



# U.S. EPA Region 4 Waste Update

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# What we're going to cover today...

- LCRD Organization
- CCR
- PFAS
- RCRA Corrective Action

# EPA – Region 4

## Land, Chemicals and Redevelopment Division

- Division Director – Cesar Zapata
- Deputy Division Director

### Redevelopment and Chemicals Branch

- Brownfields & Redevelopment Section
- Chemical Safety Section
- PCB & Sustainability Section <sup>3</sup>

### RCRA Programs & Cleanup Branch

- RCRA Programs & Permitting Section
- RCRA Corrective Action Section
- UST & Data Management Section

# CCR Updates



**CCR Rulemaking**



**Status of the State CCR Permit Programs (CCRPP) by state**



**What's needed for a successful state CCRPP application**



**Part A decisions**



**R4 CCR prioritization strategy – technical evaluations**



**Resources – internal, contractor**

# CCR Rulemaking



- Federal Permit Rule – final rule expected ~~late 2022~~ Summer 2023\*
  - Legacy CCR Unit Rule – proposed rule expected ~~late 2022~~ Spring 2023\*, final rule expected Spring 2024\*
  - Beneficial Use - final rule TBD
- \*tentative dates

# Status: R4 State CCR Permit Program

- **Georgia** - Partial program approval effective February 2020. GA implements a state CCR permit program.
- **Alabama** – Application received Dec. 29, 2021. Timeline for completeness determination: unknown.
- **Florida** – State CCR rules became effective in March 2022. R4 is working with FDEP as they draft their narrative. Anticipate receipt of narrative soon for review and comment. Timeline for application: unknown.
- **Tennessee** – In discussions with R4 staff & managers. TDEC starting with CCR landfills (SIs later). Timeline for rules: TDEC CCR landfill rules effective in Spring 2024.
- **North Carolina** – State is overseeing mandatory excavation of CCR ponds and issuing state permits for CCR landfills. Timeline for CCRPP application: unknown.
- **Mississippi** – Preliminary discussions re: process. Timeline for rules: unknown.
- **South Carolina and Kentucky**: In “wait & see” mode on CCRPP applications.





# What's Needed for Successful State CCR Permit Program Applications

Strong public participation, public meetings, and responses to public comments are crucial for permit program approval.

Public participation also applies to permit modifications.


States should have all CCR rules in one place in their regulations (if possible).

Submit drafts of rules and/or application well in advance of State public comment periods. Be advised: EPA cannot submit comments during State comment periods.

EPA is working to coordinate workloads. Please provide advance notice of when you'll be sending documents and/or allow time for EPA comments.



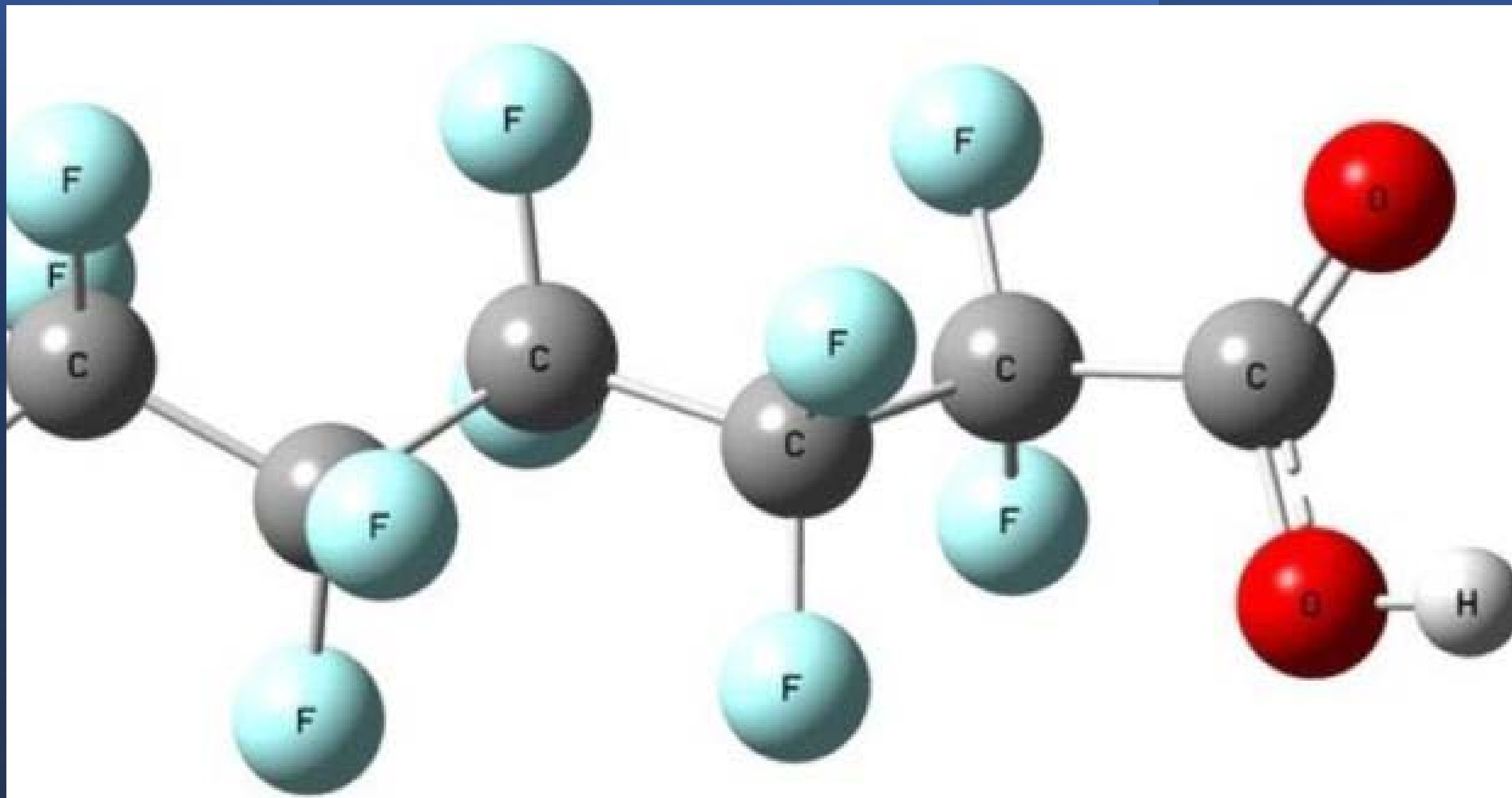
# CCR Part A Decisions

- **Jan. 11, 2022** - HQ proposed decisions on batch 1.
  - **Timeline for final decisions and/or batch 2:** unknown.
  - **R4 Part A decisions** - Plant Spurlock (KY) is a proposed conditional approval.
  - **Some aspects of Part A decisions impact all facilities** - such as interpretation of closing in place with waste below the water table (WBWT); R4 currently in discussions with States re: WBWT units.
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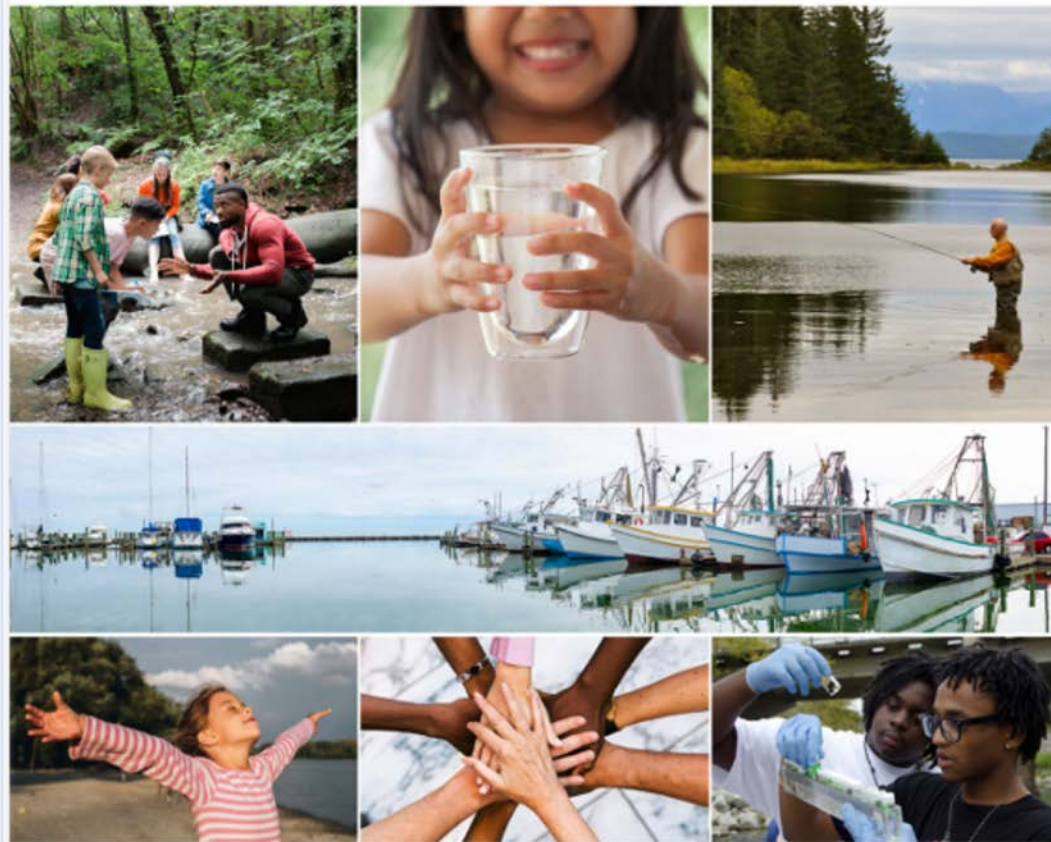
# R4 CCR Efforts

- **R4 CCR Prioritization Strategy** - tech evaluations for assessment of monitoring, corrective action, and closure; based on risk factors, waste below the water table (WBWT), EJ concerns, regional interest, state priorities, etc.
- **Resources** – no new EPA resources; using existing RCRA Corrective Action and Permitting staff; can access contractor support





## PFAS Strategic Roadmap: EPA's Commitments to Action 2021–2024

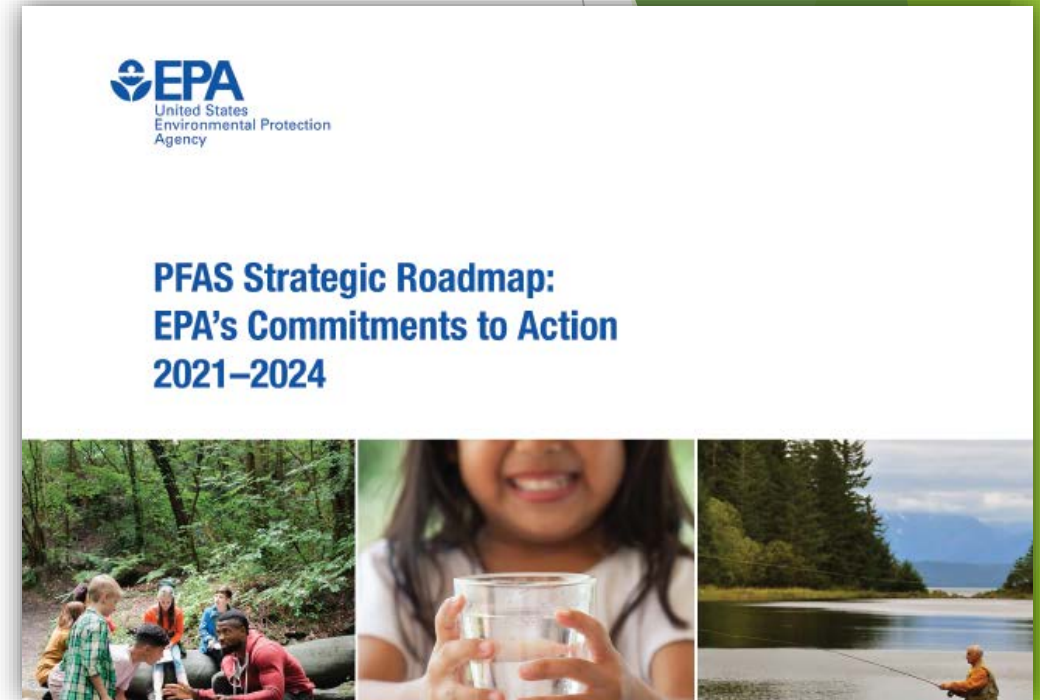




# Notice of Proposed Rulemaking: Designating PFOA and PFOS as CERCLA Hazardous Substances and other OLEM PFAS Roadmap Commitment Updates

# EPA PFAS Roadmap and OLEM

- ▶ EPA Strategic Roadmap for PFAS announced by Administrator in October 2021
- ▶ Research, Restrict, Remediate
- ▶ OLEM involved in all three themes
  - ▶ NPRM to designate certain PFAS as CERCLA hazardous substances
  - ▶ Update to the PFAS Disposal and Destruction Guidance Document
  - ▶ RCRA working on two regulatory actions





# Designating PFOA and PFOS as CERCLA Hazardous Substances

- ▶ Using CERCLA 102 authority to designate directly
  - ▶ Current Hazardous Substances are by reference from other statutes
- ▶ Requires facilities to report releases of PFOA or PFOS in excess of reportable quantity (RQ)
  - ▶ RQ is one pound of either substance in a 24 hour period
- ▶ Other authorities enhanced
- ▶ Other benefits include improved knowledge, consistency, encouraging better waste handling
- ▶ Released August 26, 2022; published September 6, 2022; 60-day public comment period ends November 7, 2022



# CLEANUP RESPONSIBILITY

- ▶ When finalized, this rule will strengthen EPA's ability to clean up sites contaminated with PFOA and PFOS and to hold responsible parties – not taxpayers – accountable for cleanup.
- ▶ EPA recognizes that there are several PFAS situations that present equity concerns, including significant concerns by some stakeholders, particularly public service entities like water utilities, municipal airports and entities using biosolids.
- ▶ Although EPA does not have authority to exempt particular entities from liability, the Agency is preparing to address these type of concerns with various enforcement tools:
  - ▶ Tools include issuance of new policy documents (such as an enforcement discretion policy) and entry into settlement agreements.
  - ▶ Many of these issues will be resolved on a site-specific basis.
  - ▶ These tools will seek to address potential liability, based on equitable considerations, to protect certain parties from potential litigation by those principally responsible for PFOA and PFOS contamination, and minimize transaction costs.
- ▶ EPA is committed to listening to stakeholders' concerns, engaging with stakeholders, and devoting Agency resources to address equity concerns related to PFOA and PFOS.



# NEXT STEPS

DATES	ACTIONS
August 26, 2022	Notice of Proposed Rulemaking (NPRM) is posted on EPA's website.
September 6, 2022	NPRM published in the <i>Federal Register</i> ; 60-day public comment period ends November 7.
Winter 2022 - 2023	EPA anticipates issuing an Advance Notice of Proposed Rulemaking after the close of the comment period to seek public comment on designating other PFAS chemicals as CERCLA hazardous substances.
Planned for August 2023	Final Rule





# Regional Screening Levels (RSL) and Regional/Removal Management Levels (RML)

- ▶ These are screening numbers, not cleanup numbers
- ▶ Added five PFAS to the RSL and RML tables in May 2022
  - ▶ PFOA\*
  - ▶ PFOS\*
  - ▶ PFNA\*
  - ▶ PFHxS\*
  - ▶ HFPO-DA (also known as GenX)
  - ▶ [PFBS was already listed in the tables]
- ▶ Based on final, peer-reviewed toxicity numbers (by either EPA or ATSDR)

# RCRA Activities

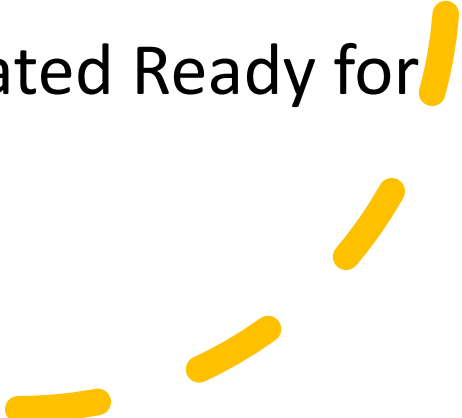
- ▶ October 2021, EPA proposed to initiate the process for two RCRA rulemakings
  - ▶ Adding four PFAS chemicals (PFOA, PFOS, PFBS, and GenX or HFPO-DA) as RCRA Hazardous Constituents (40 CFR Part 261 Appendix VIII)
    - ▶ Proposed rule is expected to be published in August 2023.
  - ▶ Clarifying in EPA regulations that the RCRA Corrective Action Program has the authority to require investigation and cleanup for wastes that meet the statutory definition of hazardous waste (RCRA section 1004(5))

# Background

- May 2004 EPA Created the GPRA 2020 Corrective Action Universe
- Since that time, a lot has been achieved and there's a lot to celebrate!

		RCRA 2020 Milestones		
	GPRA 2020 Corrective Action Baseline Facilities	Human Exposures Under Control	Migration of Contaminated Groundwater Under Control	Remedy Construction
Nationally	3,779	96%	91%	79%
Region 4	<b>560</b>	<b>99%</b>	<b>98%</b>	<b>74%</b>

560 Facilities  
Identified in the  
Region 4 GPRA  
2020 Corrective  
Action Baseline

- 76% (425/560) have had a Remedy Selected
  - 74% (415/560) have reached Remedy Construction
    - 62% (259/415) of Remedy Constructions included physical construction
  - 99% (553/560) have had Human Exposures Controlled
  - 98% (549/560) have had Groundwater Releases Controlled
  - 25% (139/560) have been designated Ready for Anticipated Use
- 

# *VISION*

*(“WHY”)*

“RCRA Corrective Action cleanups support healthy and sustainable communities where people and the environment are protected from hazardous contamination today and into the future.”

# ***MISSION***

*(‘HOW’ and ‘WHAT’)*

“EPA, states, and tribal partners work together to ensure that owners and operators of hazardous waste treatment, storage, and disposal facilities conduct effective and efficient cleanups to protect human health and the environment, support continued use, and make land ready for reuse including, if necessary, placement of controls to protect communities into the future.”

# 2030 Goals

**1.** Through 2030, the RCRA Corrective Action Program will ensure that **RCRA cleanups are initiated and completed efficiently and expeditiously**. Commitments regarding what work is planned and what progress is made will be visible to the public. An ambitious universe of cleanups will be identified for completion by 2030.

*For commitments and tracking, the program will use the relevant Corrective Action Program measures and will use flexible approaches appropriate for each region and state.*

**2.** By 2030, the RCRA Corrective Action Program will **eliminate or control adverse impacts beyond facility boundaries** at RCRA Corrective Action facilities wherever practicable and the program will focus attention on cleanups that will not meet this target.

*The program will develop procedures to:*

- identify and address emerging risk issues (e.g., vapor intrusion, evolving science), and*
- address timelines for facilities brought into the program post-2020.*

# 2030 Goals (cont.)

**3.** By 2030, the RCRA Corrective Action Program will **ensure or confirm that land within facility boundaries** at RCRA Corrective Action facilities **will be safe for continued use or reasonably foreseeable new uses** wherever practicable and the program will focus attention on cleanups that will not meet this target.

*The program will develop procedures to address timelines for facilities brought into the program post-2020.*

**4.** By 2025, the RCRA Corrective Action Program will identify the key elements of effective **Long Term Stewardship for Corrective Action cleanups**, and regions and states will have approaches in place to ensure implementation of the key elements.

*The program will develop procedures to leverage interest and investment in new or existing commercial and community entities to sustain Long Term Stewardship controls.*

**5.** By 2022, program procedures will be in place to regularly **adjust the universe of facilities** in the cleanup pipeline to reflect current program priorities.



# TIMELINE - GOALS

Corrective Action - 2030

2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
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**Goal 1: Complete Cleanups**

**Goal 2: Focus: Cleanup Beyond Facility Boundaries**

**Goal 3: Focus: Cleanup Within Facility Boundaries**

**Goal 4: Long-Term Stewardship - Key Elements**

**Goal 5: Adjust Pipeline - SOP**

Other  
programs  
in LCRD  
*not*  
covered  
today



Brownfields



Sustainable Materials Management



Chemical Safety



Underground Storage Tanks



RCRA Permitting

# Questions?

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