

Conservation Committee Report

Volume 24 Issue 12

Jack Walters—Conservation Chairman

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The Conservation Pledge

I give my pledge as an

American to save and faithfully defend from waste, the natural resources of my country; the soil, the water, the air, the minerals, the plant life and the wildlife.

This is my Pledge!

Inside this issue:

DEP Announces Effective Date of Volatile Organic Compound Regulations for Conventional Oil and Gas Industry	5
DEP Launches \$12.7 Million Initiative to Electrify Truck Fleets for Cleaner Air	6
EPA's Design for the Environment Program Highlighted in Amazon's Climate Pledge Friendly Program	9
EPA Issues Guidance to States to Reduce Harmful PFAS Pollution	11
EPA Announces Proposal to Protect Tribal Reserved Rights in Water Quality Standards and Best Practices for Tribal Treaty and Reserved Rights	13
EPA Proposes Rule to Enhance Reporting of PFAS Data to the	16
EPA Proposes Rule to Enhance Reporting of PFAS Data to the Toxics Release Inventory	19
EPA Takes Next Steps in Renewable Fuel Standard Program for 2023-25	21
EQB Adopts Emergency Air Quality Regulation for Existing Conventional Oil and Gas Sources	23
Settlement with Republic Steel Requires Reduction of Lead Emissions	25

AG Shapiro: Coterra Energy, Formerly Cabot Oil & Gas, Pleads No Contest To 15 Criminal Charges Related To Polluting Water Supplies In Dimock, Susquehanna County

On November 29, Attorney General Josh Shapiro announced that Coterra Energy Inc., formerly known as Cabot Oil and Gas, has pleaded no contest to 15 charges related to environmental crimes in Dimock, Susque-

hanna County.

As part of the plea Coterra will pay \$16.29 million for the construction of a new public water supply in Susquehanna County.

[Between January 1, 2005 and November 1, 2022, DEP said it received and resolved 4,859 water

supply contamination complaints for both conventional oil and gas and unconventional shale gas well drilling. DEP has a list of 392 water supplies it says were affected by drilling.]

“Residents of Dimock have waited far too long for the clean water.

(continued on page 2)

Biden-Harris Administration Announces \$6 Million in Bipartisan Infrastructure Law Funds to Support Tribal Nations in Reducing Nutrient Pollution in the Mississippi/Atchafalaya River Basin

The U.S. Environmental Protection Agency (EPA) announced the availability of \$6 million in funds from President Biden's Bipartisan Infrastructure Law to

support Tribal Nations across the Mississippi/Atchafalaya River Basin (MARB) in reducing nutrient pollution on Tribal lands in the Basin. The Bipartisan Infrastructure Law includes \$60 million for actions to support water quality improvements in the Mississippi River

watershed and Gulf of Mexico through the Gulf Hypoxia Program (GHP) over five years. EPA is allocating 10 percent of this funding – a total of \$6 million – to 21 eligible Tribes to support capacity building activities

(continued on page 4)

AG Shapiro: Coterra Energy, Formerly Cabot Oil & Gas, Pleads No Contest To 15 Criminal Charges Related To Polluting Water Supplies In Dimock, Susquehanna County (continued)

Pennsylvania's Constitution is supposed to guarantee all of us," said Attorney General Josh Shapiro at a press conference today in Susquehanna County. "Today, Coterra, the corporate successor of Cabot Oil and Gas, took full responsibility for the crimes Cabot committed that polluted resident's water. Under this historic settlement, Coterra will now pay to build a new public water line that will provide clean, reliable drinking water for generations to come."

The Pennsylvania Office of Attorney General charged Coterra Energy Inc. in 2020 after a Grand Jury investigation into the contamination of well water in Dimock, Susquehanna County. [Read more here.](#)

The investigation revealed that the company's activities associated with drilling and producing unconventional gas wells were responsible for methane pollution in the local water supply.

This contamination led to multiple Dimock residents suffering from impacts to their own personal water supplies, including the explosion of Norma Fiorentino's drinking water well in January 2009.

During the investigation, the Grand Jury heard testimony from several residents who shared stories of their water becoming contaminated after allowing Coterra to drill wells on their property.

In some cases the water was so contaminated it even caught fire. These residents and their families were forced to stop drinking their water as it was impacted with metals and high levels of methane.

In order to supply their homes with this necessity, residents had to travel miles to pick up drinking water.

When one resident contacted the Pennsylvania Department of Environmental Protections to ask when their water would be clean again, they were told that the water would be clean again in several years.

A decade later, at the time of their appearance before the grand jury, the issue had remained unresolved.

Coterra entered a plea to Prohibition Against Discharge of Industrial Wastes, a violation of the Clean Streams Law.

As part of the plea agreement, Coterra will pay \$16.29 million toward a new regulated public water line as well as payment of 75 years of water bills for the impacted homeowners.

This money will also be used to provide treatment systems to treat the homeowners' water supplies and the provision of bottled water while the public water line is under construction.

"This agreement brings justice to the residents of Dimock who for years had been ignored," said AG Shapiro. "People across the country remember what happened here in Dimock,

(continued on page 3)

AG Shapiro: Coterra Energy, Formerly Cabot Oil & Gas, Pleads No Contest To 15 Criminal Charges Related To Polluting Water Supplies In Dimock, Susquehanna County (continued)

and now, they will know the rule of law won the day. Companies will take notice that we won't allow communities like this to be taken advantage of or forgotten."

The agreement is the result of years of thorough investigation and evaluation by independent experts to sample and analyze the water contamination and develop an engineering plan that would best serve the needs of the residents of Dimock.

The construction and operation of the water line will be overseen by Pennsylvania American Water Company, a company with years of experience providing water to the Commonwealth, that is currently serving nearly 19% of Pennsylvanians.

While it will take time to construct, this water line will ultimately provide the residents of Dimock with clean, safe drinking water when they turn on their tap.

Access to this clean water is a right that has been elusive to these homeowners for more than a decade.

Continuing Water Supply Impacts

Between January 1, 2005 and November 1, 2022, DEP said it received and resolved 4,859 water supply contamination complaints for both conventional oil and gas and unconventional shale gas well drilling, according to its Water Supply [Resolved Complaints Database](#)

DEP listed 4,222 as "no final determination;" 305 as "no investigation;" 273 as "final determination of contamination;" and 59 as "undetermined," but all were listed as "resolved."

This Database does not include the water supply complaints DEP is still investigating.

DEP has a list of [392 water supplies](#) it has determined were impacted by conventional or unconventional oil and gas drilling either temporarily or permanently, but few specifics are provided.

Some recent examples of water supplies impacted by oil and gas drilling include--

-- The Center for Coalfield Justice will distribute over 3,000 cases of water on November 19 at the New Freeport Fire Company in Greene County to help families who haven't had clean drinking water since June following an alleged 'frack-out' at an EQT shale gas drill pad. [Read more here.](#)

-- On October 28, the owner of a Washington County farm-- Bryan Latkanich and his three children Ryan, Hunter and Colton-- [filed a lawsuit against](#) Chevron and EQT shale gas companies alleging they violated the terms of their drilling lease by endangering their health, contaminating their water supply and not protecting their land. [Read more here.](#)

(Photo: Ray Kemble of Dimock, displays a jug of what he identifies as his contaminated well water, [StateImpactPA.](#))

Source: PA Environment Digest

Biden-Harris Administration Announces \$6 Million in Bipartisan Infrastructure Law Funds to Support Tribal Nations in Reducing Nutrient Pollution in the Mississippi/Atchafalaya River Basin (continued)

and nutrient reduction demonstration projects that advance the goals of the Gulf Hypoxia Action Plan.

“The Biden-Harris Administration is committed to working alongside Tribes to advance our shared goal of improved water quality,” **said Assistant Administrator for Water Radhika Fox**. “Thanks to the historic Bipartisan Infrastructure Law, Tribes across this critical watershed will have resources to restore the Mississippi River and Gulf of Mexico.”

Today’s announcement includes an implementation memorandum that provides eligible Tribes with information on how EPA will award and administer GHP funds, highlights priorities for nutrient reduction, and provides flexibility for Tribe-specific activities. With these awards, Tribes will support nutrient reduction demonstration projects, implement nonpoint source management programs, and build their capacity to conduct nutrient reduction activities.

EPA has long supported the Hypoxia Task Force (HTF), with general support for Tribal and state water quality programs and targeted grants to states. The Bipartisan Infrastructure Law provides for dedicated funding to support Tribal nations, make progress towards reducing nutrient loads, and improve water quality in the Mississippi/Atchafalaya River Basin. Improving water quality in the watershed is critical for helping support families, economies, and communities that rely on this critical waterbody.

Background

The Mississippi River/Gulf of Mexico Watershed Nutrient Task Force is a long-standing group of states, federal agencies, and a representative for Tribal nations that work collaboratively to reduce the large oxygen-depleted “dead zone” in the Gulf of Mexico and improve water quality throughout the Mississippi/Atchafalaya River Basin. Under the Bipartisan Infrastructure Law, EPA is providing a historic \$50 billion to support state and Tribal investments in clean and safe water, and empower historically underserved and underrepresented communities with tools to improve their environmental conditions, including this allotment to Tribal nations under the Gulf Hypoxia Program.

For further information: EPA Press Office (press@epa.gov)

Source: The U.S. Environmental Protection Agency (EPA)

DEP Announces Effective Date of Volatile Organic Compound Regulations for Conventional Oil and Gas Industry

The Pennsylvania Department of Environmental Protection is providing notice that the emergency certified final-omitted rulemaking to control volatile organic compound (VOC) emissions from conventional oil and gas sources is final and effective as of today, December 2, 2022.

On November 30, the Environmental Quality Board adopted the emergency certified final-omitted rulemaking. On December 1, the rulemaking was deposited in and filed with the Legislative Reference Bureau. The rulemaking is final and effective upon this notice.

Under the federal Clean Air Act (CAA), Pennsylvania has until December 16 to submit to the U.S. Environmental Protection Agency (EPA) a State Implementation Plan, including regulations covering VOC emissions for all required oil and gas sources.

Governor Tom Wolf determined that this emergency certified final-omitted rulemaking is necessary to ensure the commonwealth complies with the CAA and with Pennsylvania's Air Pollution Control Act. The emergency rulemaking was undertaken after the House Environmental Resources and Energy Committee voted to review the final-omitted version of the regulation, causing a delay in the regulatory process that would extend beyond the December 16 deadline.

The regulatory documents are available at <http://www.irrc.state.pa.us/docs/3363/AGENCY/3363FO.pdf> and <https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/2022-Meetings.aspx>

Source: The Pennsylvania Department of Environmental Protection

DEP Launches \$12.7 Million Initiative to Electrify Truck Fleets for Cleaner Air

The Pennsylvania Department of Environmental Protection (DEP) launched “Electrifying Truck Fleets for Cleaner Air in Our Communities,” a \$12.7 million Driving PA Forward initiative to improve air quality by supporting local freight truck electrification.

Projects serving environmental justice areas, high traffic density areas, and Act 47 financially distressed municipalities are a top priority for funding.

“Our newest [Driving PA Forward](#) initiative aims to support transformational scale electrification of local trucks to improve air quality in communities with some of the highest air pollution levels in Pennsylvania,” said DEP Acting Secretary Ramez Ziadeh. “A growing number of communities are proactively pursuing healthier air quality and greenhouse emission reductions. They’re interested in zero-emission electric options for the kinds of trucks that travel their neighborhoods on a regular basis. To help their transition to electric vehicles, DEP will provide at least 75% and, in some cases, 100% of funding to electrify local freight truck fleets.”

In addition, DEP announced \$1.7 million in Driving PA Forward State Clean Diesel Grants to three projects to replace old diesel trucks with zero- or low-emission trucks.

Driving PA Forward is the set of grant and rebate programs the Wolf Administration established in 2018 with Pennsylvania’s share of the national settlement with Volkswagen Group of America for cheating on U.S. Environmental Protection Agency (EPA) emissions tests. To date, more than \$70 million in Driving PA Forward funding has been awarded to reduce air pollution by replacing old diesel vehicles with cleaner transportation options and encouraging the adoption of zero-emission vehicles by investing in electric vehicle charging infrastructure statewide.

Electrifying Truck Fleets for Cleaner Air in Our Communities

A total of \$12.7 million is available to local governments, businesses, and nonprofits to replace at least five old diesel trucks with new all-electric versions. (For smaller fleets, an exception may be made to support three electric trucks.)

Funding will cover local freight trucks, such as garbage, recycling, utility, and delivery trucks, as well as charging infrastructure and installation. Grantees will have two years to scrap their old diesel vehicles and get the new electric truck fleets on the road.

DEP will provide 90% of project funding to local municipalities, or 100% if a municipality is in [Act 47](#) financially distressed status. DEP will provide 75% of project funding to nongovernment applicants.

Projects that are located in or serve communities in Environmental Justice areas and high traffic density areas are a top priority.

(continued on page 7)

DEP Launches \$12.7 Million Initiative to Electrify Truck Fleets for Cleaner Air (continued)

“This new Driving PA Forward initiative will help respond to concerns we've heard directly from residents of environmental justice communities about air quality issues, by helping to get some of the most regularly seen and polluting vehicles on neighborhood streets converted to cleaner electric alternatives,” said DEP Environmental Justice Director Justin Dula.

A second priority of Electrifying Truck Fleets for Cleaner Air in Our Communities is meeting the demand for real-world information on transitioning to electric trucks in Pennsylvania.

Grant recipients will provide data on how they purchased their electric trucks and installed charging and, once the vehicles go into use, operational data on fleet performance.

“We know from our work with community and business leaders that their interest in electric trucks is matched by a need for logistical information. How long does an electric truck take to charge? How long does the charge last? What’s the cost to operate? What are the fuel savings?” said Acting Secretary Ziadeh. “With two years of on-the-ground data from grantees, we’ll develop case studies to expand the knowledge base on electric truck operation, performance, and maintenance in Pennsylvania.”

State Clean Diesel Grants Awarded to Three Electric Truck Projects

In addition, DEP today awarded \$1.7 million in Driving PA Forward State Clean Diesel Grants to three projects to replace old diesel trucks with zero- or low-emission trucks.

- **SMS Mill Services: \$1,176,367.** The steel scrap recycler will replace three older diesel aggregate material handlers with three new all-electric material handlers at its facility in Coatesville, Chester County. The project annually will remove an estimated 1.315 tons of oxides of nitrogen (NOx), 954 pounds of carbon monoxide, 238 pounds of fine particulate matter (PM2.5), 249 tons of carbon dioxide (CO2), and other pollutants from the air in an environmental justice area.
- **Metalico Pittsburgh: \$499,202.** The scrap metal processor will replace one older diesel material handler and one older diesel material loader with a new all-electric handler and a new clean-diesel loader at its facility on Neville Island, which is an environmental justice area. The project annually will remove an estimated 5.25 tons of NOx, 52 tons of carbon monoxide, 596 pounds of PM2.5, 400 tons of CO2, and other pollutants from the air.
- **Dietz & Watson: \$83,250.** The delicatessen foods company will replace one older diesel transportation refrigeration unit (TRU) with a new all-electric TRU at its facility on Tacony Street in Philadelphia. TRUs are used to refrigerate perishable goods in on-road trailers and shipping containers.

(continued on page 8)

DEP Launches \$12.7 Million Initiative to Electrify Truck Fleets for Cleaner Air (continued)

The project annually will remove an estimated 422 pounds of NO_x, 146 pounds of carbon monoxide, 34 pounds of PM_{2.5}, 24 tons of CO₂, and other pollutants from the air.

Fossil fuel-powered vehicles emit 50.2% of NO_x in the air in Pennsylvania, according to [EPA data](#), as well as carbon monoxide, fine particulate matter, and hydrocarbons.

The health effects of this air pollution include premature death in people with heart or lung disease; heart attacks; aggravated asthma; and increased respiratory symptoms, such as coughing or difficulty breathing. As of 2019, approximately one in eight children and one in six adults in Pennsylvania reported an asthma diagnosis at some point in their lifetime. This is higher than the national per capita asthma rate.

Lifetime asthma prevalence is highest among individuals who live in low-income communities, such as environmental justice communities.

[Generating 22% of CO₂ emissions](#) statewide, fossil fuel-powered vehicles are also the third largest emitter of greenhouse gas emissions in Pennsylvania, contributing significantly to climate change.

Electric vehicles have zero tailpipe emissions. By comparison, on average, one 15-year-old diesel garbage truck traveling approximately 14,000 miles annually will have emitted more than 1.1 tons of NO_x over its lifetime. There are thousands of old diesel garbage trucks in use in Pennsylvania.

Video and photos of today's announcement will be available at <https://pacast.com/m?p=22363>.

Source: The Pennsylvania Department of Environmental Protection

EPA's Design for the Environment Program Highlighted in Amazon's Climate Pledge Friendly Program

The Climate Pledge Friendly program on Amazon now includes antimicrobial products like disinfectants and sanitizers certified by the U.S. Environmental Protection Agency's (EPA) Design for the Environment (DfE) program. DfE joins EPA's Safer Choice and 46 other sustainability certifications in Climate Pledge Friendly, which helps customers shop for over 300,000 more sustainable products in the company's online store.

"We're thrilled that Amazon is making it easier to identify antimicrobials that meet our program's stringent criteria for people and the planet in this initiative," **said EPA Office of Chemical Safety and Pollution Prevention Deputy Assistant Administrator for Pollution Prevention Jennie Romer.** "Increasing awareness of EPA's Design for the Environment program through Climate Pledge Friendly will help consumers make environmentally and health-conscious buying decisions. This also encourages companies to seek Design for the Environment certification for their products, reducing pollution at its source and benefiting workers, families and the environment."

DfE products meet criteria that evaluate human health and environmental effects, product performance, packaging and ingredients. The requirements are intended to:

- Minimize possible risks to human health by excluding ingredients that might have the potential to negatively impact young children, cause cancer, or have other negative effects;
- Further protect fish and other aquatic life;
- Minimize pollution of air or waterways and prevent harmful chemicals from being added to the land; and
- Ensure products have no unresolved compliance, enforcement or efficacy issues.

(continued on page 10)

EPA's Design for the Environment Program Highlighted in Amazon's Climate Pledge Friendly Program (continued)

The addition of DfE to the [Climate Pledge Friendly program](#) on Amazon follows EPA's recent modernization of the DfE logo. Products with the new label are expected to be available late next year. EPA redesigned the logo to make it more appealing and recognizable to retailers, consumers and purchasers following a request from a coalition that included the Environmental Defense Fund, the Natural Resources Defense Council, the Clorox Company, the Procter and Gamble Company, and Reckitt. This coalition's efforts were recognized in early November with a [2022 Safer Choice Partner of the Year award](#).

Products identified as Climate Pledge Friendly are distinguished on Amazon's shopping results and featured in a dedicated section of Amazon's online store. Amazon also provides its customers with detailed web pages that include information on how and why products are certified as sustainable.

Source: U.S. EPA

EPA Issues Guidance to States to Reduce Harmful PFAS Pollution

New EPA memo provides direction under NPDES permitting program to restrict PFAS at their source

The U.S. Environmental Protection Agency (EPA) released a memorandum to states that provides direction on how to use the nation's bedrock clean water permitting program to protect against per- and polyfluoroalkyl substances (PFAS). The guidance released today, which outlines how states can monitor for PFAS discharges and take steps to reduce them where they are detected, is part of the Agency's holistic approach to addressing these harmful forever chemicals under EPA's PFAS Strategic Roadmap.

This action is a critical step in EPA's efforts to restrict PFAS at their source, which will reduce the levels of PFAS entering wastewater and stormwater systems and ultimately lower people's exposure to PFAS through swimming, fishing, drinking and other pathways.

"EPA is following through on its commitment to empower states and communities across the nation to address known or suspected discharges of PFAS," **said EPA Assistant Administrator for Water Radhika Fox.** "Today's action builds upon successful and innovative efforts already used by several states to safeguard communities by using our Clean Water Act permitting program to identify and reduce sources of PFAS pollution before they enter our waters."

The memorandum, *Addressing PFAS Discharges in National Pollutant Discharge Elimination System (NPDES) Permits and Through the Pretreatment Program and Monitoring Programs*, will align wastewater and stormwater NPDES permits and pretreatment program implementation activities with the goals in EPA's PFAS Strategic Roadmap. The memo recommends that states use the most current sampling and analysis methods in their NPDES programs to identify known or suspected sources of PFAS and to take actions using their pretreatment and permitting authorities, such as imposing technology-based limits on sources of PFAS discharges. The memo will also help the Agency obtain comprehensive information through monitoring on the sources and quantities of PFAS discharges, informing other EPA efforts to address PFAS.

Several states have already demonstrated the benefits of leveraging their state administered NPDES permit programs to identify and reduce sources of PFAS before these forever chemicals enter treatment facilities and surface waters. Michigan, for example, is partnering with municipal wastewater treatment facilities to develop monitoring approaches to help identify upstream sources of PFAS. The state has been able to leverage that monitoring information to work with industries, such as electroplating companies, to substantially reduce PFAS discharges. North Carolina has also successfully leveraged its NPDES program to develop facility-specific, technology-based effluent limits for known industrial dischargers of PFAS.

(continued on page 12)

EPA Issues Guidance to States to Reduce Harmful PFAS Pollution (continued)

This memo urges states to replicate these approaches and use others noted in the memo to identify and reduce PFAS discharges.

This memo builds upon the agency's April 2022 memo to EPA Regions by expanding the audience to states and including new recommendations related to biosolids, permit limits, and coordination across relevant state agencies. The memo provides recommendations to NPDES permit writers and pretreatment coordinators, rooted in the successful use of these tools in several states, on monitoring provisions and analytical methods and the use of pollution prevention and best management practices. These provisions will help reduce PFAS pollution in surface waters as the Agency also works to promulgate effluent guidelines, finalize multi-laboratory validated analytical methods and publish water quality criteria that address PFAS compounds.

Background

PFAS are a large group of chemicals that are used in consumer products and industrial processes. In use since the 1940s, PFAS are resistant to heat, oils, stains, grease and water—properties which contribute to their persistence in the environment.

Anyone discharging wastewater into waters of the United States must obtain a NPDES permit. That permit contains provisions to ensure that pollutants are removed from wastewater discharged directly to rivers or the environment as needed to protect our waters and public health. Many industries discharge to Municipal Wastewater Treatment Plants (WWTPs), which are not designed to remove PFAS, rather than directly to rivers or creeks. Reducing the amount of PFAS that industries send to Municipal WWTPs is an important part of limiting the amount of PFAS released into the environment.

In October 2021, EPA Administrator Michael S. Regan announced the Agency's PFAS Strategic Roadmap—laying out a whole-of-agency approach to addressing PFAS and delivering tangible public health benefits to all people who are impacted by PFAS pollution. Last month, EPA released its first annual progress report under the Roadmap, highlighting successful actions begun or completed in the first year of implementation and noting critical milestones it will achieve in the next year.

For further information: EPA Press Office (press@epa.gov)

Source: The U.S. Environmental Protection Agency (EPA)

EPA Announces Proposal to Protect Tribal Reserved Rights in Water Quality Standards and Best Practices for Tribal Treaty and Reserved Rights

Proposed regulatory revisions to recognize Tribal rights reflects Biden-Harris Administration's commitment to deliver clean, safe water for all

During the 2022 White House Tribal Nations Summit, U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan announced a proposal to revise the federal water quality standards regulations to better protect Tribal rights under the Clean Water Act (CWA). With this action, EPA is working to ensure that state and federal water quality standards will protect tribal rights such as the right to fish or gather aquatic plants—that are reserved through treaties, statutes, executive orders, or other sources of federal law.

“We know that our shared goal of protecting water resources for Tribes is strongest – and most effective – when it’s informed by the lived experiences of those impacted by pollution,” **said EPA Administrator Michael S. Regan**. “By explicitly recognizing Tribal reserved rights in water quality standards, this proposal will help EPA ensure Tribal aquatic resources are abundant and safe to consume and reaffirms the Biden-Harris Administration’s commitment to our Nation-to-Nation partnership.”

This proposal, once final, would create a regulatory framework that would be applied on a case-specific basis to help ensure that water quality standards protect resources reserved to tribes, such as fish and wild rice. Additionally, the proposed regulatory framework would provide transparency and predictability for tribes, states, regulated parties, and the public.

The proposal also carries out the commitments to honor the federal trust responsibility and protect tribal reserved rights related to water resources outlined in EPA’s 2021 action plan, [*Strengthening the Nation-to-Nation Relationship with Tribes to Secure a Sustainable Water Future*](#). It also delivers on the Biden-Harris Administration’s commitment to uphold the United States’ treaty and trust responsibilities to the 574 federally recognized tribes.

“The National Tribal Water Council strongly supports EPA’s proposal to revise federal water quality standards regulations to protect tribal reserved rights in areas on and off reservations,” **said National Tribal Water Council Chairman Ken Norton**. “In this way, water quality standards will fulfill federal obligations by requiring a level of water quality that supports tribally significant waters and water-dependent resources consistent with tribal treaties and the federal trust responsibility.

(continued on page 14)

EPA Announces Proposal to Protect Tribal Reserved Rights in Water Quality Standards and Best Practices for Tribal Treaty and Reserved Rights (continued)

Allowing for increased tribal participation in water quality management will better protect precious tribal waters and bolster the resilience of indigenous communities and families.”

“As the first medicine, GLIFWC's member tribes understand that clean water is fundamental to life. In fact, the health of *nibi* (water) is directly tied to the quality of life. Because of the deep importance of *nibi* and its vital role in supporting resources located within our member tribes' treaty ceded territories, GLIFWC supports this draft rule,” **said Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission Michael J. Isham, Jr.** “It appropriately recognizes the unique status of treaty-reserved resources and the special consideration they deserve.”

“The Columbia River Inter-Tribal Fish Commission supports EPA's framework to incorporate the protection of treaty-reserved fishing rights into its implementation of the Clean Water Act, **said Columbia River Inter-Tribal Fish Commission (CRITFC) Executive Director Aja DeCoteau.** “The health of all people, as well as the overall ecosystem, is directly related to the health of our nation's waters. This is especially true for Pacific Northwest tribes whose cultures are centered on salmon and other First Foods, where we depend on clean water for our physical health, the exercise of our treaty-reserved rights to fish, and our overall cultural well-being. The EPA rule revisions will not only honor the United States obligation to protect tribal rights and resources, but it will also improve the quality of our nation's water and the health of all Americans.”

“EPA's proposal is a positive step towards protecting treaty rights because it expressly recognizes that state water quality standards are subject to the reserved rights of tribal nations. The proposal is also consistent with EPA's fiduciary trust obligation to tribes: where a tribe has reserved rights, the federal government has a duty to protect those rights,” **said Northwest Indian Fisheries Commission (NWIFC) Executive Director Justin Parker.** “In this case, EPA is recognizing that water quality standards must be stringent enough to protect treaty-reserved resources and treaty rights. This action would have meaningful benefits to NWIFC's member tribes and their treaty resources and rights.”

The agency will accept comment on this proposal for 90 days. EPA will also hold two online public hearings on this proposal. [Learn more about the proposed rule and public hearings.](#)

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EPA Announces Proposal to Protect Tribal Reserved Rights in Water Quality Standards and Best Practices for Tribal Treaty and Reserved Rights (continued)

Additionally, today, at the 2022 White House Tribal Nations Summit, Administrator Regan together with 16 other federal agencies, announced new best practices for Tribal Treaty and Reserved Rights. This set of documents will further the Biden-Harris Administration's commitment to engage in regular, meaningful, and robust consultation with Tribal governments and strengthen the protection of Tribal treaty rights.

The best practices include three documents: (1) Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and other Similar Rights in Federal Regulatory Actions and Federal Decision-Making; (2) a shorter Best Practices Field Guide; and (3) a Decision Flow Chart. These best practices were developed in consultation with Tribal Nations and implements the agencies' Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights.

For more information about the best practices documents visit the [EPA's Clean and Safe Water in Indian Country website](#).

Source: U.S. Environmental Protection Agency (EPA)

EPA Issues Guidance to States to Reduce Harmful PFAS Pollution

New EPA memo provides direction under NPDES permitting program to restrict PFAS at their source

The U.S. Environmental Protection Agency (EPA) released a memorandum to states that provides direction on how to use the nation's bedrock clean water permitting program to protect against per- and polyfluoroalkyl substances (PFAS). The guidance released today, which outlines how states can monitor for PFAS discharges and take steps to reduce them where they are detected, is part of the Agency's holistic approach to addressing these harmful forever chemicals under EPA's PFAS Strategic Roadmap.

This action is a critical step in EPA's efforts to restrict PFAS at their source, which will reduce the levels of PFAS entering wastewater and stormwater systems and ultimately lower people's exposure to PFAS through swimming, fishing, drinking and other pathways.

"EPA is following through on its commitment to empower states and communities across the nation to address known or suspected discharges of PFAS," **said EPA Assistant Administrator for Water Radhika Fox.** "Today's action builds upon successful and innovative efforts already used by several states to safeguard communities by using our Clean Water Act permitting program to identify and reduce sources of PFAS pollution before they enter our waters."

The memorandum, *Addressing PFAS Discharges in National Pollutant Discharge Elimination System (NPDES) Permits and Through the Pretreatment Program and Monitoring Programs*, will align wastewater and stormwater NPDES permits and pretreatment program implementation activities with the goals in EPA's PFAS Strategic Roadmap. The memo recommends that states use the most current sampling and analysis methods in their NPDES programs to identify known or suspected sources of PFAS and to take actions using their pretreatment and permitting authorities, such as imposing technology-based limits on sources of PFAS discharges. The memo will also help the Agency obtain comprehensive information through monitoring on the sources and quantities of PFAS discharges, informing other EPA efforts to address PFAS.

Several states have already demonstrated the benefits of leveraging their state administered NPDES permit programs to identify and reduce sources of PFAS before these forever chemicals enter treatment facilities and surface waters. Michigan, for example, is partnering with municipal wastewater treatment facilities to develop monitoring approaches to help identify upstream sources of PFAS. The state has been able to leverage that monitoring information to work with industries, such as electroplating companies, to substantially reduce PFAS discharges. North Carolina has also successfully leveraged its NPDES program to develop facility-specific, technology-based effluent limits for known industrial dischargers of PFAS. This memo urges states to replicate these approaches and use others noted in the memo to identify and reduce PFAS discharges.

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EPA Issues Guidance to States to Reduce Harmful PFAS Pollution (continued)

This memo builds upon the agency's April 2022 memo to EPA Regions by expanding the audience to states and including new recommendations related to biosolids, permit limits, and coordination across relevant state agencies. The memo provides recommendations to NPDES permit writers and pretreatment coordinators, rooted in the successful use of these tools in several states, on monitoring provisions and analytical methods and the use of pollution prevention and best management practices. These provisions will help reduce PFAS pollution in surface waters as the Agency also works to promulgate effluent guidelines, finalize multi-laboratory validated analytical methods and publish water quality criteria that address PFAS compounds.

Background

PFAS are a large group of chemicals that are used in consumer products and industrial processes. In use since the 1940s, PFAS are resistant to heat, oils, stains, grease and water—properties which contribute to their persistence in the environment.

Anyone discharging wastewater into waters of the United States must obtain a NPDES permit. That permit contains provisions to ensure that pollutants are removed from wastewater discharged directly to rivers or the environment as needed to protect our waters and public health. Many industries discharge to Municipal Wastewater Treatment Plants (WWTPs), which are not designed to remove PFAS, rather than directly to rivers or creeks. Reducing the amount of PFAS that industries send to Municipal WWTPs is an important part of limiting the amount of PFAS released into the environment.

In October 2021, EPA Administrator Michael S. Regan announced the Agency's PFAS Strategic Roadmap—laying out a whole-of-agency approach to addressing PFAS and delivering tangible public health benefits to all people who are impacted by PFAS pollution. Last month, EPA released its first annual progress report under the Roadmap, highlighting successful actions begun or completed in the first year of implementation and noting critical milestones it will achieve in the next year.

For further information: EPA Press Office (press@epa.gov)

Source: The U.S. Environmental Protection Agency (EPA)

EPA Proposes Rule to Enhance Reporting of PFAS Data to the Toxics Release Inventory

Proposal would eliminate exemption used to avoid disclosure of certain PFAS releases

The U.S. Environmental Protection Agency (EPA) proposed a rule that would improve reporting on per- and polyfluoroalkyl substances (PFAS) to the Toxics Release Inventory (TRI) by, among other proposed changes, eliminating an exemption that allows facilities to avoid reporting information on PFAS when those chemicals are used in small, or *de minimis*, concentrations. Because PFAS are used at low concentrations in many products, this rule would ensure that covered industry sectors and federal facilities that make or use TRI-listed PFAS will no longer be able to rely on the *de minimis* exemption to avoid disclosing their PFAS releases and other waste management quantities for these chemicals.

“PFAS continue to pose an urgent threat to our country and communities deserve to know if they may be exposed because of the way these chemicals are being managed, recycled, or released,” **said EPA Administrator Michael S. Regan**. “By removing this reporting loophole, we’re advancing the work set out in the Agency’s PFAS Strategic Roadmap and ensuring that companies report information for even small concentrations of PFAS. We’ll make this information available to the public so EPA and other federal, state and local agencies can use it to help best protect health and the environment.”

This proposal reflects the Biden-Harris Administration’s commitment to address the impacts of these forever chemicals, and advances EPA’s PFAS Strategic Roadmap to confront the human health and environmental risks of PFAS.

TRI data are reported to EPA annually by facilities in certain industry sectors and federal facilities that manufacture, process, or otherwise use TRI-listed chemicals above certain quantities. The data include quantities of such chemicals that were released into the environment or otherwise managed as waste. Information collected through TRI allows communities to learn how facilities in their area are managing listed chemicals. The data collected also help support informed decision-making by companies, government agencies, non-governmental organizations, and the public.

The 2020 National Defense Authorization Act (NDAA) immediately added certain PFAS to the list of chemicals covered by TRI for the 2021 reporting year and provided a framework to automatically add other PFAS in future years. The NDAA established TRI manufacturing, processing, and otherwise use reporting thresholds of 100 pounds for each of these listed PFAS. However, the previous Administration codified the NDAA provisions in a manner that allows facilities that report to TRI to disregard certain minimal or *de minimis* concentrations of chemicals in mixtures or trade name products (below 1% concentration for each of the TRI-listed PFAS, except for PFOA for which the concentration is set at 0.1%).

(continued on page 19)

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(continued on page 20)

EPA Proposes Rule to Enhance Reporting of PFAS Data to the Toxics Release Inventory (continued)

The proposed rule released today would eliminate the availability of that exemption and require facilities to report on PFAS regardless of their concentration in products.

Currently, facilities are required to report to TRI on 180 PFAS per the requirements of the NDAA. However, in data submitted to EPA in 2021 and 2022, fewer facilities reported PFAS to TRI than expected. In response, EPA conducted outreach, and many facilities contacted claimed the *de minimis* exemption as a reason for not reporting. The rule proposed today would list PFAS as “chemicals of special concern,” which would make them ineligible for the *de minimis* exemption.

If finalized, this proposal would also make the *de minimis* exemption unavailable for purposes of supplier notification requirements to downstream facilities for all chemicals on the list of chemicals of special concern, which also includes certain persistent, bioaccumulative and toxic chemicals like lead, mercury, and dioxins. This change will help ensure that purchasers of mixtures and trade name products containing these chemicals are informed of their presence in mixtures and products they purchase.

Learn more about the proposal.

Source: The U.S. Environmental Protection Agency (EPA)

EPA Takes Next Steps in Renewable Fuel Standard Program for 2023-25

Proposal Seeks Public Input on Program's Role in U.S. Energy Security, Economy and Environment

EPA issued a multi-part proposal that will build on the strong foundation for the Renewable Fuel Standard (RFS) program started in the Biden-Harris Administration and seeks to advance the priorities of energy security, less pollution, and consumer protection. The RFS "Set" proposal requests public input on required volumes of biofuel for the next one to three years and on a series of important modifications to strengthen and expand the program. The agency is seeking public input on the proposal to help shape the RFS program in the years ahead.

"The Renewable Fuel Standard program is critical to helping incorporate more homegrown bio-fuels into the market," said **EPA Administrator Michael S. Regan**. "This proposal supports low-carbon renewable fuels and seeks public input on ways to strengthen the program. With this proposal, EPA seeks to provide consumers with more options while diversifying our nation's energy mix. EPA is also focused on strengthening the economics of our critical energy infrastructure, needed to maintain and boost our energy security. We're eager to continue the dialogue on how biofuels can bolster U.S. energy security, protect consumers from high fuel costs, strengthen the rural economy, and help reduce greenhouse gas emissions."

This proposal includes steady growth of biofuels for use in the nation's fuel supply for 2023, 2024, and 2025. Because the Energy Independence and Security Act of 2007 (EISA) does not include volumes after 2022, this is the first time that EPA is setting these proposed biofuel volume targets without using those outlined in statute. When setting biofuel volumes for years after 2022, EPA must consider a variety of factors specified in the statute, including costs, air quality, climate change, implementation of the program to date, energy security, infrastructure issues, commodity prices, and water quality and supply.

The agency is seeking comment on the proposed volumes and how to appropriately balance these factors so that the program works for renewable fuel growers and producers, refiners and the union workers who operate these facilities, and fuel consumers. . Because this rule is an opportunity to take a fresh look at many aspects of the program, EPA is also seeking comment on how this rule can intersect with continued viability of domestic oil refining assets, including merchant refineries, how best to support novel fuels like sustainable aviation fuels and clean hydrogen, and how to account for the new and updated incentives in the Inflation Reduction Act.

EPA is also proposing new regulations governing the generation of qualifying renewable electricity made from renewable biomass that is used for transportation fuel in electric vehicles. The agency is seeking comment on this new component of the RFS program that would tie electricity generation from renewable biomass into the program for the first time.

(continued on page 22)

EPA Takes Next Steps in Renewable Fuel Standard Program for 2023-25 (continued)

This proposed rule would increase U.S. energy security by reducing U.S. oil imports by roughly 160,000 to 180,000 barrels of oil per year over the time frame of the proposed rule, 2023 to 2025. The anticipated value of the energy security benefits over the time frame of the proposed rule ranges from \$200-\$223 million per year.

An accompanying analysis shows the proposal would have minimal impacts on the price of refined products.

A summary of the proposed volume requirements for 2023-2025 is provided below:

Proposed Volume Targets (billion RINs)

	2023	2024	2025
Cellulosic biofuel	0.72	1.42	2.13
Biomass-based diesel*	2.82	2.89	2.95
Advanced biofuel	5.82	6.62	7.43
Renewable fuel	20.82	21.87	22.68
Supplemental standard	0.25	n/a	n/a

*Biomass-based diesel is in gallons

EPA will be soliciting public comment on the proposed rule and holding a public hearing in January. [Learn more information on RFS volume requirements.](#)

[Learn more information on the RINs program.](#)

Source: U.S. EPA

EQB Adopts Emergency Air Quality Regulation for Existing Conventional Oil and Gas Sources

The Pennsylvania Environmental Quality Board (EQB) adopted an emergency rule limiting volatile organic compound (VOC) emissions and, as a co-benefit, methane emissions from existing conventional oil and gas sources, which will lower air pollution from conventional oil and gas sources in the commonwealth.

The regulation mirrors a final-omitted regulation that the EQB adopted on October 12, and that the Independent Regulatory Review Commission (IRRC) approved on November 17.

Under the federal Clean Air Act (CAA), Pennsylvania has until December 16, to submit to the U.S. Environmental Protection Agency (EPA) a State Implementation Plan, including regulations covering VOC emissions for all required oil and gas sources.

Governor Tom Wolf determined that this emergency certified final-omitted rulemaking is necessary to ensure the commonwealth complies with the CAA and with Pennsylvania's Air Pollution Control Act. The emergency rulemaking was undertaken after the House Environmental Resources and Energy Committee voted to review the final-omitted version of the regulation, causing a delay in the regulatory process that would extend beyond the December 16 deadline.

If the commonwealth does not submit this rulemaking to the EPA as a State Implementation Plan revision by December 16, federal highway funding will be withheld until the submission is made. For the upcoming fiscal year, federal highway funds subject to these sanctions are estimated to be in the hundreds of millions of dollars in "nonattainment areas" – regions that have not met air quality standards for ozone – in the commonwealth. The Pennsylvania Department of Transportation, the U.S. Department of Transportation Federal Highway Administration and the EPA have identified several hundred projects in nonattainment areas that would not receive funding and would therefore not be completed or would be subject to delay.

The Regulatory Review Act (RRA) allows an agency to immediately implement a final-omitted regulation when the Governor certifies that promulgation is necessary to respond to an emergency circumstance specified in the RRA. Today, November 30, Governor Tom Wolf issued a Certification of Need for Emergency Regulation finding that this rulemaking is required to prevent "the need for supplemental or deficiency appropriations of greater than \$1,000,000." ([71 P.S. § 745.6\(d\)](#)).

The emergency rulemaking establishes the VOC emission limitations for existing conventional oil and gas sources based on Reasonably Available Control Technology (RACT) requirements consistent with the EPA's recommendations. The EPA defines RACT as "the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility."

(continued on page 24)

EQB Adopts Emergency Air Quality Regulation for Existing Conventional Oil and Gas Sources (continued)

These sources include natural gas-driven continuous bleed pneumatic controllers, natural gas-driven diaphragm pumps, reciprocating compressors, centrifugal compressors, fugitive emissions components and storage vessels installed at conventional well sites, gathering and boosting stations and natural gas processing plants, as well as storage vessels in the natural gas transmission and storage segment.

This rulemaking will be effective upon notice or publication in the *Pennsylvania Bulletin*.

[View the regulatory package and other material from the November 30 Environmental Quality Board meeting.](#)

Source: The Pennsylvania Environmental Quality Board (EQB)

Settlement with Republic Steel Requires Reduction of Lead Emissions at Canton, Ohio Facility

New controls will result in the reduction of over 1,000 pounds of lead emissions per year

The Department of Justice and the Environmental Protection Agency (EPA) announced a proposed Clean Air Act settlement with Republic Steel, a steel manufacturer in Canton, Ohio, which will require the company to reduce its facility's lead emissions that have caused airborne lead levels in the surrounding area to exceed the National Ambient Air Quality Standards for Lead. The settlement terms are included in a proposed consent decree filed today with the U.S. District Court for the Northern District of Ohio. In addition to securing air pollution reductions, the settlement requires Republic Steel to pay a \$990,000 civil penalty.

The United States' complaint, filed simultaneously with the consent decree, alleges that Republic Steel is operating in violation of its Clean Air Act permit for failing to conduct emissions tests and for exceeding lead emission limits. Under the consent decree, Republic Steel will install and operate new control technologies at its Flexcast Vacuum Tank Degasser and associated cooling tower to reduce lead emissions from the facility. EPA estimates that the new controls will result in the reduction of over 1,000 pounds of lead emissions per year.

"Even relatively low levels of lead exposure can cause harm to a child's cognitive development," said **Larry Starfield, EPA's Acting Assistant Administrator for the Office of Enforcement and Compliance Assurance**. "This settlement will help protect local communities, and particularly children, by lowering airborne lead levels."

"This is an important settlement and reflects our continuing commitment to enforce vigorously the Clean Air Act to protect public health, the environment, and the most vulnerable communities that are disproportionately impacted by air pollution," said **Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division**.

Exposure to lead pollution can affect almost every organ and system in the human body. It is especially harmful to young children, as they are most susceptible to some adverse effects of lead. This is of significance here, as there is a residential community with three schools within a one-mile radius of the Republic Steel facility. Additionally, this is an area with environmental justice concerns.

The settlement is subject to a public comment period that will end on Jan. 13, 2023, and final court approval. The consent decree will be available for viewing at <https://www.justice.gov/enrd/consent-decrees>.

Source: The Department of Justice and the Environmental Protection Agency (EPA)