

## **PFAS Policy and Regulations Subgroup**

### **Meeting Minutes**

By WebEx

**11:00 am to 12:00 pm, August 16, 2021**

Hosted by the Virginia Department of Health Office of Drinking Water

- 1. Welcome and meeting overview:** ODW Policy Director, Nelson Daniel called the meeting to order at 11:05 am. The meeting was conducted by electronic communication means (WebEx) due to continued concerns about the rapid spread of the coronavirus in Virginia. The meeting was recorded.
- 2. Meeting Participants:**
  - a. Subgroup Members
    - Wendy Eikenberry (Augusta County Service Authority)
    - Josh Harris (Aqua Virginia)
    - Jamie Hedges (Fairfax Water)
    - Mike McEvoy (Western Virginia Authority)
    - Phillip Musegaas (Potomac Riverkeeper Network)
    - Russ Navratil (VA AWWA)
    - Steve Risotto (American Chemistry Council)
    - Nelson Daniel (ODW)
  - b. Guests
    - Ellen Egen, AquaLaw
    - Amanda Waters, AquaLaw
    - Sandra Brinson, Integrity Environmental
    - Brian Owsenek, Upper Occoquan Service Authority
    - Bob Angelotti, Upper Occoquan Service Authority
  - c. ODW
    - Kris Latino
- 3. Minutes from the July 27, 2021 meeting (Town Hall):** Subgroup members did not have any comments or corrections to the minutes from the July 27 meeting. They have been marked as final on Town Hall.
- 4. State Updates and Summaries:** Nelson did not have any updates on state or federal regulatory action related to PFAS since the last subgroup meeting. He did note that the proposed legislation in Rhode Island (setting MCL of 20 ppt for 6 PFAS) did not get through the Rhode Island House of Representatives before their legislative session ended on June 30, 2021. Members did not have any other updates.

- a. Nelson thanked members who provided state summaries. He said they would be used in the report for HB586.
- b. Results of the sample study should be released (or will be discussed) at the next PFAS Workgroup meeting in September. None of the results exceed any established maximum contaminant levels.

**5. Review Draft Outline for House Bill 586 (2020) Report:** Nelson and members of the Subgroup went through the draft outline for the report required by Acts of Assembly Chapter 0611 (2020) (HB586). Subgroup members asked questions about and provided feedback on the proposed content for different parts of the report.

- There will be summaries of each of the subgroups' objectives, activities, and recommendations for the PFAS Workgroup.
- The report will have information about UCMR5.
- The report will focus on HB586, but acknowledge the relationship to HB1257. The General Assembly wanted the Department of Health to study the occurrence of PFAS in public drinking water in Virginia (HB586) to inform the Board of Health's decision (requirement) to establish limits on PFAS and other contaminants (HB1257).
- The Literature Review Old Dominion University prepared is going through internal review. ODW expects it will be included in the report, probably as an appendix.
- Cost and scalability for treatment technologies have been discussed at last PFAS Workgroup meeting and other subgroup meetings – the report will address these issues.
- Members asked about use of roughly \$200,000 VDH received from EPA in FY 2022 to study emerging contaminants. Subgroup members suggested, if available, VDH should consider using part of the grant to conduct additional sampling. Nelson noted the sampling study consisted of 63 samples from 45 waterworks and that there are more than 1,000 community waterworks in Virginia.
- Nelson asked Subgroup members to look for information about what other states have done with respect to funding, e.g., Minnesota is using part of an \$850,000,000 settlement with 3M to support its PFAS program (paying for research, testing); Michigan provided about \$28,000,000.
- Address whether the results suggest that the list of 6 compounds in HB586 should be expanded, or if it addresses the appropriate contaminants.
- Members suggested states should be grouped or viewed in context of the extent or type of restrictions that are in place (i.e., established MCLs, advisory levels, reporting levels, proposed legislation) – conveying the idea that nationally, regulation of PFAS is inconsistent, but also considering how states arrived at an MCL and what, if anything, they did to support waterworks achieving the MCL
  - o Consider the idea of compliance assistance for waterworks (this isn't something the Subgroup or Workgroup has researched).
  - o Note that the majority of states have not taken action, but compare with the number of states that are doing studies without taking action to set MCLs.
- With respect to treatment technologies, does one type of treatment result in uniform removal of PFAS, or is it compound-specific, or otherwise limiting?

VDH staff will review the outline, taking feedback from the subgroup members into consideration.

6. **Public Comment:** Amanda Waters said Aqua Law is tracking what other states are doing and offered to share information that they have developed; liked the idea of including information about funding and resources other states have provided to address PFAS contamination.
7. **Next meeting:** would be September 20 – keep as tentative date, it will follow the next PFAS Workgroup meeting. Nelson did not anticipate the Subgroup would meet again to consider the draft outline.

We will assess need for the September 20 meeting. Nelson will notify Subgroup members about the next meeting. Nelson concluded the meeting at 11:55.