PFAS: Toxics Use Reduction and Funding Opportunities

Executive Office of Energy and Environmental Affairs (EEA)

September 21, 2021

Toxics Use Reduction Act (TURA) of 1989

Who reports?

- Massachusetts manufacturers who:
  - Operate under certain Standard Industrial Classification (SIC) codes
  - Have >10 employees
  - Manufacture or process ≥25,000lbs (or otherwise use ≥10,000lbs) of listed substances
- This covers a little over 400 Massachusetts facilities

What TURA requires

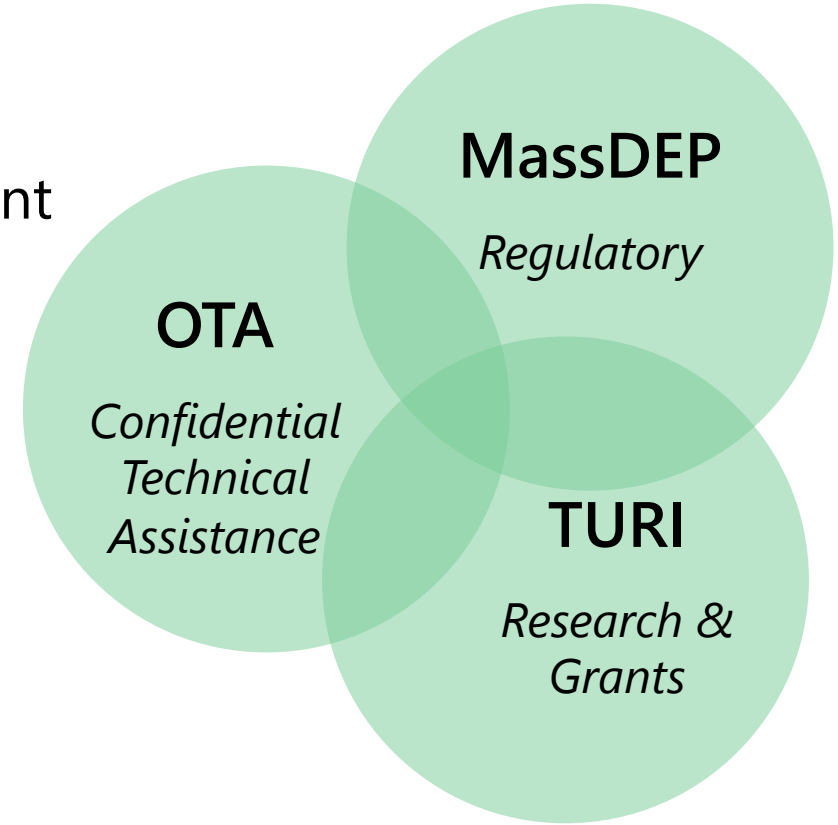
- TURA is a state law, not a federal law
- Report to the state
- Pay a fee
- Create a Toxics Use Reduction Plan every two years

TURA does not prohibit companies from using listed chemicals.

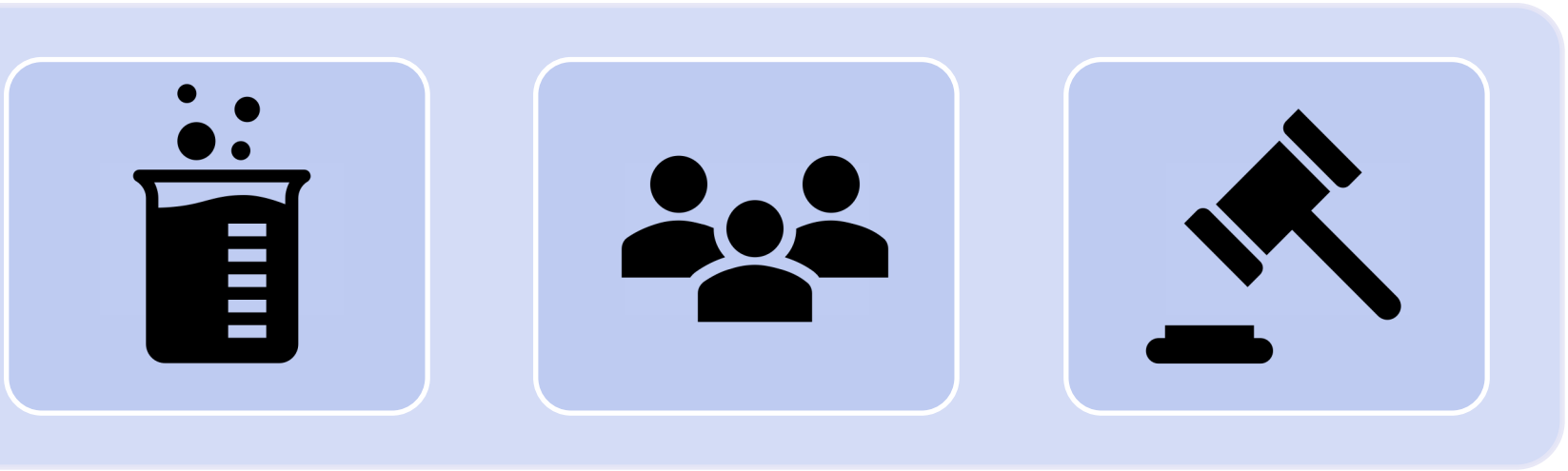
TURA Program Implementation

The TURA Program is co-implemented by:

- The Massachusetts Department of Environmental Protection (MassDEP)
- The Massachusetts Office of Technical Assistance (OTA)
- The Toxics Use Reduction Institute at UMass Lowell (TURI)



TURA Boards and Committees



Science Advisory Board

Managed by TURI

Scientific experts, appointed by Governor

Science-based recommendations and advice

Advisory Committee

Managed by Executive Director of the Administrative Council

Appointed by Secretary

Multi-stakeholder group

Administrative Council

Chaired by Secretary or Designee

TURA Governing Body

‘Substance’ and ‘PFAS Not Otherwise Listed (NOL)’

Science Advisory Board Recommendation June 2020	• After a three-year review process, the Science Advisory Board recommended that PFAS NOL be added to the TURA Chemical List • ‘NOL’ means all PFAS not already reportable under TURA
TURA Administrative Council Unanimous Vote August 2021	• Add the term ‘Substance’ to TURA definition for clarifying purposes • Add PFAS NOL to TURA Chemical List
Public Comment Period September / October 2021	• Sept 24: Public comment period opens • Oct 15, 1pm – 3pm: Public hearing via Zoom • Oct 15, 5pm: Public comment period closes • Comments go to tiffany.skogstrom@mass.gov

Administrative Council Vote

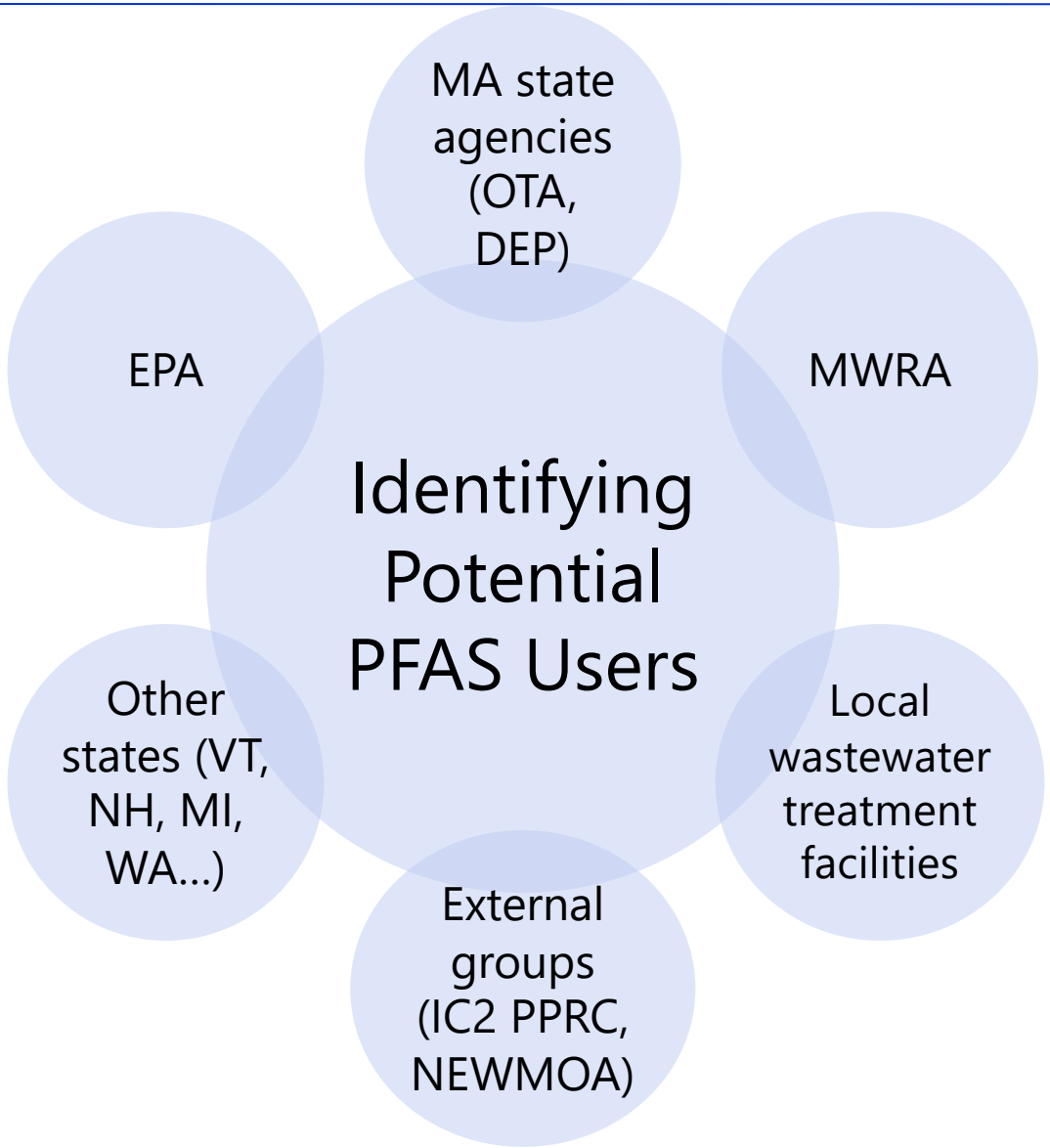
Affirmative vote to clarify the regulations by adding a definition of the term 'substance' in to 301 CMR 41.02. The term 'substance' is defined as:

→ Any agent or material including but not limited to: pure chemicals with a specific chemical and structural identity; and categories or groups of chemicals, compounds or mixtures that share similar, identifiable characteristics such as, but not limited to, elemental composition, chemical formula, chemical structure, chemical properties, physical properties, functional groups or chemical manufacture.

Affirmative vote to add the category *Per- and Poly- Fluoroalkyl Substances Not Otherwise Listed (PFAS NOL),* to the TURA list of Toxic or Hazardous Substances (TURA List). The category is defined as:

→ **those PFAS that contain a perfluoroalkyl moiety with three or more carbons** *(e.g., $-C_nF_{2n}-$, $n \geq 3$; or $CF_3-C_nF_{2n}-$, $n \geq 2$)* **or a perfluoroalkylether moiety with two or more carbons** *(e.g., $-C_nF_{2n}OC_mF_{2m}-$ or $-C_nF_{2n}OC_mF_m-$, n and $m \geq 1$)*, **that are not otherwise listed.**

Existing Public Health Collaborations



Funding for PFAS Mitigation

→ **American Rescue Plan Act (ARPA)**

→ **Clean Water Trust: State Revolving Fund (SRF)**

→ **State-Level Grant Programs**

ARPA: Energy & Environmental Infrastructure

Governor Baker's federal ARPA spending proposal would direct nearly $1 billion in funding to four critical environmental and energy initiatives:

- **$400 million** for grants to support water and sewer infrastructure projects
- **$300 million** for climate resilient infrastructure, including improvement of culverts and dams
- **$100 million** for parks, recreation, and open spaces, to enhance and modernize state park facilities
- **$100 million** for marine port infrastructure development

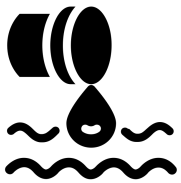
ARPA: Water and Sewer Infrastructure - Overview

$400 million to fund grants to modernize water and sewer infrastructure to ensure consistency in service for public health and safety, environmental protection, and improved water quality resources.

- Investments in new and improved infrastructure projects to minimize risks associated with release of untreated waste, toxic materials, and stormwater

- Funding administered through the Clean Water Trust to efficiently offer grants and low interest loans to communities, utilities, and public water suppliers

- Goals include implementation of sewer separation to reduce combined sewer overflows into water resources, address PFAS contamination in drinking water, and improve water quality and drinking water resources by supporting infrastructure upgrades.



Clean Water Trust: State Revolving Fund

- **In late 2019, nearly $20 M was made available to the Massachusetts Clean Water Trust (CWT) for clean and drinking water projects including PFAS remediation**
  - Funding supported initiation of a pilot program for the State Revolving Fund (SRF) to provide 0% interest loans to municipal projects that remediate PFAS contamination in public drinking water supplies
  - Funding also supported increase in project capacity for improvements to local drinking water systems

- **As of mid-August 2021, $180 million is committed to 17 active or completed PFAS remediation projects within the Drinking Water and Clean Water SRF that have benefitted from this program**

- **The deadline for submission of 2022 SRF project proposals was late August 2021**
  - Drinking Water SRF guidance noted that project priorities would include those that reduce the concentration of PFAS in drinking water, and that projects may be eligible for 0% interest loans

State-Level Grant Programs for PFAS Mitigation

- **In late 2019 and 2020, $8.4 M in funding was made available to DEP via supplemental budgets**
  - $3.4 million of this funding is supporting ongoing PFAS testing in public & private water supplies
  - $5 million of this funding supported 27 grants for design and planning of treatment systems that protect against PFAS

- **In May 2021, an additional $2 M in funding was announced to support implementation of interim solutions in systems that discovered PFAS contamination in drinking water supply**
  - First round of funding to be awarded this fall
  - At least one additional round is planned