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PFAS

Regulatory Wave

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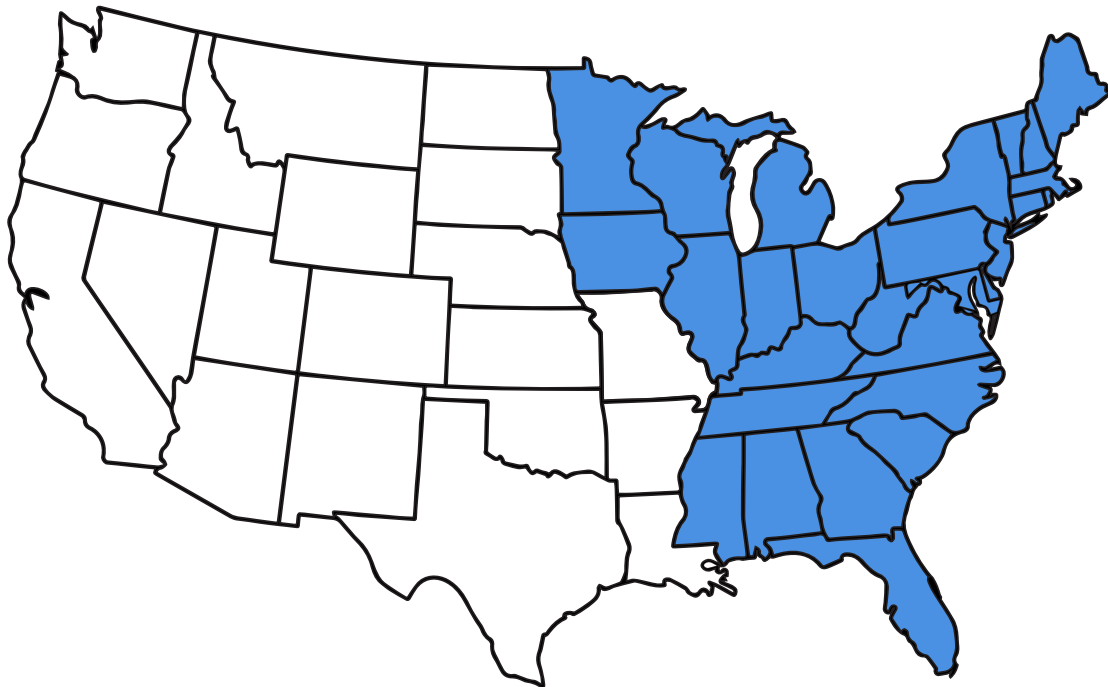
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PFAS: Murky Waters

Clean water is a policy everybody can agree on. From cooking to cleaning to agriculture, we all rely on clean water for public health.

NORA members who collect wastewater and/or operate Centralized Waste Treatment (CWT) facilities play a vital role in ensuring water stays clean and safe. Each year, NORA members responsibly manage well over a billion gallons of wastewater efficiently and in compliance with all applicable environmental regulations. NORA CWT members are required to meet numerous and stringent discharge limits set forth in their permits.

On March 14, 2023, the U.S Environmental Protection Agency (EPA) released proposed maximum contaminant levels (MCLs) and maximum contaminant level goals (MCLGs) for six per- and polyfluoroalkyl substances (PFAS). The proposal, if enacted, would be one of the first new chemical standards to update the US Safe Drinking Water Act since 1996. NORA member Trihydro Corporation has provided an informative article on page 30 that summarizes PFAS drinking water limits, discusses how MCLs and MCLGs will impact the regulated community, and provides insights into what's next.

According to the EPA, "PFOA and PFOS are likely to cause cancer (i.e., liver and kidney), and that there is no dose below which either chemical is considered safe." Since it is reported that commercial laboratories can measure PFAS at 4 parts per trillion (or 1 part PFAS for every 2.5 billion molecules of water), this is now the proposed "enforceable level."

EPA has set the public comment period through May 30, 2023 regarding the proposal.

Impact on NORA Members: Stuck in the Middle

Regardless of how the PFAS regulations eventually get finalized, NORA members will be impacted.

The first PFAS were invented in the 1930s. Since the 1950s, many products commonly used by consumers and industry have been manufactured with or from PFAS. Today, more than 9,000 PFAS have been identified according to the National Institutes of Health.

Some PFAS has been taken off the market. 3M has committed to discontinuing PFAS manufacturing by the end of 2025. Since PFAS are "forever chemicals" and do not break down under typical environmental conditions, they will likely be impacting wastewater streams NORA members manage indefinitely.

Some argue that EPA's approach is "overly conservative". The Amer-

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NORA, 7250 Heritage Village Plaza, Suite 201, Gainesville, VA 20155
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PARKER'S POINT

ican Chemical Council has stated that, “all PFAS are not the same and they should not all be regulated the same way.”

EPA has estimated the quantified capital and operations and management costs for the PFAS rulemaking to be about \$772 million per year nationally. The American Water Works Association, Association of Metropolitan Water Agencies and the Water Environment Federation have contested that cost estimate.

As one example, the Cape Fear Public Utility Authority, which has an annual operating budget of \$3 - \$5 Million, would have an estimated capital cost for PFAS treatment as high as \$43 million to meet the proposed PFAS limit. According to the Association of Metropolitan Water Agencies, “If about 16 utilities of similar size to Cape Fear nationwide had to implement comparable treatment techniques, the total cost would exceed EPA’s estimate.”

NORA members will be stuck in the middle. Wastewater streams that are contaminated from decades of PFAS manufacturing will have to be managed by CWTs to meet anticipated ultra-strict discharge permits from municipal water authorities to help meet the 4 ppt limit.

As always, NORA members are on the forefront of providing sustainable environmental solutions. Members are developing a wide variety of new technologies to treat PFAS effectively.

What is NORA Doing to Assist Members with PFAS

As noted, the current EPA proposal comment period is open through May 30, 2023 (this may be extended).

Recognizing the significant impact that PFAS regulations will have on members, the NORA Board of Directors has approved \$10,000 annually for NORA to join the PFAS Regulatory Coalition. See page 36 for more information.

The PFAS Regulatory Coalition’s members are a broad collection of potentially affected and interested parties engaged in and/or affected by PFAS-related developments. The members include trade associations, companies, and municipal entities and representatives.

One of the roles of the powerful Coalition is to develop comments on PFAS Regulations. As NORA is a member of the Coalition, the association and its members have a seat at the table to help develop reasonable and obtainable regulations to ensure the availability of clean water.

NORA will inform its members when comments regarding the EPA PFAS regulations are available for their review. Members may choose to offer their own comments. ■



The last day to book your discounted room for \$199 in the NORA room block at the JW Marriott is Tuesday, May 16th.

To register, head to www.noranews.org/2023MidYearInfo

Once there, you will also find information on how to book your room with the discounted room block pricing.

We look forward to seeing you in Indianapolis.



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INDUSTRY CALENDAR

(meeting dates are tentative and subject to change)

2023

Exhibiting at Texas Commission on Environmental Quality Environmental Trade Fair

Visit NORA in booth 1525
May 16-17, 2023
Austin Convention Center;
Austin, Texas

2023 NORA Environmental Health & Safety Forum

June 7, 2023
JW Marriott; Indianapolis, Indiana

2023 NORA Mid-Year Meeting

June 7 - 9, 2023
JW Marriott; Indianapolis, Indiana

2023 NORA Annual Conference & Trade Show

November 8 - 11, 2023
JW Marriott Hill Country Resort &
Spa; San Antonio, Texas

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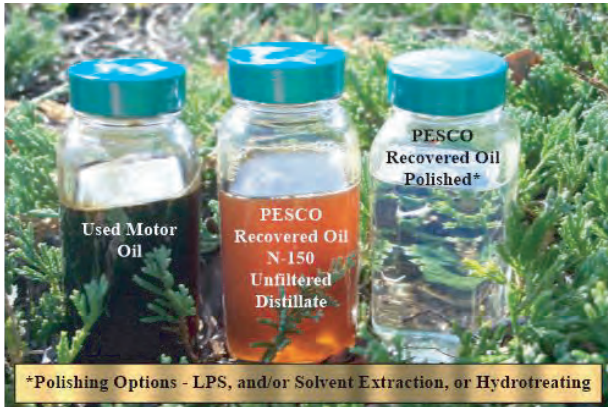
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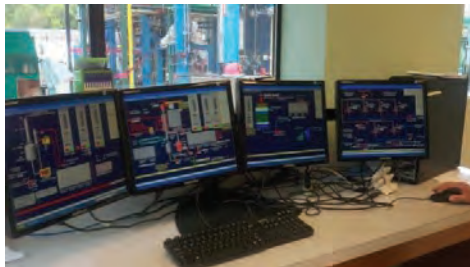
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Industry News

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SEND ANY INDUSTRY NEWS UPDATES TO COMMUNICATIONS@NORANEWS.ORG.

Heritage-Crystal Clean Launches Closed-Loop PFAS Solution

NORA Member Heritage-Crystal Clean Inc. recently announced a new partnership with three other companies to launch 4never™, a closed-loop PFAS remediation solution, to the landfill and industrial waste management markets. 4never™ combines the power of Surface Active Foam Fractionation (SAFF®) technology to provide a complete PFAS elimination process. 4never™ helps landfill operators and manufacturers by removing and destroying PFAS prior to discharge to their local municipal wastewater treatment systems.

“Revive Environmental is excited to bring its patented, enabling technology to this partnership,” said Revive Environmental President and CEO David Trueba. “The PFAS Annihilator™ is the culmination of years of development and the leading way to completely destroy PFAS with the confidence that can only be realized through world-class scientific research.”

Crystal Clean will also implement the SAFF® technology at its own commercial wastewater treatment facilities to further concentrate other PFAS contaminated waste streams prior to destruction using the PFAS Annihilator™. 4never™, the first of its kind, full-scale, closed-loop PFAS treatment solution will be offered by the consortium as a service, where customers will pay a fixed cost per gallon.

NORA Updated Advanced Processors List Available

NORA has recently updated its list of Advanced Processors in North America. The current annual processing capacity of active plants is 651 million gallons of used oil. The list also has details on plants that are anticipated to come on line in the next 24 months. That should add another 207 million gallons of capacity. The list is in the members only area of the NORA website. Contact membership@noranews.org if you need assistance logging in.

If you or someone you know has any updated information that you would like to see reflected in the Advanced Processors List, please reach out to sparker@noranews.org to let us know. This is an evergreen list that we try to keep as updated as possible for our members to use as a resource.



Covanta Acquires Circon

NORA Member Covanta announced it has entered into a definitive agreement to acquire NORA Member Circon Holdings, Inc.

“This acquisition accelerates our flightpath to becoming the premier company for sustainable materials management. With Circon, we are enhancing our carbon negative solutions and bringing our offerings to the next level,” said Azeez Mohammed, President and CEO of Covanta. “We are eager to launch into our next phase of growth with Covanta. After all, we were both built on the tenet of sustainability with the goal of minimizing waste and embracing a circular economy through innovative and environmentally conscious services,” said Frank Iezzi, CEO of Circon.

Headquartered in La Porte, Texas, Circon is a full-service provider of environmental services with a customer base across more than 20 waste facilities in the Midwest, Southeast and Gulf Coast. This acquisition is noteworthy for Covanta due to Circon’s geographic reach over multiple regions of the country and its suite of circularity offerings in wastewater treatment, and non-hazardous and hazardous waste management. Circon amplifies Covanta’s ability to provide more last-mile sustainability solutions to its blue-chip customer base and transform their waste into value-based materials.

“The entire Circon team is grateful for the successful partnership with Kinderhook. We are eager to launch into our next phase of growth with Covanta. After all, we were both built on the tenet of sustainability with the goal of minimizing waste and embracing a circular economy through innovative and environmentally conscious services,” said Frank Iezzi, CEO of Circon. “We will continue to deliver on these sustainable offerings, now dramatically enhanced with the expanded network, increased operational efficiency and strong environmental solutions-based innovations from Covanta. This is exactly what will take our waste management services—and entire industry—to the next level.”





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Clean Harbors founder Alan McKim Steps Aside

It's the end of an era at Clean

Harbors Inc. Clean Harbors founder Alan McKim stepped down recently as CEO after 43 years. McKim has ceded day-to-day control of the 20,000-plus person operation to his two deputies, as part of a long-charted succession plan. Eric Gerstenberg, formerly the chief operating officer, and Mike Battles, formerly the chief financial officer, became co-CEOs.

McKim isn't going anywhere anytime soon. He is now executive chairman and also chief technology officer. Through it all, he has been a relatively low-key leader, rarely the subject of publicity. Exceptions include when he joined venture capitalist Rich D'Amore to donate \$60 million to Northeastern University, where McKim dropped out as an undergrad but returned to get his master's degree. (Northeastern's business school is named after them as a result.) In January 2020, McKim starred in an episode of the CBS reality show "Undercover Boss," where he went unrecognized by employees while disguised and dressed in work garb.

"Although I feel like I have the energy today, it just made sense when we hit that \$5 billion mark to take a step back," he said. "As we entered the final week, it has been an emotional time. Coming back ... with a different hat on to help the team be successful, it will be a change, but I'm looking forward to that change."



Vertex Sells Heartland Re-refinery to GFL

NORA member Vertex Energy,

Inc. announced that it has sold its Heartland used motor oil collection and recycling business to NORA member GFL Environmental, Inc. for total cash consideration of \$90 million. Under the terms of the transaction, GFL acquired Vertex's 20 million gallon per year Heartland used motor oil (UMO) re-refinery in Ohio and the associated Heartland UMO collections business.

"We believe that the divestiture of our used motor oil business at Heartland, while a significant element of our Company's history and roots, will reflect another step forward in the greater transformation of our business into an energy transition story of scale. We expect that this transaction will serve us well by enabling the improvement of our balance sheet health, while adding strategic value through the streamlining of our operations. We remain highly focused on the execution of our conventional fuels refining strategy and the development of a large-scale, sustainable fuels production business longer-term. Make no mistake, we are committed to our remaining legacy business, coupled with our new investments in the Mobile refinery and the Gulf Coast, a key pathway to our greater energy transition strategy," stated Benjamin P. Cowart, President and CEO of Vertex. ■





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EcoLube Recovery

By M. Diane McCormick



In a world of conglomerates and mergers, customers in the Pacific Northwest prefer doing business with locals.

That's the niche filled by EcoLube Recovery (ELR), bringing state-of-the-art rerefining with personalized customer service to Washington and Oregon. Today, EcoLube is the only maker of rerefined base oil in the Pacific Northwest, growing on a base of customer service and providing solutions.

EcoLube Recovery was formed in 2017. That was when a group of local investors looking for opportunity in green energy and recycling acquired American Petroleum Environmental Service (APES), an environmental services company dating to 2001.

Though the investors had no experience in oil recycling, the CEO they recruited, Eric Spencer, grew up in the business. His father founded a successful oil recycling company and served on the founding board of NORA.

When his dad's company was acquired by Thermo Fluids,



Spencer stayed. By the time the EcoLube Recovery owners came calling, Thermo Fluids had been absorbed into a national entity. Spencer made the leap because he remembered how much he enjoyed working with the family-owned, regionally focused Thermo Fluids.

He also pointed out to the ELR owners that the area's history offered inherent growth opportunities. Until the mid-2010s, he told them, regional players Thermo Fluids and Emerald had engaged in healthy competition. In that atmosphere, the national players largely stayed away. With Thermo Fluids and Emerald now acquired by a national player, that left the field open for a new regional entry.

At ELR, Spencer has helped lead growth. The strategy has been simple. From the APES platform, the owners invested in additional processing equipment and improved management of rerefined oil.

"In the last six years, we went from being a really small company to the only true regional company in the area that gives an alternative to the national players," says Spencer. "That



really fueled our success, and we grew at a really fast rate.”

The enterprise has grown from three locations to seven. Major investments have gone into updating and moving the original sites, fully equipping the new locations, putting capital into the refinery, modernizing the fleet, and hiring top expertise, including people Spencer had worked with throughout his career.

“We created a good customer service-related company with fair pricing,” he says.

Diversification of back-end markets also helped propel growth. While ELR retained APES’ original operations, including base oil, marine fuels, and industrial fuels, the company created a portfolio of products and services that allows shifts depending on demand and pricing.

“We’re not locked into just one thing all the time, which can make you a little more susceptible to market changes,” says Spencer.

Today, ELR provides used motor oil collection and recycling, environmental partnerships, non-hazardous waste disposal, vacuum truck services, oil filter collection and recycling, antifreeze collection and recycling, plus a washer fluid product.

The full-service lineup attracts high-profile, marquis customers who create route density by generating sizeable quantities of materials at multiple locations.

“Especially in this day and age, where the cost of equipment and materials is through the roof, you’ve got to have a

lot of volume to support the routes,” Spencer says.

Modernization of the fleet has been a key factor in bulk-ing up services and advancing the company’s safety culture directly to customer sites, says Spencer. Plus, well-equipped trucks help attract experienced field-service staff who have industry or relevant experience. They like the idea of working for a growing enterprise that’s doing good things for the environment.

“They’re the face of the company,” he says. “They represent the company well. They feel a connection to the company, and that’s important.”

A clean compliance record is a bedrock principle. One of Spencer’s first priorities on joining EcoLube was reaching out to oversight agencies and reinforcing relationships that had frayed under previous ownership.

“What you’re offering your customers is security of how products and materials are managed,” Spencer says. “To me, compliance in our business is the number one thing you need. That gives you a competitive edge, and it gives your clients comfort that you’re doing the right thing.”

A six-person sales team constitutes more than 100 years of experience, consulting with clients to support their compliance efforts. That team supports solutions, offering the range of services the clients might need, while also connecting them with local partners for other services that ELR doesn’t provide, such as hazardous waste management.

When one client based outside of the region acquired a



site that turned out to have major environmental problems, ELR helped guide the process of interfacing with agencies while also bringing in an expert on subsurface investigations and contamination.

“At the end of the day, even though it was a battle for that customer, we helped them get to the endpoint, and it turned out to be a fairly positive result,” Spencer says. “They could look back and say we helped them get to the end of the road.”

EcoLube also owns Idaho-based Gem State Oil Recovery. That strategic acquisition was inspired by customers who had been asking for services in Idaho. Building capabilities from the ground up was a stretch for ELR, but then the owner of the highly reputable Gem State Oil Recovery felt it was time to join a larger entity. As his markets were changing, he saw an opportunity in being acquired by ELR and adding rerefining options for his collected oil.

Since the acquisition more than a year ago, Gem State has retained every employee. The company retained its hard-earned name and is identified as an EcoLube Recovery company.

“We left the name in place because they are so well known and so well liked in the Idaho market,” Spencer said. “They have a great group of drivers, with long tenure in the field. We’ve been able to bring them into the fold and elevate them in some ways but also adopt some of the things they were doing really well.”

ELR’s Plans for the future are focusing on further refinements in the progress the company has made in seven years, maximizing throughput to higher levels will enable more collections. A new satellite location is opening, and others may be ahead.

“We’re focused on continuing to have a good service footprint that can support the plant, and make sure the plant can handle that growth,” says Spencer. ■



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NORA Defense Fund

Association Raising Funds to Address Multiple Government Affairs Projects in 2023.

NORA was formed in 1984 to defend responsible recyclers of used oil from a misguided attempt to classify used oil as a hazardous waste.

Today, the members of NORA are facing several new potential threats.

- **Part 279:** NORA is preparing to address EPA as it considers adding language to Part 279 in 2023.
- **PFAS:** NORA is spending resources to join the PFAS Regulatory Coalition to represent members during increasing PFAS regulatory activity.
- **Several State Issues:** NORA is actively working on issues in Maine, Michigan, California, Alaska and Illinois that could negatively impact used oil recyclers.

Just as NORA did in 1984, the association is preparing to address these issues to defend the responsible recycling of used oil and related materials. The anticipated budget required to properly fund these important issues will exceed NORA's annual government affairs budget for this year.

NORA needs your help. The association is asking all members to contribute to the NORA Defense Fund using the form on the next page. Thank you in advance for providing the resources for NORA to defend the industry.

2023 NORA Defense Fund: Contribution Form



All members are strongly encouraged to contribute to the 2023 NORA Defense Fund today. With your help, NORA will be able to protect and grow the industry.

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2023 Winter Meeting

Ritz Carlton, New Orleans, Louisiana • February 22-24, 2023

Over 175 national and international leaders from the liquid recycling industry gathered in New Orleans for the NORA Winter Meeting to discuss regulatory and business issues. During this event, NORA committees and working groups met to discuss opportunities and threats for recyclers of used oil and related materials. In addition to committee meetings, attendees heard a presentation by Greg

Upton on the 2023 Gulf Coast Energy Outlook as well as a session on Part 279: Under the Microscope. If you would like to access these presentations, head to www.noranews.org, click on past events, then hit the presentations button. You must be signed in to view the presentations. NORA thanks the sponsors for this event.









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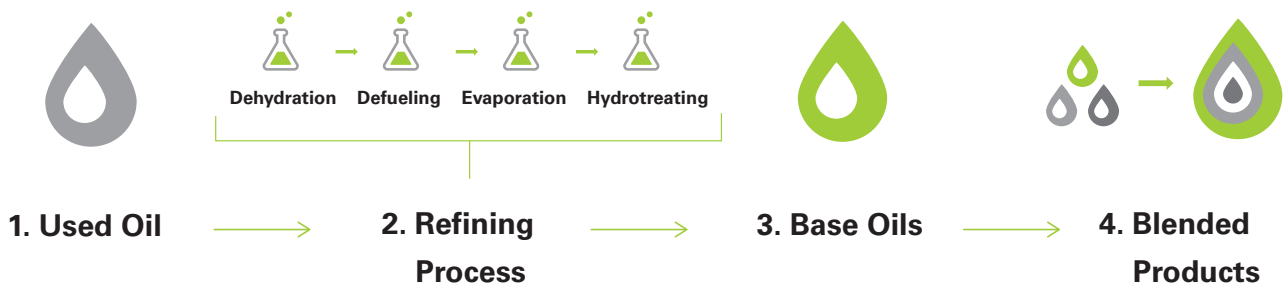
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2023 Mid-Year Meeting and Environmental Health & Safety Forum June 7-9, 2023 | Indianapolis, Indiana

Register Now and Reserve Your Room

Join your colleagues for the NORA Mid-Year Meeting and EH&S Forum in Indianapolis, IN. The event host hotel, the JW Marriott Indianapolis, is ideally located a short drive from the airport in the heart of downtown.

Register Now

- Use registration form on page 28
- Register online at www.noranews.org > Events
- Call the NORA office at 703-753-4277

Sponsor the Event

Many sponsorship and advertising opportunities are available for the 2023 Mid-Year Meeting. Starting at just \$150 to place your logo in the event book, you can support your industry and promote your company. Visit noranews.org for more information or contact NORA at communications@noranews.org. Reserve your sponsorship on page 28.

Hotel Information

NORA has secured a room block at the JW Marriott Indianapolis for \$199/night. Most attendees will arrive on Wednesday, June 7 and depart on Friday, June 9. If you are attending the EH&S Forum, you may wish to arrive on Tuesday, June 6. To reserve your room, visit noranews.org>Events or contact the JW Marriott Indianapolis directly at (866) 704-6162.

To receive the discounted room rate, be sure to mention the NORA Group in June when making your reservation. The hotel will accept cancellations for reservations up to 48 hours prior to avoid cancellation fee (one night room/+tax).

Travel Information

Indianapolis International Airport
Airport Phone: (317)-486-5684
Distance from hotel: 13 miles
Uber fare: Approximately \$20.00

NORA EH&S Forum Preview

The 10th Annual NORA Environmental, Health & Safety Forum will be held June 7, 2023 in Indianapolis, Indiana. It will be held immediately prior to the NORA Mid-Year Meeting.

The Forum brings EH&S professionals from across the industry together to explore topics unique to the liquid recycling industry. Attendees from the Forum will network with other leading EH&S professionals and will take ideas back to their companies to help make their work environment safer.

Registration for members to attend the full-day NORA EH&S Forum is just \$170/person.

Topics and presenters are being developed now. Here is a preview of some of the topics that are being developed:

- Pre-Trip, Post-Trip Inspection: Former police officer and current safety consultants will conduct an inspection on an actual NORA member vehicle.
- Return to Work Solutions: After an injury or illness, it can be difficult to have an employee return to work. This session will explore the best approaches to streamline the process.
- Conducting Industrial Hygiene/Exposure Monitoring Assessments: Learn how a “Qualitative Exposure Assessment” (QEA), which outlines the required exposure monitoring and frequency based on your operations in relation to OSHA and ACGIH standards. QEAs can be an excellent tool for us to use when evaluating workplace exposures and making sure our employees are safe.
- NORA EH&S Roundtable: Practical ideas shared by attendees for members to take back to their companies to improve their safety culture.



TENTATIVE AGENDA, SUBJECT TO CHANGE - *As of 2/27/23*

<p>WEDNESDAY, JUNE 7</p> <p>8:00 AM 8:15 AM - 12:15 PM 12:15 PM - 12:45 PM 12:45 PM - 3:30 PM 5:45 PM - 7:45 PM</p>	<p>NORA ENVIRONMENTAL HEALTH & SAFETY FORUM</p> <p>Registration and Continental Breakfast EH&S Sessions Lunch EH&S Sessions Reception</p>	<p>SEPARATE EH&S REGISTRATION REQUIRED FOR THIS EVENT</p>
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WEDNESDAY, JUNE 7

4:30 PM - 7:45 PM
4:00 PM - 5:15 PM
5:15 PM - 5:45 PM
5:45 PM - 7:45 PM

NORA MID-YEAR MEETING

Registration
Board of Directors Meeting
New Member Reception Hosted by Board of Directors
Opening Reception

THURSDAY, JUNE 8

8:30 AM - 6:15 PM
8:30 AM - 7:15 PM
8:15 AM
8:45 AM - 9:00 AM
9:15 AM - 9:45 AM
9:45 AM - 10:35 AM
10:35 AM - 11:15 AM
11:15 AM - 11:55 PM
11:55 PM - 12:25 PM
11:55 PM - 12:25 PM
12:25 PM - 12:55 PM
12:55 PM - 1:45 PM
1:45 PM - 2:40 PM
2:40 PM - 3:20 PM
2:40 PM - 3:20 PM
3:20 PM - 4:15 PM

4:15 PM - 6:15 PM

Registration/Check-In
Display Tables Available for Premier Sponsors
Continental Breakfast
Committee Chair Meeting
Welcome
Morning Presentation
Break
Wastewater Working Group
Antifreeze Working Group
Membership & Marketing
Lunch
Lunch Presentation
Advanced Processors Working Group
Industrial & Environmental Services Council
Conference Committee
Guiding Principles Committee
Used Oil Recycling Council
Government Affairs Committee
NORA Happy Hour Reception

FRIDAY, JUNE 9

8:15 AM - 9:15 AM
9:15 AM - 12:30 PM

Past Presidents Committee
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Complete one form for each person. Online registration available at www.noranews.org > Events.

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*Exclusive item, offered via lottery. Email casey@noranews.org by April 7, 2023 to enter the lottery.

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Proposed PFAS MCLs/ MCLGs Are Here: What to Know Now

BY ANDREW PAWLISZ

On March 14, 2023, the Environmental Protection Agency (EPA) released the highly anticipated proposed National Primary Drinking Water Regulation (NPDWR) for perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA; and its ammonium salt), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS). Establishing drinking water regulations related to controlling per- and polyfluoroalkyl substances (PFAS) exposure is the centerpiece of EPA's Action Plan and Roadmap.

Tell me more about the National Primary Drinking Water Regulation

The NPDWR includes legally enforceable Maximum Contaminant Levels (MCLs), and non-enforceable Maximum Contaminant Level Goals (MCLGs) under the Safe Drinking Water Act (SDWA).

MCLs set the maximum allowable concentration of a contaminant in public drinking water systems, while MCLGs represent the level at which there is no known or expected risk to human health. EPA relies on an independent body of experts called the Science Advisory Board (SAB) to review the scientific basis and implementation feasibility for proposed MCLs and MCLGs through a process involving risk assessment and public comment. MCLGs are generally set to lower levels than the MCL in consideration of the types and costs of treatment technologies available to public drinking water systems.

Once EPA promulgates an MCL and MCLG, public drinking water systems are required to put processes in place to prevent relevant contaminants from occurring in drinking water at levels higher than the MCL. Systems that fail to comply with MCLs are subject to EPA enforcement actions.

How we got here: Retracing EPA's steps toward the proposed PFAS MCLs and MCLGs

This week's news is the latest and most significant development in a series of announcements stretching back more than a decade. Before EPA establishes a proposed MCL, it sets a health advisory (HA) for a contaminant. A HA is a non-enforceable guideline that generally serves



Figure 1: MCL/MCLG Timeline



as a placeholder until a legally enforceable MCL is determined. In 2009, EPA released the original provisional HAs for PFOS/PFOA. EPA then revised the HAs in 2016 and again in 2022. The most notable rulemaking development along the way occurred in February 2021 when EPA made the final determination to regulate PFOA/PFOS under the SDWA, thereby setting the table to propose future MCLs and MCLGs (see Figure 1). Fast forward to today and we arrive at the draft MCLs and MCLGs shown in Table 1.

Explaining EPA’s Proposed NPDWRs for PFAS

Numerical Limits

Numerical limits MCLs for PFOA and PFOS are intuitive in their intent as individual not to exceed concentration criteria in drinking water. Notable is EPA’s implicit acknowledgement of ensuring that reliable detection limits can be met and suitable remediation technologies are available. Commercial laboratories have technologies to measure 4 ppt (4.0 ng/L) using EPA’s analytical methods and procedures, and existing commercially available water treatment systems (e.g., activated carbon, anion exchange, and high-pressure membrane technologies) are able to treat drinking water to sub-ppt/ng/L levels.

“No Amount of PFAS is Safe”

The proposed MCLGs for PFOA and PFOS of zero ppt/ng/L, put EPA as the “winner” of the recent “race to zero” trend. The stated rationale for “no PFOA/PFOS allowances in MCLG” is that “...EPA has determined that PFOA and PFOS are likely to cause cancer (i.e., liver and kidney), and that there is no dose below which either chemical is considered safe...” Additional scientific debate and public comment is likely.

PFAS Mixture MCLs/MCLGs Hazard Indices

The proposed HI approach for an enforceable MCL for a combination of one or more of PFNA, PFHxS, PFBS, and HFPO-DA is highly unusual and unprecedented in the history of MCL development. Essentially, the proposed HI approach requires the regulatory community to perform a risk assessment where the detected concentrations of the four PFAS are divided by corresponding toxicity reference values and resulting quotients (i.e., Hazard Quotients [HQ]) summed together (assuming

Table 1: PFAS Drinking Water Limits Summary

PFAS Chemical	2009 Health Advisory Level (ppt)	2016 Health Advisory Level (ppt)	2022 Health Advisory Level (ppt)	2023 Proposed MCLG (ppt)	2023 Proposed MCL (ppt)
PFOA	400	70	0.004*	Zero	4
PFOS	200	70	0.02*	Zero	4
PFNA	NA	NA	NA	HI=1	HI=1
HFPO-DA	NA	NA	10		
PFHxS	NA	NA	NA		
PFBS	NA	NA	2,000		

NA = Not available

* = Interim

ppt = Parts per trillion (or nanograms per liter [ng/L])

HI = Hazard index



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Figure 2: Key implications of the proposed MCLs/MCLGs



ANDREW PAWLISZ, DABT

Senior Toxicologist, Owasso, OK
 Andrew is a board-certified toxicologist with over 20 years of experience in risk assessment and evaluation; hazard assessment; and regulatory compliance, including the legacy and reformed Toxic Substances Control Act (TSCA). Andrew specializes in finding practical solutions to regulatory and human health/environmental issues related to toxicants.

dose additivity) to determine if the combined levels of these PFAS pose a potential risk. The EPA rationale for proposing the HI approach is to protect communities from the additive effects of multiple PFAS that may be present in drinking water. The non-cancer effects, which the proposed HI MCLs are intended to protect the public against, are discussed by EPA as related to impairment in thyroid hormone levels, lipid synthesis and metabolism, development, and immune/liver function. The unconventional HI MCL approach will no doubt be subject to vigorous scientific and public debate.

How will PFAS MCLs and MCLGs impact the regulated community?

Whereas MCLGs are not enforceable under the SDWA, MCLs are legally required and shall consider not only public health impacts, but also analytical, treatment, and implementation cost considerations. Further, PFAS MCLs require the following:

1. **Monitoring:** Impacted facilities will have to test drinking water for the six PFAS compounds specified in the rule.
2. **Public Notification:** Water systems will have to notify the public if results exceed the PFAS MCLs.
3. **Treatment:** Public water systems will be required to reduce any PFAS concentrations above the MCLs or provide alternate water supply.

Based on the current analytical laboratory technology, remediation options available, and high costs associated with PFAS, the proposed MCLs in the single ppt/ng/L range, although academically feasible, may be practically challenging for the regulated community to implement, especially for smaller drinking water systems.

What analytical method is EPA specifying for MCLs?

The proposed MCLs are to be analyzed via EPA 537.1, which measures 18 PFAS compounds, and/or EPA 533, which measures 25 PFAS compounds. Relatedly, under SDWA, EPA published a final rule requiring public water systems serving 3,300 or more people to collect national occurrence data for 29 PFAS chemicals under the Unregulated Contaminant Monitoring Rule (UCMR) 5. Sampling commenced earlier this year. The results from this sampling effort will become part of the PFAS compliance assessment.

What's next?

The proposed rule was published to the Federal Register on March 29, 2023, under Docket ID: EPA-HQ-OW-2022-0114. The 60-day public comment period is open through May 30, 2023. ■



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NORA Joins PFAS Regulatory Coalition

NORA joining the Coalition will ensure the interests of association members are represented during increasing PFAS regulatory activity.

NORA, An Association of Responsible Recyclers (NORA) recently joined the PFAS Regulatory Coalition (Coalition). The Coalition's members are a broad collection of potentially affected and interested parties engaged in and/or affected by PFAS-related developments. The members include trade associations, companies, and municipal entities and representatives.

Each year, NORA members responsibly manage well over a billion gallons of wastewater. NORA members collect wastewater and operate Centralized Waste Treatment (CWT) facilities that play a vital role in ensuring water stays clean and safe.

Per- and poly-fluorinated alkyl substances (PFAS) were invented in the 1930s. Since the 1950s, many products commonly used by consumers and industry have been manufactured with or from PFAS. Today, more than 9,000 PFAS have been identified according to the National Institutes of Health. Since PFAS are “forever chemicals” and do not break down under typical environmental conditions, they will likely be impacting wastewater streams NORA members manage indefinitely.

The US Environmental Protection Agency (EPA) has recently noted that a few PFAS – two in particular that were phased out by 2015 (PFOS and PFOA) – “are likely to cause cancer (i.e., liver and kidney), and that there is no dose below which either chemical is considered safe.” EPA has recently proposed a drinking water standard for PFOS and PFOA with limits of 4 parts per trillion, respectively.

The proposed drinking water standards will continue to put pressure on Publicly Owned Treatment Works (POTW) to look upstream at CWTs to limit PFAS entering POTWs and subsequently any drinking water resources (e.g., lakes and rivers) to which the POTWs discharge.

“Since NORA members collect and manage wastewater streams that likely contain various sources of PFAS, it is critical that NORA’s voice is represented while federal and state regulations are being developed,” stated NORA Executive Director Scott D. Parker. “NORA members play a critical role in treating polluted wastewater and therefore keeping our drinking water resources clean and safe. Joining the PFAS Regulatory Coalition is the perfect platform to ensure NORA’s unique role in managing PFAS materials is heard.”

”The PFAS Regulatory Coalition’s focus is to ensure that PFAS are regulated based on sound science and that groups like NORA, which neither manufacture PFAS nor control the addition of PFAS into the wastewater that they treat, are recognized and understood for the environmental benefits that they provide,” according to Jeff Longworth of Earth & Water Law and Co-Coordinator of the Coalition. “NORA’s participation

in the Coalition will help to amplify the message that NORA members provide critical wastewater treatment services to our society and they should not be punished by overly-stringent and unnecessarily-costly regulatory mandates for providing those services,” Longworth continued.

The Coalition is focused on two priority sets of activities: (1) information-sharing related to national and precedent-setting state/local PFAS-related developments of interest to the regulated community; and (2) developing and implementing advocacy positions on PFAS-related regulatory activities at the Federal and State levels.

NORA will keep its members current on PFAS updates from the Coalition and will seek member input related to comments on proposed PFAS regulations. ■

PFAS REGULATORY COALITION MEMBERS

1. Airports Council International – North America
2. American Coke and Coal Chemicals Institute
3. American Forest & Paper Association
4. American Fuel & Petrochemical Manufacturers
5. American Iron and Steel Institute
6. American Petroleum Institute
7. Barr Engineering
8. Brown and Caldwell
9. Burns & McDonnell
10. City of Lowell (MA)
11. City of Pueblo (CO)
12. City of Tempe (AZ)
13. Coalition of Recyclers of Residual Organics by Practitioners of Sustainability
14. Dane County (WI) Airport
15. Freeport-McMoRan Inc.
16. Gary Sanitary District (IN)
17. GEI
18. HDR
19. Illinois Association of Wastewater Agencies
20. National Oilseed Processors Association
21. National Stone, Sand and Gravel Association
22. NORA, An Association of Responsible Recyclers
23. Toyota
24. Trihydro
25. Utility Solid Waste Activities Group
26. Yucaipa Valley Water District (CA)

A photograph of a water treatment facility at sunset. The sky is a mix of orange, yellow, and blue. In the background, there are two large white cylindrical tanks and a tall metal tower. In the foreground, there is a long, narrow channel of water with a series of metal weirs or baffles that create a series of small cascades. The water is dark, and the sun's reflection is visible on the surface.

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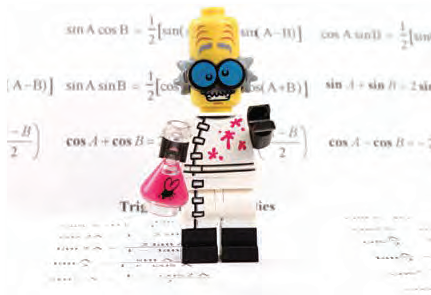
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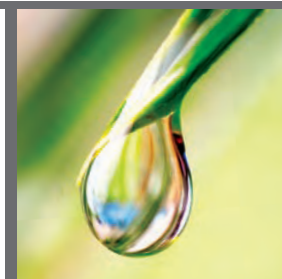
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