

# **Water Resources Technical Committee**

## **UPCOMING REGULATORY AND LEGISLATIVE ISSUES**

**OCTOBER 30, 2023**



# OVERVIEW

- 2024 Maryland and Virginia General Assembly Sessions
- Status of Federal Funding
- State Stormwater Permitting
- PFAS Update



# MD BUDGET NEWS

- **Board of Revenue Estimates Met Sept. 28**

- To review FY23-FY25
- “At the March board meeting, I noted that revenue forecasts indicated a flashing yellow light for Maryland’s economy. I think that remains true now...” (Comptroller Brooke Lierman, Chair of the Board)

- **Department of Legislative Services Report**

- Has more concerning news for State for FY23-28
  - Forecasting a \$1.8 B deficit in FY28
  - Ongoing revenues growing at average annual rate of 3.3%
  - Outpaced by spending growing at 5.1%
- As compared to ending FY23 with \$555 M surplus
- Potential impacts on 2024 General Assembly Session?



# POTENTIAL 2024 MD LEGISLATION

- **Climate, Labor and Environmental Equity**
  - Introduced during 2023 General Assembly Session (HB 840, SB 743)
  - HB 840 left in Environment and Transportation Committee
  - SB 743 left in Education, Energy, and the Environment Committee
- **If Reintroduced, MDE Secretary Would Be Gratiified**
  - Q: The Climate, Labor and Environmental Equity Act did not pass this last legislative session. It would add more teeth to the idea of equity and permitting. Is that something you would support going forward?
  - A: I absolutely need it. I supported it. I want it badly. If it's never passed, are we still going to move forward? I am. That bill was really important to me, and I hope to see it continue on [in next spring's session].
  - From Aug. 1 Bay Journal: "In Maryland, McIlwain takes reins of hobbled environmental agency"



# DETAILS ON HB 840, SB 743

- **Added New Subtitle to MD Code ENV. Title 1 (Definitions; General Provisions; Enforcement)**
  - Subtitle 7A (Impact of Environmental Permits on Climate, Labor, and Environmental Equity)
- **Would Require that MDE Conduct Evaluation**
  - If MDE determines after conducting EJ score review
  - That a permit may impact an underserved or overburdened community
  - Must conduct Climate and Environmental Equity Evaluation of the permit
  - May also work with Department of Health to conduct health impact assessment
- **Would Give MDE Authority To Condition Permits**
  - “The Department may deny or alter a decision or amend the conditions under a pending permit based on the Department’s findings under this subtitle”



# OTHER POTENTIAL 2024 MD LEGISLATION

- **Drinking Water – Collection and Reporting of Information**
  - Center for Water Security and Cooperation wants to see 2023 bill (amended) reintroduced
  - Would require water utility (wastewater or water) to post documents on its website
- **Stream Restoration**
  - Long, contentious hearing on HB 942 (Terrasa, Lehman, Ruth, 2023)
- **PFAS Monitoring**
  - For publicly-owned treatment works
  - Introduced and withdrawn by Delegate Love and Senator Elfreth
- **Drinking Water - Legionella**
  - Introduced with support by Alliance to Prevent Legionnaire's Disease
  - Problematic requirements
    - EX: water supplier must maintain minimum residential level of 0.5 mg/l of chlorine in distribution system



# POTENTIAL VA LEGISLATION: OPERATOR FLEXIBILITY

- **Potential Legislation for Wastewater Treatment Plant Permit Compliance**
  - Remote Attendance, Unexpected Vacancies
- **Remote Attendance**
  - Increase flexibility under VPDES (and Waterworks) Permits to comply with Attendance Hours via agency-approved plan accepting remote monitoring and process control technology used by operator of the required class
- **Unexpected Vacancy**
  - Permit compliance safe harbor if timely inform agency of vacancy and hiring plan, implement your plan, and report monthly on progress/status



# POTENTIAL VA LEGISLATION: PFAS TESTING

- **Potential Legislation for PFAS Testing**

- Would amend the new 2023 Va. Code § 62.1-44.15:5.3. (“Requirements to test for PFAS chemicals; publicly owned treatment works”)

- **Self-Disclosure Requirement**

- VDPES or IU dischargers that manufactured or knowingly used PFAS (Method 1633 target analytes) in their production process from 2019-2023

- **Self-Monitoring Requirement**

- Same dischargers as above VDPES or IU dischargers that manufactured or knowingly used, and dischargers in high likelihood industries by NAISC / SIC
- Abbreviated Initial PFAS Discharge Characterization using quarterly monitoring, for one year using Method 1633 (as approved or if not latest draft)



# SLAF FUNDING NEEDS

Locality (Regulated)	Total Amt. of SLAF Grant Funds (50% of Project Costs) by Fiscal Year					5-Year Total
	FY24	FY25	FY26	FY27	FY28	
<b>City of Petersburg</b>	\$1,092,000	\$1,369,000	\$2,025,000	\$1,545,750	\$1,377,500	\$7,409,250
<b>County of Albemarle</b>	\$262,400	\$1,839,699	\$284,375	\$195,000	\$797,353	\$3,378,827
<b>Fairfax County</b>	\$20,326,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$100,326,000
<b>City of Waynesboro</b>	\$649,600	\$603,750	\$431,250	\$590,000	\$590,000	\$2,864,600
<b>Henrico County</b>	–	\$2,500,000	–	–	–	\$2,500,000
<b>Hanover County</b>	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,500,000
<b>City of Roanoke</b>	–	–	\$1,600,000	\$1,600,000	\$1,400,000	\$4,600,000
<b>Roanoke County</b>	\$600,000	–	\$1,200,000	–	\$1,800,000	\$3,600,000
<b>TOTALS</b>	\$23,784,000	\$27,688,949	\$27,347,125	\$25,337,750	\$27,689,853	\$131,847,677



# WQIF FUNDING NEEDS

## TOTAL NEEDS THROUGH FY26

5/23 NEEDS ASSESSMENT SHOWS \$687M THRU FY26

ADD \$90M FOR OMITTED ENRCP PROJECTS

***TOTAL CASH NEEDS THRU FY26: \$777 M***

## AVAILABLE FUNDS

\$150M (EST.) OF UNEXPENDED APPROPRIATED \$

\$222M IN SEPT. 2023 APPROPRIATIONS ACT

***TOTAL AVAILABLE NOW: \$372 M***

## ADDITIONAL APPROPRIATIONS NEEDED

***REMAINING NEEDS THRU FY26 IS \$405 (\$777M - \$372M)***

***(APPROXIMATELY \$200M PER YEAR)***



# FEDERAL BUDGET NEWS

- **House Appropriations Committee**
  - Approved appropriations bill (H.R. 4821) on July 19
  - On a 33-27 vote
- **Senate Appropriations Committee**
  - Approved appropriations bill (S. 2605) on July 27
  - On a 28-0 vote
- **House Cuts EPA, Environmental Funding (Senate Does Not)**
  - As compared to FY2023 amounts
  - EX: \$535 M for Clean Water State Revolving Funds
  - As compared to \$1.64 B in FY23 Budget
  - EX: \$460.61 for Drinking Water State Revolving Funds
  - As compared to \$1.13 B in FY23 Budget
  - \*Caveat: Numbers are likely to change during negotiations



# MS4 PERMITS AND FLOODING

- **New EPA Focus is to Push States**
  - To include climate change and flooding mandates
- **An Issue MDE Is Pursuing**
  - Proposed language in last round of large Phase I MS4 permits
  - Permittees strongly objected to scope, cost
  - MDE scaled back text



# MD PHASE I TEXT

- **Proposed After Public Comment Period Ended**

- During most recent permit reissuance
- No opportunity for permittees to provide formal comment
- Text on next slide

- **After Internal Discussions**

- Permittees shared serious concerns with MDE
- MDE then changed text
- Text two slides below

- **Permittees Then Sent MDE a Letter**

- Notwithstanding objections to text
- With consensus view on appropriate interpretation



# MDE PROPOSED TEXT

"Activities to be undertaken by the County shall include, but not be limited to:

b. Implementing adequate stormwater control measures in watersheds that have routinely experienced flooding events or that are more vulnerable to climate change and more frequent high intensity rainfall events to prevent the discharge of pollution from these areas. This includes:

- i. By (Date TBD, one year after permit reissuance), submit detailed information to the Department on the County's stormwater management design standards to control urban flooding, in accordance with the Minimum Control Requirements described in COMAR 26.17.02.06;
- ii. By (Date TBD, two years after permit issuance), submit a County Urban Stormwater Flood Report to the Department of where flooding events have occurred. The report shall include detailed information for each flood event (e.g., location, date, description, rainfall data, flood depth, affected areas, extent of environmental damage, extent of underrepresented communities, buildings and residences susceptible to flooding) and a prioritized list of watersheds in the County, based on flood risk, associated water quality impacts and environmental justice for further analysis; and;
- iii. By (Date TBD, five years after permit issuance), submit plans for the highest flood risk watersheds and associated water quality impact areas prioritized in permit conditions Part IV.D.1.b.ii, to the Department that describe the activities, projects, and milestones that will be performed to show progress toward preventing or mitigating future increased stormwater runoff.



# MDE FINAL TEXT

"Activities to be undertaken by the County shall include, but not be limited to:

c. Maintaining construction inspection information according to COMAR 26.17.02 for all ESD treatment practices, structural stormwater management facilities, **and stable stormwater conveyance and capacity to receiving waters**, including the number of inspections conducted and violation notices issued by the City.

d. Conducting preventative maintenance inspections, according to COMAR 26.17.02, of all ESD treatment systems, structural stormwater management facilities, **and stable stormwater conveyance and capacity to receiving waters**, at least on a triennial basis. Documentation identifying the ESD systems and structure stormwater management facilities inspected, the number of maintenance inspections, follow-up inspections, the enforcement actions needed to ensure compliance, the maintenance inspection schedules, and other relevant information shall be submitted in the City's annual reports."



# FLOODING AND CLIMATE CHANGE

- **What Do Federal MS4 Regulations Say About Flooding?**
  - Focus on WATER QUALITY (Pollutants)
- **Phase I:** “assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible;”
- **Phase II (MCM-6):** evaluate “ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices.”



# FLOODING AND CLIMATE CHANGE (CONT.)

- **No Legal Basis for Climate Change Requirements**

- Clean Water Act has always regulated water quality, not quantity
- *Va. DOT v. United States EPA* (2013 U.S. Dist. LEXIS 981)

- **Federal District Court Ruling in 2013**

- "Does CWA authorize EPA to regulate level of a pollutant...by establishing a TMDL for the flow of a nonpollutant?"
- "The Court sees ***no ambiguity*** ..."
- "EPA is charged with establishing TMDLs for the appropriate pollutants; that does not give them authority to regulate ***nonpollutants***."
- "***Stormwater runoff*** is not a pollutant, so EPA is not authorized to regulate it via TMDL."



# WASTEWATER PERMITS AND CLIMATE CHANGE

- **EPA Issued Three Wastewater Permits in Massachusetts**
  - To the Town of Palmer, City of Westfield, City of Northampton
- **Requires An Adaptation Plan**
  - For plant and collection system
  - Component 1: Identification of Vulnerable Critical Assets “that are most vulnerable due to major storm and flood events under baseline conditions and under future conditions”
  - Component 2: Adaptive Measures Assessment “that minimize the impact of future conditions on the critical assets and related operations of the” plant and collection system
  - Component 3: Implementation and Maintenance Schedule to explain “how those adaptive measures will be maintained”



# MD PFAS WORK

- **Has Been Focus Area for MDE For Several Years**
  - Dedicated website on efforts:
  - <https://mde.maryland.gov/PublicHealth/Pages/PFAS-Landing-Page.aspx>
- **Started With Monitoring Drinking Water**
  - State has conducted three rounds of testing
    - Phase I: 129 public water systems (Report issued July 2021)
    - Phase II: 65 public water systems (Report issued April 2022)
    - Phase III: 759 drinking water samples tested (Report issued Sept. 2022)
- **Impact of EPA's MCLs at Proposed Levels**
  - Issue for many GW systems, but OK for most surface water



# MDE APPROACH TO DISCHARGE PERMITS

- **MDE Announced PFAS Testing at WWTPs**
  - During Aug. 2021 MAMWA meeting
  
- **After Negotiations with MAMWA**
  - Agreed to specific permit language
  - “Set A” for plants who had not yet conducted evaluation
  - “Set B” for plants who had conducted evaluation
  
- **MDE Targeted 15 Plants**
  - Identified as having potential non-domestic PFAS sources
  - In their collection systems
  - See slide below



Facility	Owner/Organization	Rationale*
Piscataway WRRF	WSSC	A,B
Western Branch WRRF	WSSC	A,B
Seneca Creek WRRF	WSSC	B
Damascus WRRF	WSSC	B
Parkway WRRF	WSSC	A,B
Hyattstown WRRF	WSSC	B
Salisbury WWTP	City of Salisbury	A
Back River WWTP	Baltimore City/County	A
Patapsco WWTP	Baltimore City/County	A
Conococheague WWTP	Washington County	A
Sod Run WWTP	Harford County	A
Little Patuxent WRP	Howard County	A
Patuxent WRF	Anne Arundel County	C
Maryland City WRF	Anne Arundel County	C
Westminster WWTP	City of Westminster	C



# MDE COMMENTS ON BIOSOLIDS (AUG. 2023 MEMBER MEETING)

- **Comments from MDE at MAMWA Meeting**

- In response to questions about moratorium on new permits
- Biosolids have been shown to be impacted by PFAS
- We are seeing 20-200 ppb

- **Data Should Be Ready Later This Year**

- Preliminarily, not seeing significant level of concern
- Most would pass Michigan rules
- And then MDE will make a decision re next steps
- Before 2024 Legislative Session begins



# MICHIGAN RULES ON LAND APPLICATION

- **PFOS At or Above 125 ppb**
  - Cannot be land applied
  - Sample effluent and develop source reduction program
  - Arrange for alternative disposal
  
- **PFOS At or Above 50 ppb But Below 125 ppb**
  - Sample effluent and develop source reduction program
  - Reduce application rates to no more than 1.5 dry tons per acre (or submit Alternative Risk Mitigation Strategy)



# MICHIGAN RULES (CONT.)

- **PFOS Above 20 ppb But Below 50 ppb**
  - State recommends investigating sources and sampling effluent for PFAS
  - If a WWTP on a 5-year sampling frequency has PFOS above 20 ppb, WWTP will be required to sample each year if WWTP intends to land apply, before land applying
- **PFOS Below 20 ppb**
  - “This number is based on the averages derived from the Summary Report: Statewide Biosolids and WWTP Study and other available data”
  - No additional requirements



# MDE 2023 REPORT ON PFAS MONITORING

- **In Response to 2023 GA Directive**

- “The committees are interested in the PFAS levels associated with publicly owned treatment works. Therefore, the committees request that MDE submit a report on the actions, and associated timeline, needed to expand testing efforts to include monitoring PFAS levels in effluent, influent, and biosolids at publicly owned treatment works. The committees request that the report be submitted by September 29, 2023.”

- **MDE Submitted Report**

- Includes sampling data
- Also plans for future treatment of discharge permits



# MDE 2023 REPORT (CONT.)

- **Facilities with PFAS Exceeding Median Level**
  - “...will be prioritized for further monitoring and source tracking/minimization efforts”
  - See Tables 3 (effluent) and 4 (biosolids) below
- **MDE Will Identify “Hotspots”**
  - Comparison of WWTP monitoring results
  - With data on ambient water quality and fish tissue
- **MDE Will Post Individual Plant Results**
  - On a publicly-available website
  - On the Wastewater Pollution Prevention and Reclamation Program’s website
  - By Spring 2024



# MDE 2023 REPORT (CONT.)

- **Requirements for Discharge Permits**
  - Facilities with elevated PFAS levels
  - Will conduct additional monitoring of influent, effluent, biosolids
- **Permits Will Also Require Plans**
  - Facilities must submit “comprehensive PFAS source tracking and minimization plans potentially in coordination with the industrial pretreatment program”
- **More Requirements Coming**
  - Once EPA and MDE have finalized ambient water quality standards and biosolids restrictions for PFAS



# SAMPLES COLLECTED (AS OF 9/25/23)

Sampling Rounds	No. of Sampling Events	No. of facilities	Comments
<p><b>Volunteer</b> <i>(01/2020-)</i></p>	<p>35</p>	<p>21</p>	<p>1. Samples were collected by Utilities at the request of MDE for self-evaluation or during the permit renewal process. Most samples were collected at effluent and biosolids. 2. Analytical Methods used: EPA 533, 537.1 or 537M.</p>
<p><b>MDE Round 1</b> <i>(10/2022-)</i></p>	<p>16</p>	<p>12</p>	<p>1. Focus on facilities receiving flow from IU with activities related to PFAS chemicals. 2. Samples were collected at influent, effluent, flow recycle, and biosolids. 3. Some facilities were sampled twice due to higher PFAS results observed in the first sampling event. 4. Analytical Method used: EPA 537M.</p>
<p><b>MDE Round 2</b> <i>(04/2023-08/31/2023)</i></p>	<p>69</p>	<p>69</p>	<p>1. Focus on facilities that generate Class B biosolids or practice spray irrigation for effluent disposal. 2. Samples were collected at influent, effluent, and biosolids 3. Analytical Method used: EPA 1633.</p>
<p><b>Total</b></p>	<p><b>120</b></p>	<p><b>102</b></p>	



# MEDIAN BASELINE LEVELS FROM SURVEY

*Unit: Parts Per Trillion (PPT)*

	Influent			Effluent			Biosolid			Recycle		
	Min	Max	Median	Min	Max	Median	Min	Max	Median	Min	Max	Median
PFBA	0.66	78.9	5.49	1.18	59.6	5.61	900	13500	2390	ND	ND	ND
PFPeA	1.54	460.0	8.16	1.71	315.0	19.6	600	33600	3445	ND	ND	ND
PFHxA	0.83	320.0	5.39	1.55	163.0	14.0	33	21100	2740	1.97	110	6.04
PFHpA	0.68	99.0	5.06	0.60	210.0	5.46	20	104000	3735	9.47	2400	35.5
PFOA	0.80	160.0	5.40	0.81	42.5	8.53	116	37000	4980	5.36	210	16.5
PFNA	0.45	20.7	1.49	0.75	10.0	1.48	249	17000	4190	0.98	11	2.91
PFDA	0.86	10.6	1.30	0.47	9.77	1.37	70	30800	5570	1.00	170	1.96
PFUnA	0.83	5.14	1.97	0.72	2.55	1.00	40	5570	840	298.0	298	298.0
PFDOA	0.51	10.2	1.36	0.58	1.83	0.82	30	31100	3110	2.81	11.1	6.96
PFTrDA	1.49	1.49	1.49	ND	ND	ND	29	2880	342	2.56	80.6	2.78
PFTeDA	0.59	1.25	0.83	0.58	1.77	1.38	57	5970	970	3.27	3.27	3.27
PFBS	0.67	100.0	5.06	0.52	62.3	5.71	38	69200	2260	3.60	610	12.0
PFPeS	1.77	86.3	5.46	5.19	63.0	7.19	150	67100	849	ND	ND	ND
PFHxS	0.80	319.0	2.39	0.93	319.0	2.28	585	5960	1105	5.40	5.40	5.40
PFHpS	0.52	180.0	3.35	0.81	76.0	2.80	66	8400	516	2.20	14.	4.37
PFOS	1.60	1670.0	6.79	1.06	694.0	3.68	120	174000	12700	1.05	55.0	9.90
PFNS	0.33	0.62	0.48	0.35	3.19	1.77	219	3729	730	ND	ND	ND
PFDS	0.81	13.6	0.98	2.15	6.74	4.45	400	16090	795	ND	ND	ND
PFDoS	ND	ND	ND	ND	ND	ND	1650	1650	1650	ND	ND	ND
4-2 FTS	3.08	3.21	3.15	ND	ND	ND	ND	ND	ND	1.23	1.23	1.23
6-2 FTS	0.33	355.0	4.10	1.23	58.20	3.88	69	8640	228	1.77	177.0	4.89



# MEDIAN BASELINE (CONT.)

8-2 FTS	6.30	75.1	10.32	2.18	2.18	2.18	1540	1740	1640	ND	ND	ND
PFOSA	0.26	4.05	0.53	0.26	4.55	0.42	381	21930	1741	ND	ND	ND
NMeFOSAA	0.23	6.98	0.84	0.25	5.36	0.96	37	40290	6527	1.04	2.72	1.27
NEtFOSAA	0.56	6.20	0.83	0.56	5.39	0.96	112	26310	3310	6.78	6.78	6.78
	<b>Influent</b>			<b>Effluent</b>			<b>Biosolid</b>			<b>Recycle</b>		
	<b>Min</b>	<b>Max</b>	<b>Median</b>	<b>Min</b>	<b>Max</b>	<b>Median</b>	<b>Min</b>	<b>Max</b>	<b>Median</b>	<b>Min</b>	<b>Max</b>	<b>Median</b>
NMeFOSA	0.43	1.23	0.57	0.47	0.47	0.47	554	847	714	ND	ND	ND
NEtFOSA	0.21	1.19	0.30	0.28	0.84	0.56	1680	1680	1680	ND	ND	ND
NMeFOSE	10.0	10.0	10.0	11.0	11.0	11.0	1970	31930	13950	ND	ND	ND
NEtFOSE	10.7	173.0	30.9	9.49	9.49	9.49	1320	13140	7230	ND	ND	ND
HFPO-DA	4.37	23.8	14.09	7.45	11.1	9.28	ND	ND	ND	10.6	10.6	10.6
ADONA	5.51	5.51	5.51	ND	ND	ND	42	2340	1191	1.56	1.56	1.56
9Cl-PF3ONS	4.67	4.67	4.67	ND	ND	ND	54	54	54	ND	ND	ND
11Cl-PF3OUdS	5.48	5.48	5.48	ND	ND	ND	50	50	50	ND	ND	ND
PFEESA	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
PFMPA	1.12	3.24	1.69	3.96	3.96	3.96	ND	ND	ND	2700	2700	2700
PFMBA	1.04	23.3	1.21	1.16	3.09	1.16	626	2560	1350	ND	ND	ND
NFDHA	10.7	744	18.3	11.0	16.8	15.3	1626	8720	1920	ND	ND	ND
3-3FTCA-FPrPA	ND	ND	ND	ND	ND	ND	1290	1540	1415	ND	ND	ND
5-3FTCA-FPePA	22.8	144	68.2	218	218	218	5500	212710	49016	1200	1200	1200
7-3FTCA-FHpPA	655	655	655	64.1	64.1	64.1	14700	44500	39000	ND	ND	ND

\* Multiple samples/sampling events were conducted at several facilities.

115 Influent samples were collected from 80 facilities.

127 Effluent samples were collected from 81 facilities.

83 Biosolid samples were collected from 51 facilities.

25 Recycle samples were collected from 16 facilities.

Overall, 120 sampling events were conducted at 82 facilities.



# PFOS AND PFOA LEVELS: EFFLUENT (PPT) -- TABLE 3

Statistical Value	PFOA	PFOS
Maximum	42.5	694
75th percentile	11.5	5.74
Median	8.53	3.68
25th percentile	5.6	2.61



# PFOS AND PFOA LEVELS: BIOSOLIDS (PPB) -- TABLE 4

Statistical Value	PFOA	PFOS
Maximum	37	174
75th percentile	10.82	25.38
Median	4.98	12.7
25th percentile	2.38	5.74



# PERMITS WITH PFAS MONITORING RQMNTS.

Facility Name	Ownership	County	Receiving Water	Issuance Date
<b>Naval Support Facility Indian Head WWTP</b>	Naval Support Facility Indian Head, Department of the Navy	Charles	Potomac River	<b>09/01/2021</b>
<b>Piscataway WWTP</b>	Washington Suburban Sanitary Commission	Prince George's	Potomac River	<b>11/01/2022</b>
<b>Sod Run WWTP</b>	Harford County DPW	Harford	Bush River	<b>11/01/2022</b>
<b>Western Branch WRRF</b>	Washington Suburban Sanitary Commission	Prince George's	Western Branch	<b>04/01/2023</b>
<b>Salisbury WWTP</b>	City of Salisbury DPW	Wicomico	Wicomico River	<b>06/01/2023</b>
<b>Maryland City WRF</b>	Anne Arundel County DPW	Anne Arundel	Patuxent River	<b>07/01/2023</b>



# PERMITS WITH PFAS MONITORING (CONT.)

<b>Patuxent WRF</b>	Anne Arundel County DPW	Anne Arundel	Little Patuxent River	<b>07/01/2023</b>
<b>La Plata WWTF</b>	Town of La Plata	Charles	Unnamed Tributary of Port Tobacco Creek	<b>09/01/2023</b>
<b>Naval Support Activity Annapolis WWTP</b>	Naval Support Activity Annapolis	Anne Arundel	Carr Creek	<b>09/01/2023</b>
<b>Parkway WRRF</b>	Washington Suburban Sanitary Commission	Prince George's	Patuxent River	<b>10/01/2023</b>
<b>Bowie WWTP</b>	City of Bowie	Prince George's	Patuxent River	<b>11/01/2023</b>
<b>Damascus WRRF</b>	Washington Suburban Sanitary Commission	Montgomery	Magruder Branch (a tributary of Great Seneca Creek)	<b>11/01/2023</b>
<b>Meadowview WWTP</b>	Cecil County DPW	Cecil	West Branch Christina River	<b>12/01/2023</b>



# VA ACTIONS

- **DEQ Largely Relying on EPA to Lead**
  - Resources, consistency, etc.
- **VDH to Report Test Results on 400 More Locations**
  - How many Source Waters or Waterworks with detects > Proposed MCLs?
- **DEQ Surveyed VPDES Permittees in March 2002**
  - POTWs, WTPs, SIUs and Industrial Stormwater permittees
  - To Identify “high” concentration sources
- **DEQ Still Reviewing Responses**
  - Low response rate, particularly by Industrial Dischargers
  - Slow moving process at agency level



# VA: STUDIES, VDH SAMPLING, FIRST MONITORING BILL

- **HB 596 (2020) – DRINKING WATER**

- Requiring VDH PFAS Occurrence Study, PFAS Workgroup Study
- Related appropriation

- **HB 1257 (2020) – DRINKING WATER**

- Requiring VDH to adopt MCLs
- Related appropriation

- **HB 919 (2022) – DRINKING WATER**

- Requiring VDH to use EPA Safe Drinking Water process for MCLs, or
- Requiring VDH to adopt EPA's national MCLs when available

- **ALSO, HB 2189 (2023) – *\*\*NEW\*\** WASTEWATER *\*\*NEW\*\****

- Requiring testing by centralized waste treater industrial users of POTW when cleaning or regenerating equipment or media from offsite manufacturers using PFAS – ***STARTING TO LOOK UPSTREAM***



# VADEQ CURRENTLY HOLDING OFF ON MONITORING

## DEQ Response to Comments Regarding PFAS Self Monitoring Requirements in VPDES Permit Renewals

As specified in 40 CFR 125.3, technology-based treatment requirements under CWA Section 301(b) represent the minimum level of control that must be imposed in NPDES permits, or VPDES for the Commonwealth of Virginia. NPDES/VPDES permits must include water quality-based effluent limits (WQBELs) as derived from water quality standards. There are currently no WQBELs and no EPA-approved methods in Title 40 Code of Federal Regulations Part 136 for PFAS. Upon publication of an approved method in Title 40 Code of Federal Regulations Part 136, permittees may be required to report the results of operational or process control samples for PFAS. EPA is currently validating PFAS Method 1633 in collaboration with the Department of Defense (DoD).



## Evaluate Pathways into the Environment<sup>1</sup>

Ambient Surface and Groundwater Monitoring

VPDES Permittee Effluent Monitoring

- Baseline and scaled sampling pending EPA approved test method and additional NPDES guidance for monitoring

Biosolids Sampling at High Risk/Priority POTWs

- Based on studies develop criteria for land application and pending EPA Risk Analysis

Air Pathway Risk Assessment at High Potential Sources

- Develop capacity for ambient air monitoring once EPA develops protocols

Evaluate Virginia's Unlined Landfills for Impacts to Surface and Groundwater

<sup>1</sup> Longer Term Strategies



# Questions Welcome

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