="list-style-type: none"> <li>• Launched a national PFAS testing strategy.</li> <li>• Restarted rule development process for designating PFOA and PFOS as CERCLA hazardous substances.</li> <li>• Built momentum to set national primary drinking water standard for PFOA and PFOS,</li> <li>• Announced actions to stop companies from dumping PFAS into America's waterways.</li> <li>• Formed a workgroup to champion regulating PFAS as categories.</li> <li>• Proposed a rule to expand data collection efforts on PFAS.</li> <li>• Started planning to conduct expanded nationwide monitoring for PFAS in drinking water.</li> <li>• Announced robust review process for new PFAS.</li> <li>• Released preliminary Toxics Release Inventory data on PFAS.</li> <li>• Updated a toxicity assessment for PFBS after rigorous scientific review.</li> <li>• Released a draft PFBA toxicity assessment for public comment and external peer review.</li> </ul> <p>For more information on CWA Analytical Methods for PFAS, visit:  <a href="https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas">https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas</a>.</p> <p>For Frequent Questions about PFAS Methods for NPDES Permits, visit:  <a href="https://www.epa.gov/cwa-methods/frequent-questions-about-pfas-methods-npdes-permits">https://www.epa.gov/cwa-methods/frequent-questions-about-pfas-methods-npdes-permits</a>.</p>

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		<p>On November 4, 2019, Governor Ned Lamont officially released the finalized PFAS Action Plan prepared by the Connecticut Interagency PFAS Task Force. CT PFAS Action Plan and more information available on <a href="http://www.ct.gov/ctpfastaskforce">www.ct.gov/ctpfastaskforce</a>. As of August 2020, DEEP and the Department of Emergency Services and Public Protection (DESPP) have begun planning for the take-back and safe disposal of aqueous film-forming foam (AFFF) containing PFAS from state and municipal fire departments. In addition, DEEP is developing a Geographic Information System (GIS) project specific to potential PFAS sources for use as a tool to evaluate the vulnerability of sensitive receptors, including drinking water supplies and surface water bodies, to PFAS pollution. This GIS project will assist DEEP and DPH in prioritizing future site investigations throughout the state. Furthermore, DEEP is planning initial testing at about one third of the state's wastewater treatment plants. This testing will include analysis of influent to and effluent from the treatment facilities.</p> <p>For more information on steps being taken by DEEP and DPH, please contact:</p> <ul style="list-style-type: none"> <li>•Shannon Pociu - CT DEEP Remediation Division</li> <li>•Lori Mathieu -CT DPG Environmental Health and Drinking Water Branch</li> <li>•Pat Bisacky- CT DPH Drinking Water Section</li> </ul>
<b>Waters of the United States (WOTUS) Rulemaking</b>	<p>On-going Litigation</p> <p>Definition of "Waters of the United States" -</p> <p>Please visit <a href="https://www.epa.gov/nwpr">https://www.epa.gov/nwpr</a> for more information.</p>	<p>10/13/2021 - EPA advances WOTUS rewrite - The Biden administration has crafted a new definition of "water of the U.S.," wading into a politically explosive regulation that has riled lawmakers, courts, farmers and environmental groups for decades.</p> <p>Today, EPA and the Army Corps of Engineers sent a proposed rule to the White House's Office of Management and Budget to revise the definition of what constitutes a "water of the U.S.," or WOTUS.</p> <p>"This action marks an important step in the agencies' efforts to ensure clean and safe water for all," EPA spokesperson Nick Conger wrote in an email. "EPA and Army are committed to developing a reasonable, effective, and durable definition of WOTUS that protects public health, the environment, and downstream communities while supporting economic opportunity, agriculture, and other industries."</p>

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		<p>While details of that proposal have yet to be unveiled, EPA's move is significant. The Biden administration has said it wants to craft a definition that is durable and "enduring" after decades of regulatory changes, lawsuits and uncertainty.</p> <p>Most recently, the Trump administration's Navigable Waters Protection Rule, which relied on the narrow interpretation of Clean Water Act jurisdiction offered by the late Justice Antonin Scalia in <i>Rapanos v. U.S.</i>, was struck down by a federal district court in Arizona (Greenwire, Aug. 30). The Trump administration's rule significantly narrowed the law's reach, pulling back what wetlands and streams were jurisdictional by about 51 percent and 18 percent, respectively (Greenwire, Jan. 23, 2020).</p> <p>Since the court's decision, EPA has reverted to the 1986 definition of WOTUS and relied on 2008 guidance from the George W. Bush administration about how to apply that definition.</p> <p>But the legal slog and confusion around WOTUS continue. Last month, a conservative law firm asked the Supreme Court to provide a definitive answer on the scope of the Clean Water Act (E&amp;E News PM, Sept. 23).</p> <p>EPA and the Army Corps of Engineers have held a series of meetings to take public comment and gather input on how to establish a regulatory foundation and build on that foundation to craft a "durable" definition of WOTUS.</p> <p>Today, that process continued with EPA and Army officials asking for input on the potential selection and location of 10 sites for roundtables to take input on how various regions are affected by the definition of WOTUS, and to learn about stakeholders' experience, challenges and opportunities under different regulatory regimes.</p> <p>The roundtables, EPA said, are aimed at informing the administration's work to produce a "durable and workable" definition of WOTUS.</p> <p>Source: <a href="#">EPA advances WOTUS rewrite - E&amp;E News (eenews.net)</a></p>

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<b>Water Quality Standards Variances</b>	<p>Ninth Circuit Upholds Montana Nutrients Variance in Significant Win for Clean Water Community</p> <p>Source: <a href="#">Ninth Circuit Upholds Montana Nutrients Variance in Significant Win for Clean Water Community (nacwa.org)</a></p>	<p>October 7, 2021 - In a major victory for clean water utilities, the U.S. Court of Appeals for the Ninth Circuit this week affirmed that states <u>can</u> take compliance costs into account when setting Clean Water Act (CWA) water quality standards variances, and that such variances do not have to ultimately result in attainment of the underlying water quality standard by the end of the variance's term.</p> <p>Siding with arguments made by NACWA, the Montana League of Cities and Towns (League), the U.S. Department of Justice, and the Montana Department of Environmental Quality, the three-judge panel in <i>Upper Missouri Waterkeeper v. EPA</i> unanimously rejected claims made by environmental organizations that the CWA precludes consideration of compliance costs in the development of water quality standards.</p> <p>Many wastewater treatment plant variances are premised upon the widespread economic harm implementation of the stringent underlying standards would cause to communities. The Ninth Circuit's affirmation that such variances are lawful and actually further the overall aims of the CWA therefore provides critical judicial precedent in support of municipal variances throughout the country.</p> <p>The panel likewise rejected the holding of the U.S. District Court of the District of Montana that water quality standards variances must require that permittees meet the "highest attainable condition" set by the variance immediately, and ultimately comply with the more stringent underlying water quality standard by the end of the variance's term. That holding significantly nullified the usefulness of variances, which are utilized by states where it is in fact unclear if clean water utilities can ever meet the underlying standards.</p> <p>Holding that such an interpretation of what water quality standards variances require "reflects a misunderstanding of the nature and purpose of a variance," the Ninth Circuit pointed to arguments NACWA and the League made throughout the case that variances are specifically designed to result in incremental water quality improvements in a manner that is "fully consistent with the goals of the CWA."</p>
<b>Drinking Water</b>	<p>US EPA deems two GenX PFAS chemicals more toxic than PFOA</p>	<p>Agency will use its calculations to set drinking water limits for the substances – 2 Chemours fluoroethers are more toxic than the chemical they were developed to replace, a US Environmental Protection Agency assessment released Oct. 25 finds.</p>

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		<p>The EPA's health assessment examines GenX and hexafluoropropylene oxide dimer acid (HFPO-DA), the chemical GenX hydrolyzes into in the presence of water.</p> <p>A safe daily dose of GenX or HFPO-DA is 3 ng per kg of body weight per day, the EPA assessment says. In contrast, the agency's safe daily dose for the chemical they replace, perfluorooctanoic acid (PFOA), is 20 ng/kg/day. The assessment notes that the agency is reevaluating toxicity information for PFOA and that the safe daily dose for that chemical could change.</p> <p>"This science-based final assessment marks a critical step in the process of establishing a national drinking water health advisory for GenX chemicals," EPA assistant administrator for water Radhika Fox says in a statement. States can also rely on the calculations if they opt to set their own drinking water or cleanup standards for these substances.</p> <p><b>The assessment's 3 ng/kg/day safe daily dose for HFPO-DA and GenX is significantly lower than the 80/ng/kg/day the EPA calculated in a 2018 draft assessment of the two chemicals.</b></p> <p>GenX, an ammonium salt manufactured by E. I. du Pont de Nemours and Company starting in 2009 and later by its spin-off Chemours, was marketed as a "sustainable substitute" for PFOA. US fluoropolymer manufacturers used PFOA as a processing aid for decades before chemical makers voluntarily phased out its production in the country. However, PFOA is toxic and remains a serious pollutant across the country. GenX, HFPO-DA, and PFOA—and the fluoropolymers they are or were used to produce—are per- and polyfluoroalkyl substances (PFAS), synthetic chemicals that are so persistent they are nicknamed "forever chemicals."</p> <p>In its GenX and HFPO-DA assessment, the EPA relied on data from studies with laboratory animals showing adverse effects in the liver, kidneys, immune system, and developing fetuses and babies. PFOA is linked to these same harmful effects as well as to thyroid problems, changes in cholesterol levels, and testicular and kidney cancer.</p> <p>HFPO-DA taints drinking water sources, both rivers and wells, for hundreds of thousands of people living in the proximity of a Chemours plant near Fayetteville, North Carolina. The chemical</p>

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*Revised November 2021*

Program	Status	Comments
		<p>also taints water in wells in Ohio and West Virginia near a Chemours plant close to Parkersburg, West Virginia. Researchers have found the compound in air, rainwater, and river sediments as well.</p> <p>Source: Chemical &amp; Engineering News @ <a href="https://cen.acs.org/environment/persistent-pollutants/US-EPA-deems-two-GenX-PFAS-chemicals-more-toxic-than-PFOA/99/web/2021/10">https://cen.acs.org/environment/persistent-pollutants/US-EPA-deems-two-GenX-PFAS-chemicals-more-toxic-than-PFOA/99/web/2021/10</a></p>