

MASSACHUSETTS PFAS POLICIES, REGULATIONS AND PARTNERSHIPS

Tiffany Skogstrom, MPH

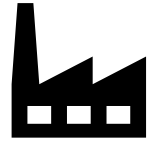
Director, Massachusetts Office of Technical Assistance

Executive Director, TURA Administrative Council

October 12, 2021



Toxics Use Reduction Act (TURA) of 1989



Who reports?

- Massachusetts manufacturers who:
 - Operate under certain Standard Industrial Classification (SIC) codes
 - Have > 10 employees
 - Manufacture or process $\geq 25,000$ lbs (or otherwise use $\geq 10,000$ lbs) of listed substances
- This covers a little over 400 Massachusetts facilities



What TURA requires

- Report to the state
- Pay a fee
- Create a Toxics Use Reduction Plan every two years

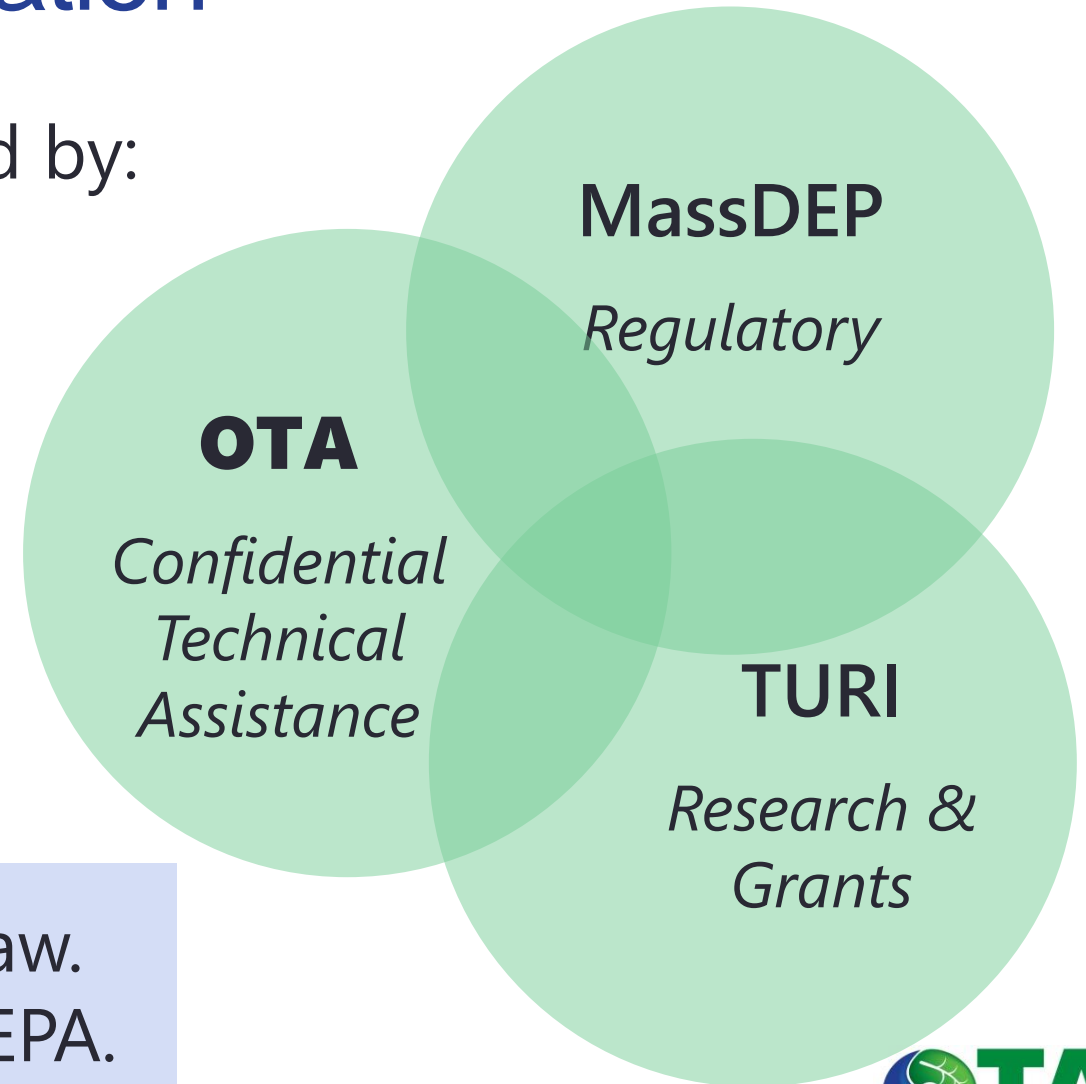
TURA does not prohibit companies from using listed chemicals.

TURA Program Implementation

The TURA Program is co-implemented by:

- The Massachusetts Department of Environmental Protection
- The Massachusetts Office of Technical Assistance
- The Toxics Use Reduction Institute at UMass Lowell

TURA is a state law, not a federal law. OTA, DEP, and TURI are not part of EPA.



'Substance' and 'PFAS Not Otherwise Listed (NOL)'

Science Advisory Board
Recommendation

June 2020

- After a three-year review process, the Science Advisory Board recommended that PFAS NOL be added to the TURA Chemical List
- 'NOL' means all PFAS not already reportable under TURA

TURA Administrative
Council Unanimous Vote

August 2021

- Add the term 'Substance' to TURA definition for clarifying purposes
- Add PFAS NOL to TURA Chemical List

Public Comment Period
Closed October, 15 2021

- Sept 24: Public comment period opens
- Oct 15, 1pm – 3pm: Public hearing via Zoom
- Oct 15, 5pm: Public comment period closed
- Response to comments, promulgation, implementation

TURA Amendments

Amendment to clarify the regulations by adding a definition of the term 'substance' in to 301 CMR 41.02. The term 'substance' is defined as:

→ Any agent or material including but not limited to: pure chemicals with a specific chemical and structural identity; and categories or groups of chemicals, compounds or mixtures that share similar, identifiable characteristics such as, but not limited to, elemental composition, chemical formula, chemical structure, chemical properties, physical properties, functional groups or chemical manufacture.

Amendment to add the category *Per- and Poly- Fluoroalkyl Substances Not Otherwise Listed (PFAS NOL)*, to the TURA list of Toxic or Hazardous Substances (TURA List). The category is defined as:

→ **those PFAS that contain a perfluoroalkyl moiety with three or more carbons (e.g., $-C_nF_{2n}-$, $n \geq 3$; or $CF_3-C_nF_{2n}-$, $n \geq 2$) or a perfluoroalkylether moiety with two or more carbons (e.g., $-C_nF_{2n}OC_mF_{2m}-$ or $-C_nF_{2n}OC_mF_m-$, n and $m \geq 1$), that are not otherwise listed.**

OTA – Boots on the Ground



Process for Identifying Companies



Search Online Libraries for SICs / NAICS



Visit Company Websites

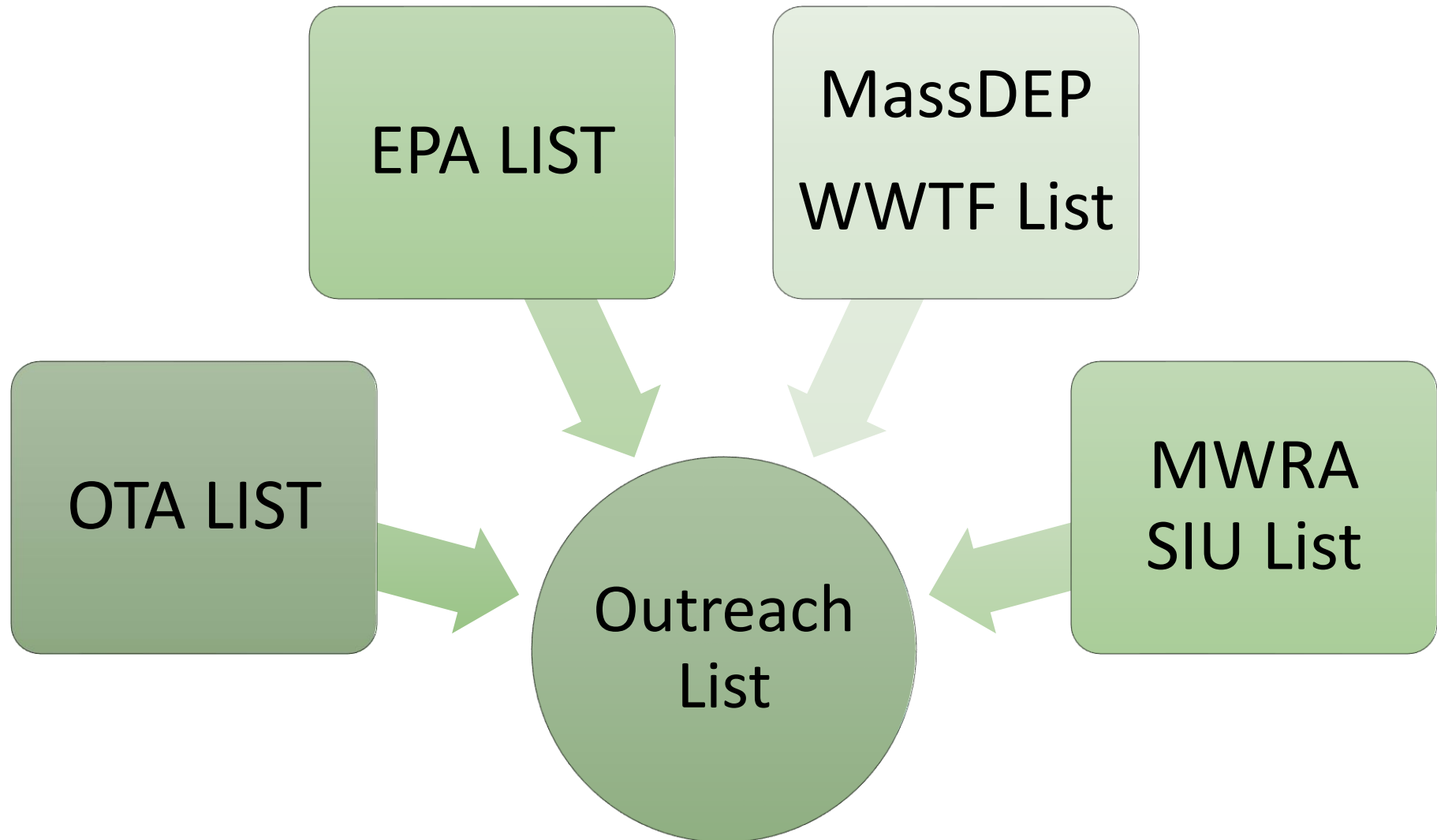


Manufactures in MA

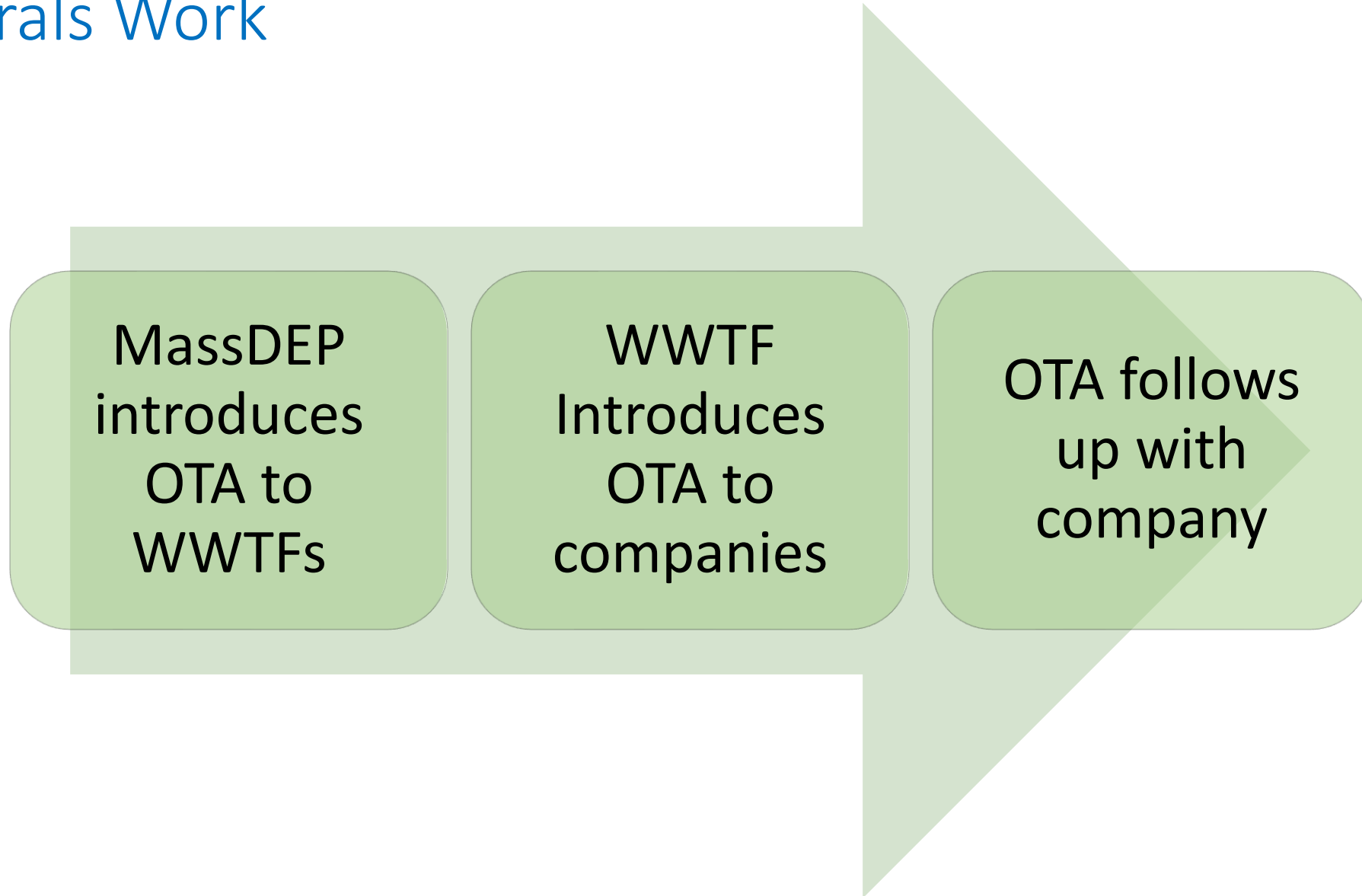


Process Qualifies as Non-stick Coating, Waterproofing, etc.

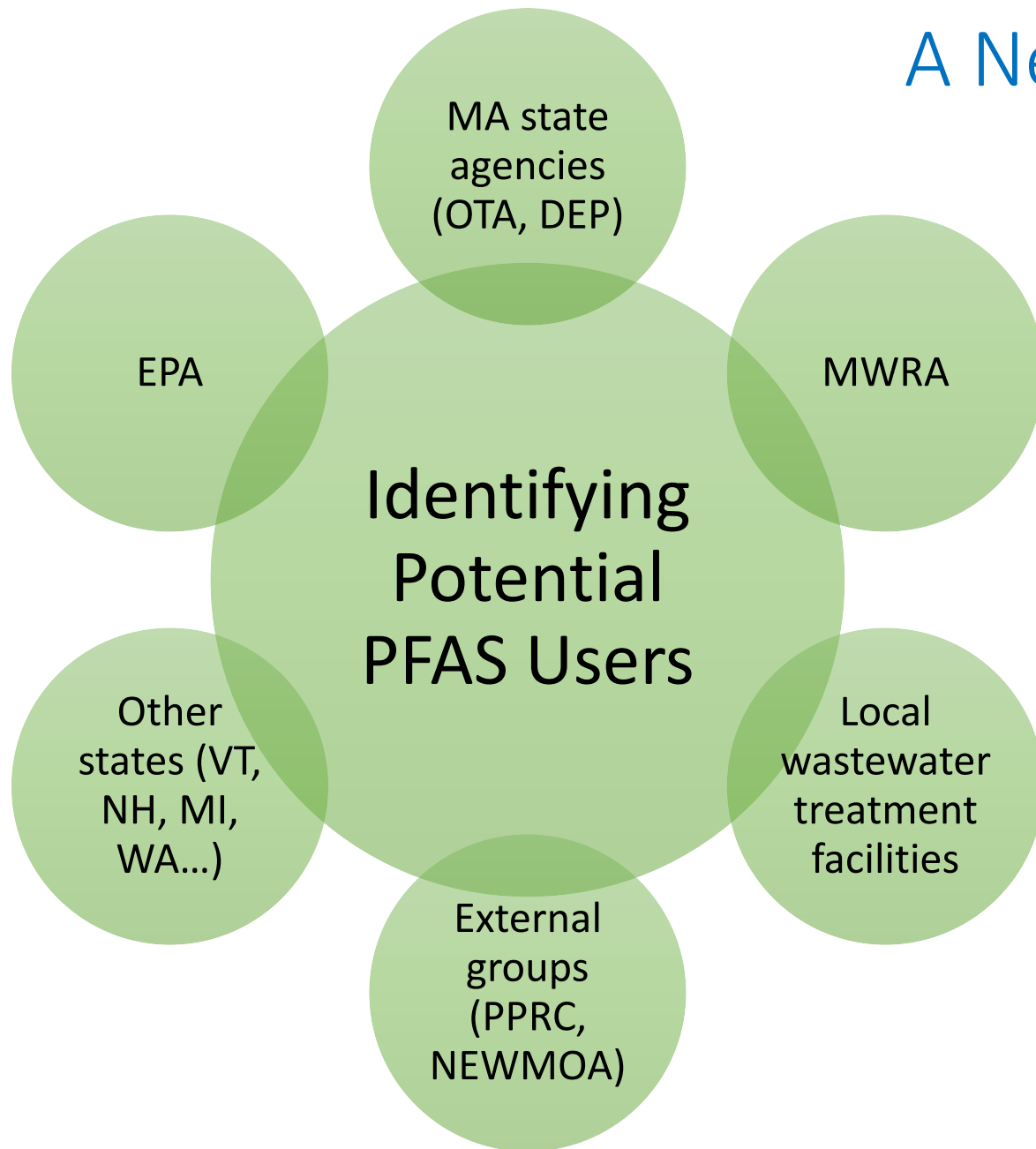
New Partnerships and Opportunities



Referrals Work



A New Public Health Collaboration



Agencies Combined SIC / NAICS Codes Lists

DEP & EPA chose WWTF upstream from high-priority Drinking Water Protection Areas

- Marlborough Westerly
- Westborough
- Lowell
- MWRA

OTA is providing **free, confidential** technical assistance to industries upstream:

- Assistance identifying PFAS in products
- Helping companies communicate with suppliers
- Pollution prevention and toxics use reduction
- Climate change
- Resource conservation

Thank you!

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www.mass.gov/ota

MassDEP Surface Water Discharge (SWD) Permits and Residuals Programs PFAS Strategy

Pretreatment Coordinators Workshop

October 27, 2021

Presented by: Jennifer Wood, MassDEP

PFAS and MassDEP

- <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>

- Regulations currently include 6 PFAS compounds:

- ✓
 - Drinking water standards (Maximum Contaminant Level, MCL)
- ✓
 - Contaminated Sites (Massachusetts Contingency Plan, MCP)

- ☆
 - Wastewater- NPDES and Residuals (land application)

EPA NPDES and MassDEP Surface Water Discharge (SWD) Permits

- As of June 29, 2020 facilities get both EPA permits and MassDEP permits when renewed
- EPA final and draft permits listed here: <https://www.epa.gov/npdes-permits/massachusetts-npdes-permits>
- MassDEP final and draft SWD permits listed here: <https://www.mass.gov/info-details/surface-water-discharge-permitting-npdes#surface-water-discharge-individual-permits->
- EPA and MassDEP public comment periods- As close to concurrent as possible

MassDEP Water Quality Certification (WQC) and Surface Water Discharge (SWD) Permits

- MassDEP SWD incorporates the EPA NPDES permit, fact sheet, and associated documents
- MassDEP draft permit package includes public notice, draft WQC, draft SWD permit, and a fact sheet supplement
- Draft SWD Permits posted here: <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>
- Final MassDEP WQC included in Final NPDES permit
- Draft and final WQC and SWD permit documents posted on MassDEP website
- Draft and final EPA NPDES permit documents continue to be posted on EPA website

MassDEP WQC and SWD PFAS Strategy Renewals as of January, 2021

- PFAS testing for Publicly Owned Treatment Works (POTWs) and all industrial facilities
- Facilities not upstream of drinking water intakes (most facilities)
 - PFAS testing to begin:
 - 6 months after notified by EPA of a multi-lab validated method for wastewater, or
 - 2 years after the effective date of permit
 - *Whichever occurs first*
- Facilities upstream of drinking water intakes, PFAS testing:
 - At facility to begin 6 months after effective date of permit
 - At Significant Industrial Users (SIUs*) to begin 1 year after effective date of permit

* SIU defined in EPA's regulations at 40 CFR part 403

MassDEP WQC and SWD PFAS Strategy, cont.

- POTWs
 - Influent, effluent, sludge
 - Quarterly for design flow >1 MGD
 - Semi-annual for design flow <1 MGD
 - Annual Significant Industrial Users (SIUs) Facilities
- Industrial Facilities
 - Quarterly effluent and sludge (where applicable)
 - Required evaluation of facility use and/or storage of PFAS-containing products and if use/storage of products can be reduced or eliminated (must complete within 6 months of effective date of permit)

MassDEP Collaboration with EEA Office of Technical Assistance (OTA)

- Phase 1- 2019 to now
 - Prioritizing facilities with downstream drinking water intakes
 - MassDEP and OTA working one-on-one with POTWs
 - Initially targeted 3 POTWs
 - POTWs engaging with SIUs
 - OTA reaching out to potential PFAS users
 - Offer free and confidential technical assistance on pollution prevention
- Phase 2- TBD

MassDEP PFAS in Residuals Strategy as of August 2020

- PFAS Testing as of January 2019
- Stakeholder Meeting, September 29, 2020:
<https://www.mass.gov/info-details/pfas-in-residuals>
- MassDEP reviewing and approving lab SOPs for analyzing PFAS in residuals
 - Approved laboratories and laboratory testing methods:
<https://www.mass.gov/info-details/testing-of-pfas-in-wastewater-and-residuals>
- Quarterly PFAS testing of AOS facilities
- QA/QC by Tetra Tech- Review of data collected up to September 2021

PFAS Database

- As of October 7, laboratories asked to upload all PFAS data online as described here: <https://www.mass.gov/how-to/submit-wastewaterresiduals-pfas-data-via-edep>
- Residuals PFAS Data will soon be available through new public portal (similar to this for drinking water): <https://eeaonline.eea.state.ma.us/Portal/#!/search/drinking-water>
- NPDES/SWD permit PFAS data expected to start coming in from a few facilities in 2022

MassDEP Contacts

- NPDES/Surface Water Discharge Permits
 - Susy King, Section Chief
 - Susannah.king@mass.gov
- Residuals
 - Jennifer Wood, Environmental Engineer
 - Jennifer.wood@mass.gov