

Solid Waste Management Regulation, 9 VAC 20-81
Amendment 9 Regulatory Advisory Panel (RAP) Meeting No. 4
June 14, 2021
Meeting Notes

Location: electronic meeting via webinar

Start: 1:00 p.m.

End: 2:40 p.m.

Meeting Attendees:

RAP Members present

Raymond McGowan

Betty Myers

Ron Kimble

Paul Mandeville

Michael Lawless

Phillip Musegaas

DEQ Staff Present

Kathryn Perszyk

Melissa Porterfield

Geoff Christie

I. Agenda Item: Logistics & Introductions

Discussion: Melissa Porterfield had individuals appointed to the Regulatory Advisory Panel (RAP) introduce themselves. She informed the RAP that the meeting was being audio recorded. Meeting notes will be posted on the Virginia Regulatory Town Hall website. Since this meeting is being held electronically, staff will be using a modified “open chair” concept to allow the public to provide information specific to the topic being addressed through the webinar chat feature.

II. Agenda Item: Groundwater

Discussion: Geoff Christie provided a general overview of emerging contaminants of concern. The U.S. Environmental Protection Agency (EPA) established a lifetime health advisory of 70 parts per trillion (ppt) for the combined concentrations of all PFOA and PFOS in drinking water in 2016. Michigan, New York, New Hampshire, New Jersey, and Vermont have either proposed or finalized state drinking water standards for various PFAS that are 20 ppt or lower.

As reviewed in a previous RAP meeting, the Virginia Department of Health (VDH), at the direction of the 2020 Virginia General Assembly, is in the process of examining the need to establish state-specific maximum contaminant levels (MCLs) for PFOA, PFOS, and other PFAS.

As part of this amendment, DEQ staff are anticipating the need to revise groundwater monitoring requirements in the solid waste regulations to address emerging contaminants. This includes referencing any contaminants with MCLs established by the VDH regulation and updating groundwater sampling lists in the regulation to include these additional constituents. The agency is proposing to update Table 3.1 of the solid waste regulations to include an additional column (column C) that would include emerging contaminants identified by EPA and subsequently addressed by VDH with state-specific MCL establishment. Column A would continue to list Detection monitoring constituents and column B would continue to list Assessment monitoring constituents as defined by EPA in its Subtitle D regulations. The regulations would be modified to address when column C constituents would be required to be monitored. Some members of the RAP were supportive of including these constituents in a new column C.

Mr. Christe re-reviewed challenges with monitoring emerging contaminants including:

- which monitoring program would be appropriate to sample for emerging contaminants if they become regulated (Detection or Assessment);
- appropriate and available sampling methodology that meets SW-846 and Virginia Environmental Laboratory Accreditation Program (VELAP) standards;
- costs associated with lab analysis.

EPA initially established the monitoring constituents to be included in the Subtitle D Detection monitoring program based on the probability that the contaminants would be present in leachate. Agency staff believe that PFOS would likely be present in leachate and asked RAP members if they could provide information on PFOS being detected in leachate at Virginia facilities or in other states. Some RAP members stated that they have not tested for PFOS but are aware that facilities in other states are detecting PFOS in their monitoring.

Sampling for PFOS was discussed. EPA has recently validated SW-846 method 8327 and is in the process of incorporating the method into the Test Methods for Evaluating Solid Waste. In Virginia, test methods must be conducted by VELAP accredited laboratories. DEQ will need to work with VELAP to have laboratories accredited for this new test method.

One RAP member raised the issue concerning the existence of other analytical methods that may be more accurate yet not be an SW-846 approved method. They inquired if the regulation could allow for other test methods that are not SW-846 methods to be used for column C constituents since those constituents are separate from EPA's Subtitle D monitoring requirements and DEQ was initially supportive of this potential action.

DEQ has asked for RAP members to assist with providing information on the cost of testing for the additional constituents. DEQ is required by state law to provide cost information concerning regulatory changes. This information is included in the proposed town hall agency background document. Some ranges for testing for PFOS are \$350-\$500 per sample. Others stated the costs are \$500-700 per sample. These are sample testing costs based on a test method. In some cases, a test method can provide testing results for multiple constituents, whereas some test methods are only able to report values for a single constituent. The issue was raised that the costs of obtaining the sample may be higher for PFOS sampling due to increased sampling protocols to protect the integrity of the sampling. Some other states have PFOS monitoring requirements and if RAP

members have access to cost information concerning PFOA monitoring in other states, that information could be provided to the agency as well. RAP members were encouraged to provide cost information to the agency concerning the costs to conduct the additional sampling for inclusion in the Town Hall document.

The next meeting of the RAP will be held via webinar on June 30, 2021. The RAP meeting previously scheduled for July 21, 2021 is being cancelled due to the lack of a quorum. The agency anticipates the June 30, 2021 meeting will be the last meeting of this RAP.