



# IDEM Update

Partners for Pollution Prevention  
Quarterly Meeting hosted by  
Cummins, Inc.  
March 4, 2020





Angela Taylor

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CTAP Small Business Regulatory Coordinator  
Office of Program Support

Pollution Prevention and Compliance Assistance Section  
Compliance and Technical Assistance Program (CTAP)



| Speaker Name       | ANGELA TAYLOR  |
|--------------------|--|
| Primary Functions: | <ul style="list-style-type: none"><li>• Assists industries of all types to resolve challenging compliance and technical issues.</li><li>• Routinely tracks and presents complex regulatory information on behalf of IDEM.</li><li>• Prepares and implements comprehensive environmental training modules for regulated community members and internal agency staff.</li><li>• Authors numerous documents for IDEM, both technical and universal in nature.</li><li>• Leads outreach/education projects, participates in work groups and regulatory forums, and serves additional agency support functions.</li></ul> |
| Tenure:            | 13 years with IDEM   |
| Core Experience:   | <ul style="list-style-type: none"><li>• Comprehensive knowledge of federal and state environmental regulations, permitting requirements, and compliance measures (air, water, land resources, and waste).</li><li>• Extensive experience developing and leading in-person and web-based trainings, public outreach initiatives, and community relations strategies.</li><li>• Expertise in pollution prevention assessment, sustainability planning, project implementation, and continuous improvement techniques related to human health and environmental affairs.</li></ul>                                      |

# IDEM - Agency Structure



Office of Air Quality (OAQ)



Office of Water Quality (OWQ)



Office of Land Quality (OLQ)



**Office of Program Support (OPS)**



Office of the Chief of Staff (OCS)



Office of Legal Counsel (OLC)



# IDEM's Compliance and Technical Assistance Program



Compliance and Technical  
Assistance Program

Indiana Department of Environmental Management

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*Helping Indiana businesses one step at a time*



# Empowering Indiana Businesses with Environmental Compliance Assistance that is:



Free and Confidential



Non-regulatory



Multimedia



# Contact CTAP

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## Northwest Regional Office:

- Charles Breitenfeldt, (219) 250-0119

2

## Northern Regional Office:

- Joseph Neuklis, (574) 245-4879

3

## Indianapolis Central Office:

HOTLINE (800) 988-7901 or (317) 232-8172

- Tracy Barnes
- Hani Sharaya
- Mark Stoddard
- Chrystal Wagner

CTAP Small Business Regulatory Coordinator:

- Angela Taylor, (317) 233-0572

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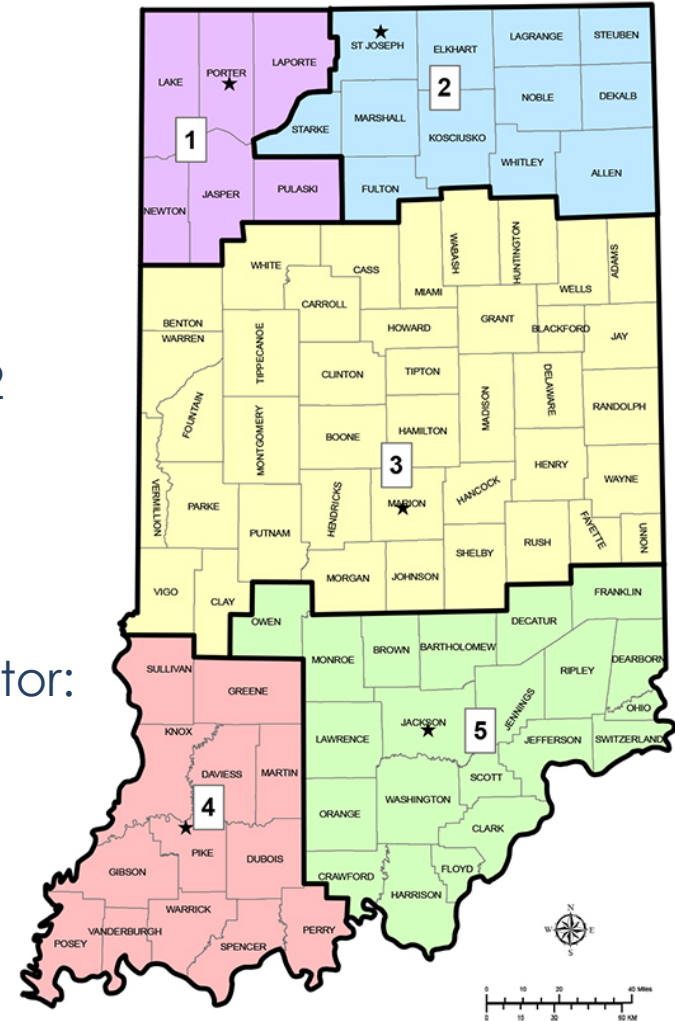
## Southwest Regional Office:

- Heath Dill, (812) 380-2303

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## Southeast Regional Office:

- Nick Carr, (812) 358-2027



Email: [CTAP@idem.IN.gov](mailto:CTAP@idem.IN.gov)

Website: [www.idem.IN.gov/ctap](http://www.idem.IN.gov/ctap)





# Voluntary Programs for Businesses

## Indiana Partners for Pollution Prevention

A partnership organization comprised of industries, businesses, governmental agencies, and other entities that implement and promote P2 ideas, business practices, and innovations for waste reduction and environmental stewardship in Indiana. Members enjoy many continuous improvement, networking, and recognition opportunities.



**The Partners induct new members during the organization's quarterly meetings.**





# Voluntary Programs for Businesses



## Environmental Stewardship Program

**Spring application round  
occurs April 1 - May 31**

A performance-based leadership program designed to recognize and reward Indiana regulated entities that exceed the standards of environmental compliance, implement pollution prevention (P2) strategies, and maintain an environmental management system (EMS).

Please share the program information with others and encourage them to submit an application!

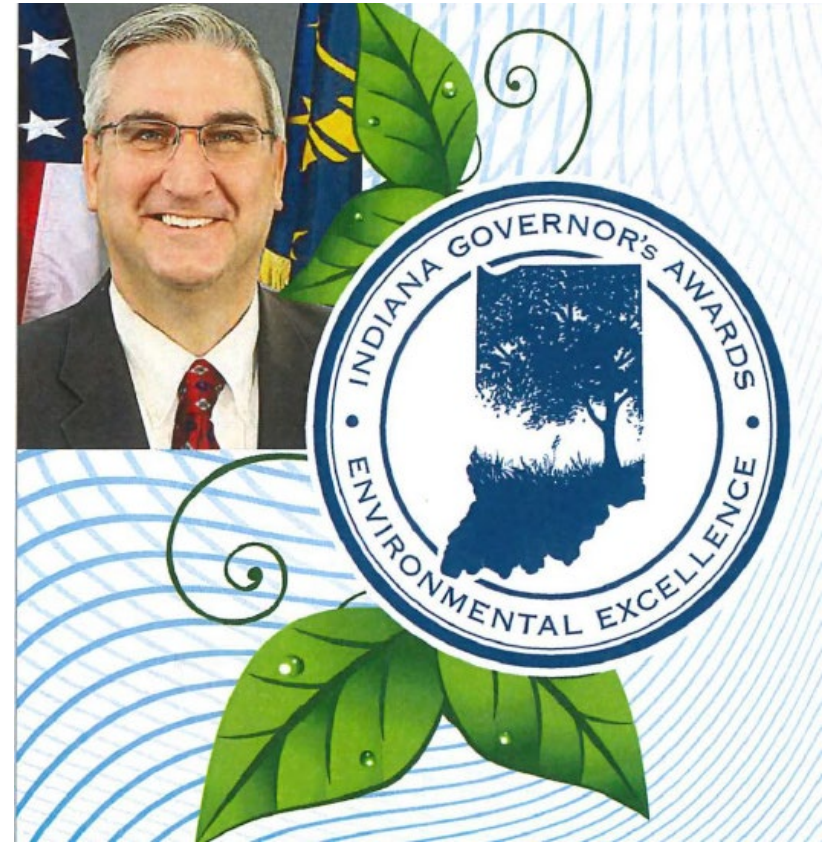
# IDEM Awards

## Indiana Governor's Awards for Environmental Excellence

Indiana's most prestigious environmental recognition awards for the most innovative, sustainable, and exemplary programs or projects that positively impact Indiana's environment.

### Awards Categories

- Environmental Education / Outreach
- Five Year Continuous Improvement
- Greening the Government
- Land Use / Conservation
- Pollution Prevention
- Recycling / Reuse
- Energy Efficiency / Renewable Resources



**The deadline for nominations is 5:00 p.m. EDT on April 6, 2020**



# Available Grants

## Pollution Prevention (P2) Grants



IDEM's Office of Program Support has entered into a two-tiered grant partnership with U.S. EPA and Purdue University's Manufacturing Extension Partnership (MEP) to encourage Indiana organizations to implement pollution prevention and source reduction projects and activities that will result in measurable environmental improvements.

- Tier 1:** Available to Indiana businesses with a focus on toxics reduction - 15 facilities will be selected to enter into an agreement with Purdue University's [MEP](#) to receive a W.A.S.T.E. (water, air, solids, toxics, and energy) assessment conducted by MEP.
- Tier 2:** Those 15 facilities will be eligible to apply for grant funding to implement P2 projects identified by the W.A.S.T.E. assessment.

**Interested?** Contact Karen Teliha, [kteliha@idem.IN.gov](mailto:kteliha@idem.IN.gov)

# Available Grants

## Recycling Market Development Program (RMDP) Grants

- Eligible candidates may seek a grant starting at \$1,000 and up to \$250,000, with a 50% cash match.
- Projects should focus on increasing recyclable material collection or consumption, reductions in municipal solid waste shipped for final disposal, or improving partnerships with communities through tangible outreach and education efforts.
- Grants are available to public and private businesses, local governments (municipalities), and not-for-profit organizations that are located and doing business in Indiana.



**New grant proposals will be accepted in spring 2020**

# Rule, Policy, and Notice Updates

- Indiana General Assembly – [Indiana Register](#) publishes documents for all agency public noticed content.
- Rules in Progress – IDEM's Office of Legal Counsel provides details about IDEM [Rulemakings](#) currently underway and archives of past rulemaking activities.
- CTAP [Regulatory Updates](#) provide monthly summaries of public noticed content and Environmental Rules Board meeting activities (if applicable).
- Partners for Pollution Prevention [Partner Events](#) webpage hosts the quarterly meeting presentations, which include CTAP's tailored regulatory updates for this group.
- IDEM [Public Notices](#) site provides public access to all notices as required by statute for all of Indiana (can sign up for automatic notifications).



# Environmental Rules Board



## **Upcoming Meetings / Public Hearings May 13, 2020 and August 12, 2020 (tentative dates)**

- Meetings held at 1:30 PM in the Indiana Government Center South, Conference Room A.
- To attend a meeting, use the public entrance at 10 North Senate Avenue, Indianapolis, Indiana to gain access to the building.
- [Environmental Rules Board](#) website provides meeting calendar, agendas, summaries, transcripts, and board packets.





# Environmental Rules Board

**May 13, 2020** (tentative date and agenda items)

## Emergency Rule

Vigo County SO<sub>2</sub> Redesignation and Lake and Porter Counties 2008 Ozone Reclassification. (OAQ)

## Adoption

Vigo County SO<sub>2</sub> Redesignation, Lake and Porter Counties 2008 Ozone Reclassification, and PM<sub>2.5</sub> Effective Date Corrections. LSA #20-10. (OAQ)

## Final Adoption

Transfer Station Reporting. LSA #19-424. (OLQ)  
NPDES General Permits. LSA #18-238. (OWQ)  
Cold Cleaning Degreasing. LSA #18-542. (OAQ)

## Preliminary Adoption

NOx Emissions Monitoring. LSA #19-589. (OAQ)  
Metals Criteria. LSA #14-58. (OWQ)  
Vertellus PM Revisions. LSA #19-82. (OAQ)  
Air Permit Fee Updates. LSA #20-21. (OAQ)





# Environmental Rules Board

**August 12, 2020** (tentative date and agenda items)

## Emergency Rule

Vigo County SO<sub>2</sub> Redesignation and Lake and Porter Counties 2008 Ozone Reclassification. (OAQ)

## Final Adoption

NOx Emissions Monitoring. LSA #19-589. (OAQ)

Vertellus PM Revisions. LSA #19-82. (OAQ)

Air Permit Fee Updates. LSA #20-21. (OAQ)

Waste Tires. LSA #17-279. (OLQ)

Septage Management. LSA #14-29. (OLQ)

## Preliminary Adoption

Hazardous Waste Financial Assurance. LSA #14-287. (OLQ)



# Upcoming Compliance Due Dates

CTAP maintains a list of [compliance due dates](#) for Indiana businesses, including all media / regulatory program areas of IDEM that require reporting (land, air, water).



## March 15:

- NPDES Annual Bills (Wastewater Treatment as well as Stormwater Permits) are due for every active permit as of January 1 of the current year.
- FESOP Air Permit annual fees are due 30 days after the invoice is generated.

## March 31:

- [Annual Water Withdraw Report](#) is due for facilities that have the capability of withdrawing more than one hundred thousand (100,000) gallons of groundwater, surface water, or ground and surface water combined in one (1) day. Note: this report goes to DNR's [Significant Water Withdrawal Program](#) and is not required to be submitted to IDEM.



# Upcoming Compliance Due Dates

## **April 1:**

- Annual Report due for delegated and non-delegated water Pretreatment Programs.

## **April 15:**

- [Air Annual Compliance Certification](#) due for companies in Clark, Elkhart, Floyd, Lake, Marion, Porter, St. Joseph, and Vanderburgh counties.
- [Solid Waste Quarterly Reports](#) due.
- MSOP Air Permit annual fees are due 30 days after the invoice is generated.
- Solid Waste Management Fee Return has been combined with the Solid Waste disposal fee and is due quarterly (January 15, April 15, July 15, and October 15).

## **April 28:**

- Quarterly Non-Compliance Report due for delegated water Pretreatment Programs (unless otherwise permitted to submit report in May).

## **April 30:**

- Air Quarterly Deviation and Compliance Monitoring Report, due for January through March.
- Quarterly Air Permit reports (e.g., usage reports) due for January through March.



# Partners Update - Requested Topics

## IDEM's Status / Updates for:

- Waste Regulation:
  - Hazardous Waste Generator Improvements Rule incorporation
  - Federal Universal Waste regulations changes – aerosol containers addition
  - Definition of Solid Waste
- U.S. EPA, revised definition of the “waters of the United States” (WOTUS) - How will this impact permitting requirements related to stormwater and wetlands in Indiana?
- PFAS that U.S. EPA recently added to the Emergency Planning and Community Right-to-Know Act (EPCRA) Toxics Release Inventory (TRI) reporting requirements (Form R)





# Waste Regulation Updates - Hazardous Waste Generator Requirements (HWGR)

IDEM completed the rulemaking for amendments to 329 IAC 3.1 concerning updates to the Hazardous Waste Requirements (LSA #18-48) and the rulemaking was effective as of 12/26/2019.



Final Rule [DIN: 20191225-IR-329180481FRA](#)

- For hazardous waste, the [annual operation fee](#) is now assessed by **June 1** and due within 30 days of the invoice date (**July 1**) for facilities that dispose, incinerate, store, treat, generate (**LQG only**), manage post closure activity, and/or manage groundwater compliance sampling.
- IDEM has transitioned to electronic reporting & notifications through U.S. EPA's [RCRAinfo](#) portal for hazardous waste. The previous methods of paper (Handler ID) forms and 3<sup>rd</sup> party electronic reporting (Easitrak) are no longer being used.
- Annual and Biennial reports must now be submitted electronically via the Biennial Report application in [RCRAinfo](#). **Note:** The biennial report covers the previous year's activity (just one year).
- IDEM now requires both Large and Small Quantity Generators to use the Waste Generation and Management form (GM form) for reporting.
- A facility representative must register as an Industry user in RCRAinfo with at least [myRCRAid](#) certifier permissions before completing and submitting an initial notification or updating an existing U.S. EPA ID number.



# Waste Regulation Updates - HWGR

## Who Must File and Which Report Must be Submitted

| Facility Type   | Report Type                                 | Report Year | Date Due | Forms Required | Report Required              |
|---|---|-------------|----------|----------------|------------------------------|
| Small Quantity Generators at least one month of the year  | Annual Manifest                             | Every Year  | March 1  | SI, GM, OI     | Biennial Report via RCRAinfo |
| Very Small Quantity Generators (VSQG) that for any one calendar month generate more than 220 pounds or accumulate on-site at any time more than 2,200 pounds of hazardous waste | Annual Manifest                             | Every Year  | March 1  | SI, GM, OI     | Biennial Report via RCRAinfo |
| Large Quantity Generators at least one month of the year  | Biennial Hazardous Waste or Annual Manifest | Every Year  | March 1  | SI, GM, OI     | Biennial Report via RCRAinfo |
| Treatment, Storage, Disposal Facilities   | Biennial Hazardous Waste or Annual Manifest | Every Year  | March 1  | SI, GM, WR, OI | Biennial Report via RCRAinfo |

### If Your Facility is not an LQG, SQG, or TSD

- If your facility was not an LQG, SQG, or TSD facility in any month of the year, no report is required.
- However, if you received a reporting reminder in December you **MUST** register and complete a subsequent notification in myRCRAid to update your generator status appropriately. This is necessary so that IDEM can document that you were not an LQG or SQG during the report year and do not owe a report. Even if the business is no longer active the entire report is still required if the facility acted as an SQG or LQG in any one month during the report year.



# Waste Regulation Updates - HWGR

## Have Questions or Need Help?

IDEM's Office of Land Quality (OLQ) offers detailed instructions regarding regulated waste notifications:

- U.S. EPA has produced a free online training resource (Learning Zen) with instructions on how to register as an industry user and how to complete biennial reporting. **OLQ strongly recommends this training.**
- OLQ has provided step-by-step instructions for filling out forms. **OLQ recommends opening or printing these files for reference when using RCRAinfo.**

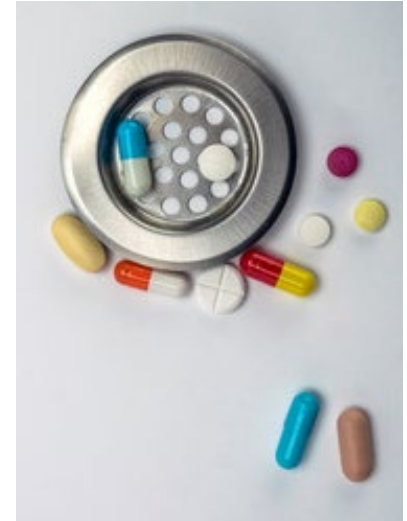


[www.idem.IN.gov/landquality/2373.htm](http://www.idem.IN.gov/landquality/2373.htm)



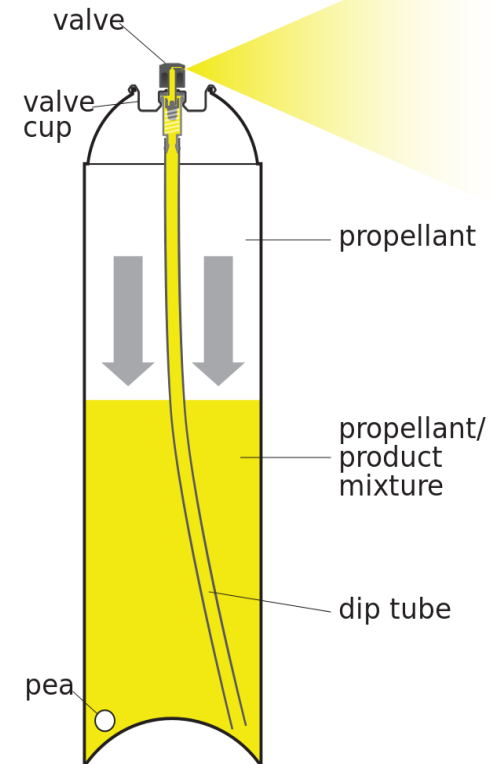
# Waste Regulation Updates - Pharmaceuticals

- **U.S. EPA's Hazardous Waste Pharmaceuticals Rule** (Pharmaceuticals Rule) became effective on Aug. 21, 2019. This rule updates the way hazardous waste pharmaceuticals are managed, including:
  - Bans all sewerage of hazardous waste pharmaceuticals (effective in all states)
  - Modifies the listing for nicotine waste (P075)
  - Provides expanded options for managing waste pharmaceuticals
  
- IDEM is currently working on a rulemaking to incorporate the Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine. The rulemaking will also include a couple other hazardous waste updates that are being bundled with the Pharmaceuticals rule. Estimated to be effective in late 2020 or early 2021.



# Waste Regulation Updates - Universal Waste, Aerosol Containers

- U.S. EPA published the [final rule](#) amending 40 CFR Part 273 in the Federal Register on December 9, 2019, (84 FR 67202)
- Adds aerosol cans or containers as a category to the Universal Waste Regulations
- The effective date was February 7, 2020 in:
  - Non-authorized states: Iowa, Alaska
  - Indian Country
  - U.S. Territories (except Guam)
- U.S. EPA added aerosol cans to universal waste to:
  - Promote the collection and recycling of universal waste
  - Ease regulatory burdens on retail stores and other universal waste generators
  - Encourage the development of municipal and commercial collection programs to reduce the quantity of these wastes going to landfills or combustors



# Waste Regulation Updates - Universal Waste, Aerosol Containers



- The rule is not effective in an authorized state until the state adopts the new rule - Authorized states are not required to adopt the rule.
  - Six states have already added aerosol cans to their list of universal wastes (CA, CO, MN, NM, OH, and UT).
- 
- Changes to Universal Waste regulations adding aerosol cans or containers as a category is considered less stringent than state regulations and would not need to be adopted in Indiana.
    - However, hazardous waste staff have indicated that IDEM will adopt these regulatory changes (incorporate by reference), and a request to initiate rulemaking is being developed.
    - The rulemaking might be able to be grouped with the Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine incorporations.

# Waste Regulation Updates – Solid Waste



- IDEM is working on a rulemaking to update the definition of solid waste (DSW) in 329 IAC 3.1.
- Intended to address the many changes to the DSW at the federal level (U.S. EPA Federal Regulation related to Solid and Hazardous Waste [40 CFR 260 through 40 CFR 270 and 40 CFR 273, 42 U.S.C. 6901 et seq.]).
- This rulemaking was submitted to the Indiana Office of Management and Budget (OMB) on 12/17/19, received interim approval on 2/6/20, and a second notice will be sent to OMB for final approval (OMB #2019-064).

# Waters of the United States (WOTUS)



The jurisdictional scope of the 1972 Clean Water Act is the “navigable waters,” defined as the “waters of the United States” (CWA Section 502(7)).

This is important because many Clean Water Act programs — including tribal and state water quality certification programs, pollutant discharge permits, and oil spill prevention and planning programs — apply only to “waters of the United States.”

The Clean Water Act provides the discretion for the implementing agencies — U.S. EPA and U.S. Department of the Army (Army) — to define “waters of the United States” in regulations.

Each state has the right to review federal permits and licenses that may result in a discharge to its waters to ensure that federally permitted activities do not violate any applicable state law (e.g., water quality standards).







# Waters of the United States (WOTUS)

The following three agencies have regulatory jurisdiction over Indiana's waters:

- ▶ **U.S. Army Corps of Engineers (USACE)** - Waters of the United States and Navigable Waters of the United States – issues nationwide, regional, and general permits (33 U.S.C. 401, 403, 1344, and 1413)
- ▶ **Indiana Department of Environmental Management (IDEM)** - Clean Water Act Section 401 Water Quality Certification (33 U.S.C. 1341), Waters of the State (IC 13-11-2-265), Isolated Wetlands Program (IC 3-18-22 and 327 IAC 17), and Indiana's Water Quality Standards (327 IAC 2)
- ▶ **Indiana Department of Natural Resources (IDNR)** – Regulates various construction activities within, over, and/or under the state's waterways (IC 14-26-2, IC 14-26-5, IC 14-28-1, IC 14-29-1, IC 14-29-1-3, and IC 14-29-1-4)



Some projects done in or near the waters of the state will require authorizations from both USACE / IDEM and IDNR.

# Waters of the United States (WOTUS)





# Waters of the United States (WOTUS)

## U.S. Army Corps of Engineers (USACE) Permitting Process

Submit wetland delineation for verification and jurisdictional determination

USACE determines jurisdiction and if permit is required

Submit application to USACE

Application review; joint public notice with IDEM required for individual permits

Receipt of IDEM Section 401 WQC Approval required for USACE approval

**Final USACE decision**

Submit application with wetland delineation and USACE jurisdictional determination

Review of application for completeness

Joint public notice with USACE for certain applications, IDEM notice for all others

Determination of project impacts on water quality

**Final IDEM decision**

## Indiana Department of Environmental Management (IDEM) Permitting Process

Submit application to IDNR Division of Water

Public notice and application/completeness review

Review project for impacts on fish, wildlife, and botanical resources

Review project for impacts to the floodway and its ability to efficiently carry flood flows

Hydraulic review by Division of Water

**Final IDNR decision**

## Indiana Department of Natural Resources (IDNR) Permitting Process

# Waters of the United States (WOTUS)



*USA, Indiana, The Celery Bog wetlands in autumn*

Because the U.S. Army Corps of Engineers' jurisdiction is different than the state's, IDEM must be contacted to determine which, if any, state authorization is needed before a person may legally discharge pollutants (including fill materials) to wetlands, streams, rivers, lakes, and other *Waters of the State*.

**The U.S. Army Corps of Engineers cannot grant a Section 404 permit without IDEM's Section 401 Water Quality Certification.**

IDEM regulates all waters in Indiana that meet the definition of "*Waters of the State*" (IC 13-11-2-265)

- While all *Waters of the U.S.* are *Waters of the State*, there are some *Waters of the State*, principally isolated wetlands, which are not also *Waters of the U.S.*
- An "isolated wetland" is a wetland that the U.S. Army Corps of Engineers has determined to be a non-federally jurisdictional wetland.
- Proposed impacts to an isolated wetland require permits under Indiana's State Isolated Wetland Law ([IC 13-18-22](#) and [327 IAC 17](#)).

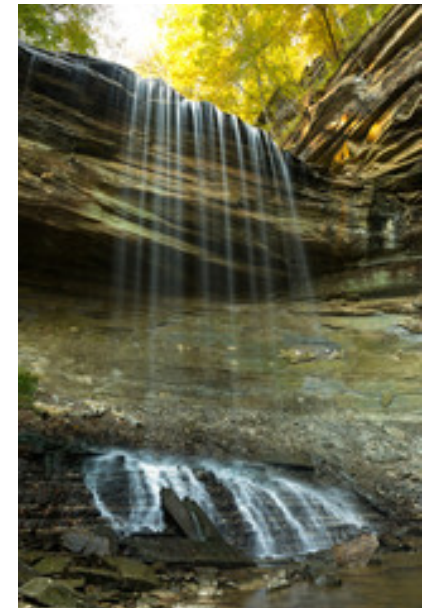
# Waters of the United States (WOTUS)



IDEM draws authority to regulate *Waters of the State* (including wetlands) and implement this portion of the Clean Water Act from Title 13 of the Indiana Code (IC).

The relevant provisions of Title 13 include:

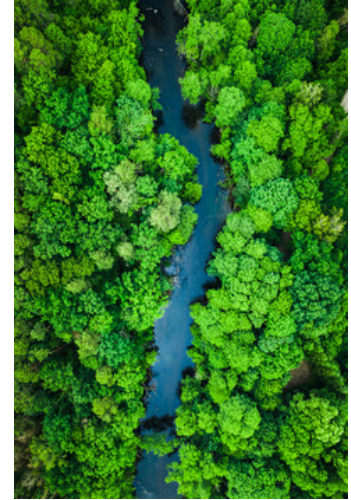
- Authority of IDEM to implement all aspects of the Clean Water Act
- Definition of *Waters of the State*
- Authority for the Indiana Environmental Rules Board to adopt rules to protect water quality
- Requirement that IDEM implement those water quality rules





# Waters of the United States (WOTUS)

- March 6, 2017 - U.S. EPA and the U.S. Department of the Army (the agencies) announced their intention to review and rescind or revise the 2015 Clean Water Rule.
- October 22, 2019 - The agencies published a final rule to repeal the 2015 rule and recodify the regulation that was in place prior to issuance of the 2015 rule. This final rule became effective on December 23, 2019.
- January 23, 2020 - The agencies finalized the [Navigable Waters Protection Rule](#) to define “Waters of the United States”.
- U.S. EPA posted a pre-publication notice - the final rule will not be promulgated until published in the Federal Register (FR) - Docket No. EPA-HQ-OW-2017-0203.
- The final rule will become effective 60 days after publication in the FR, and once effective, it replaces the rule published on October 22, 2019.
- IDEM will have to comply with the revised definition of WOTUS in the Navigable Waters Protection rule once it is effective.
- Currently, this action does not supersede any state rules, such as “Waters of the State” or “isolated wetlands” and how they are managed. State law may be broader than federal authority under the CWA.





# Waters of the United States (WOTUS)

## Anticipated Permitting Impacts (Federal) of WOTUS Definition Changes

- The final rule will reduce the scope of waters subject to CWA permitting (402 and 404 permitting programs) compared with the baseline of the 2019 Rule as implemented (e.g., ephemeral streams or features).
  - Because fewer waters and wetlands are federally regulated under this rule, the regulated public may need fewer CWA permits.
- The agencies note that they retain section 402 permitting authority over discharges that reach jurisdictional waters through conveyances, such as non-jurisdictional waters.
  - Some facilities currently discharging under a CWA section 402 permit may no longer be required to obtain permit coverage under federal law where there is a jurisdictional change to the receiving water and the receiving water does not convey pollutants from a point source to a *Water of the United States*.
  - A reduction in jurisdictional waters under the final rule may reduce the number of federal permits that require a section 401 certification and may reduce the applicability of the section 311 program and associated Oil Spill Liability Trust Fund.

# Waters of the United States (WOTUS)

## WOTUS and Stormwater

### *Traditionally:*

- Stormwater controls were designed to direct runoff away from people and property as quickly as possible. Cities built systems to collect, convey, or store stormwater, using structures such as curbs, gutters, and sewers.
- Retention and detention stormwater ponds were built to store excess stormwater until it could be more safely released.

### *More Recently:*

- Use of stormwater controls to remove pollutants before the stormwater is discharged has become more prevalent.
- Cities have turned to green infrastructure, using existing natural features or creating new features that mimic natural hydrological processes that work to infiltrate, evaporate, or transpire precipitation, to manage stormwater at its source and keep it out of the conveyance system.



These engineered components of stormwater management systems can address both flood control and water quality concerns, as well as provide other benefits to communities.

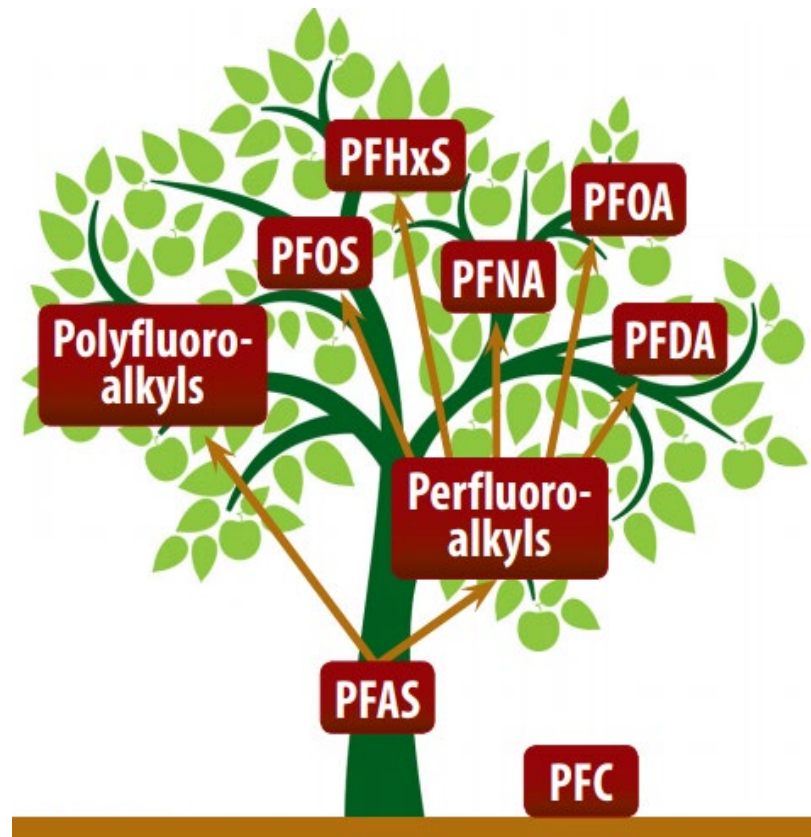
This final rule is designed to avoid disincentives to this environmentally beneficial trend in stormwater management practices.

# PFAS Update - What are PFAS?

Per- and polyfluoroalkyl substances (PFAS) are a class of synthetic organic chemicals that contain fluorine. There are more than 3,000 PFAS.

Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) have been among the most used PFAS.

- Per-fluoroalkyl / poly-fluoroalkyl substances
  - Includes PFOA, PFOS, GenX, and many others
- Man-made chemicals
  - Used in the U.S. since the 1940s
  - Persistent in the environment
  - Persistent in the human body





# PFAS Update - Where are PFAS found?

- Workplaces
  - Chrome plating
  - Electronics manufacturing
  - Oil recovery
  - Paper mills
  - Textile/leather processing
  - Aviation manufacturing
- Food packaging
  - Pizza boxes
  - Fast food wrappers
- Commercial household products
  - Insect repellants
  - Sunscreens
  - Stain-resistant/water-repellent fabrics
  - Nonstick products (e.g., Teflon)
  - Polishes / Waxes/ Paints
  - Cleaning products
  - Firefighting foam
  - Sampling equipment
  - Latex gloves
  - Personal care products (e.g., cosmetics, lotions)
  - Recycled paper products (e.g., paper towels, notebook paper)

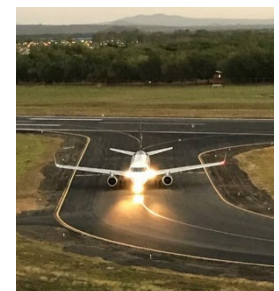


- Drinking Water
- Living organisms
  - Fish
  - Animals
  - Humans

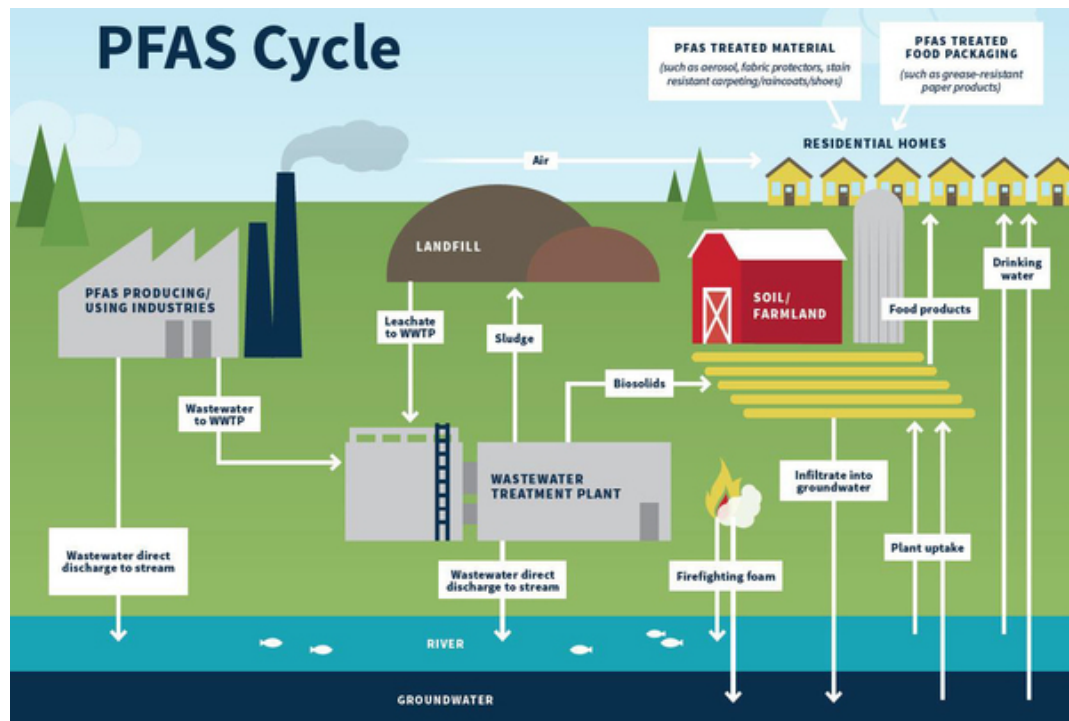


# PFAS Update – Human Exposure

- Usage - Release from products made with PFAS
  - Carpets
  - Leather
  - Apparel
  - Textiles
  - Paper and packaging
  - Non-stick cookware
  - Paints, varnishes, sealants
- Inhalation - Contaminated air
  - PFAS production facilities
  - Manufacturing facilities for goods that contain PFAS
- Consumption of food grown in contaminated soil, with contaminated water, or processed by equipment that uses PFAS
- Water Consumption
  - Localized drinking water
  - Associated with a specific facility
    - Industrial facility where PFAS were produced (or products using PFAS)
    - Facility where firefighting foam was used (e.g., oil refinery, airfield)



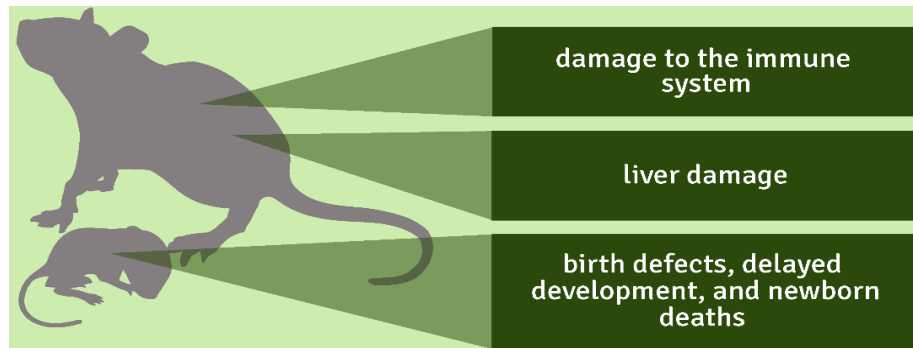
# PFAS Update – Human Exposure



Michigan DEQ, 2018

Exposure can lead to adverse human health effects:

- Reproductive
- Developmental
- Liver
- Kidney
- Immunological
- Increased cholesterol levels
- Low infant birth weights
- Cancer (PFOA)
- Thyroid hormone disruption (PFOS)





# PFAS Update – TRI Chemical Listing

## PFAS and the Toxics Release Inventory (TRI)

- Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) created the TRI Program.
- The TRI Program's mission is to provide the public with information about TRI chemicals, including releases, other waste management (e.g., recycling), and pollution prevention from TRI-reporting facilities.
- TRI tracks the management of certain toxic chemicals that may pose a threat to human health and the environment. U.S. facilities in different industry sectors must report annually how much of each chemical is released to the environment and/or managed through recycling, energy recovery, and treatment.
- A "release" of a chemical means that it is emitted to the air or water or placed in some type of land disposal.
- TRI helps support informed decision-making by companies, government agencies, non-governmental organizations, and the public.
- The TRI Program is one tool U.S. EPA is using to understand the releases of PFAS by industrial and federal facilities.

# PFAS Update – State of Regulations

## Congress

- The National Defense Authorization Act for Fiscal Year 2020 ([S. 1790](#)) signed into law on December 20, 2019 (related to 178 other bills)
  - Section 7321 added 172 per- and polyfluoroalkyl substances (PFAS) to the list of chemicals covered by the Toxics Release Inventory (TRI) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and provided a framework for listing additional PFAS
  
- H.R. 535, PFAS Action Act (January 10, 2020, passed in the House, January 13, 2020, received in the Senate - Read twice and referred to the Committee on Environment and Public Works – related to 16 other bills)
  - Designates PFOA and PFOS as hazardous substances
  - Sets deadline for U.S. EPA to establish drinking water standards
  - Sets deadline for U.S. EPA to limit industrial discharges (air and water)





# PFAS Update – State of Regulations

## The National Defense Authorization Act for Fiscal Year 2020 (NDAA)

### Key Information

- PFAS additions are effective as of **January 1, 2020**. Reporting forms for these chemicals will be due to U.S. EPA by **July 1, 2021**, for calendar year 2020 data.
  - Facilities in TRI-covered industry sectors should track and collect data on these chemicals during 2020.
  - TRI reporting requirements apply to these PFAS (e.g., supplier notification), and TRI reporting exemptions, if applicable, are available for these chemicals.
  - The de minimis level for Perfluorooctanoic acid (PFOA) (CASRN: 961-11-5) is 0.1%. All of the other PFAS additions have a de minimis level of 1%.
- The NDAA establishes TRI manufacturing, processing, and otherwise use reporting thresholds of 100 pounds for each of the listed PFAS.

[List of PFAS added to the TRI by the NDAA](#)



# PFAS Update – State of Regulations

## U.S. EPA, Highlighted PFAS Actions for Toxics

- February 14, 2019 - Issued [PFAS Action Plan](#)

### PFAS Action Plan Approach Areas

- Drinking Water
- Cleanup
- Toxics
- Monitoring
- Research
- Enforcement
- Risk Communication





# PFAS Update – State of Regulations

## U.S. EPA, Highlighted PFAS Actions for Toxics



- December 4, 2019 - Published [an Advance Notice of Proposed Rulemaking \(ANPRM\)](#) to gather information for use in a potential rulemaking to add certain PFAS to the TRI chemical list. While the NDAA adds certain PFAS to the TRI chemical list, there are additional PFAS that were not added by the NDAA. (Comment period ended on February 3, 2020.)
  - Goal of determining which PFAS should be evaluated for listing, how to list them, and what would be appropriate reporting thresholds given their persistence and bioaccumulation potential; and
  - In considering listing, U.S. EPA must determine whether data and information are available to fulfill the listing criteria and the extent and utility of the data that would be gathered.
    - Hazard data required for TRI listing may be readily available for certain PFAS chemicals, but not others.
    - In considering if TRI will provide useful information to stakeholders, U.S. EPA also will consider if those PFAS are still active in commerce.



# PFAS Update – State of Regulations



## U.S. EPA, Highlighted PFAS Actions for Toxics

- February 20, 2020 - Issued a [supplemental proposal](#) to ensure that new uses of certain persistent long-chain PFAS chemicals in surface coatings cannot be manufactured or imported into the United States without notification and review under the Toxic Substances Control Act (TSCA).
- February 20, 2020 - Released an [updated list](#) of 172 PFAS chemicals subject to Toxics Release Inventory reporting (EPCRA Section 313 list of reportable chemicals) as required by the National Defense Authorization Act for Fiscal Year 2020.

Among these added chemicals are chemicals that met two criteria:

- (1) They were subject to a significant new use rule (SNUR) at either 40 CFR 721.9582 or 721.10536 on or before December 20, 2019; and
- (2) They were identified as active in commerce on the TSCA Inventory that was published in February 2019.

Chemicals meeting only one of the two criteria were not added to the TRI list.

- February 26, 2020 - Issued [PFAS Action Plan: Program Update](#)



# PFAS Update – State of Regulations

## Reporting Information

- TRI reporting requirements state that a facility should use readily available data collected pursuant to other provisions of law or, where such data are not readily available, reasonable estimates of the amounts involved.
- Reminder: Reporting on the recently added PFAS to the TRI by the NDAA will be **due by July 1, 2021**, for 2020 data.

## Analytical Methods R&D, U.S. EPA:

- Has published new test methods for drinking water, and is continuing to work on methods for groundwater, surface water, and wastewater.
- Has developed research methods for measuring PFAS in human serum and urine, and estuarine water.
- Is working to develop and apply high-resolution mass spectrometry techniques to conduct Non-Targeted Analysis of PFAS in the environment.
- Is working to develop sampling and analytical methods for detecting and measuring PFAS in stack emissions.

# Questions?



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