San Gabriel Valley Council of Governments*

REVISED AGENDA AND NOTICE OF THE REGULAR MEETING OF THE ENERGY, ENVIRONMENT AND NATURAL RESOURCES (EENR) COMMITTEE

Wednesday, May 20, 2020 – 1:00 PM

Teleconference Meeting: Livestream Available via sgvcog.org

Chair
Denis Bertone
City of San Dimas

Vice Chair
Liz Reilly
City of Duarte

Members
Claremont
Covina
Duarte
Rosemead
San Dimas
San Gabriel
Sierra Madre
West Covina

Ex-Officio Member
Jeffrey Lee
City of Temple City's Planning Commission

Thank you for participating in today's meeting. The EENR Committee encourages public participation and invites you to share your views on agenda items.

MEETINGS: ***Regular Meetings of the EENR Committee are held on the third Wednesday of each month at 1:00 PM at the Monrovia Community Center, 119 W. Palm Avenue, Monrovia, CA 91016.*** The EENR Committee agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvcog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all EENR Committee meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE EENR COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The EENR Committee may not discuss or vote on items not listed on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the EENR Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the EENR Committee can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.

***MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19**: On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor and ensure the safety of committee members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Regular Energy, Environment, and Natural Resources Committee meeting scheduled for May 20, 2020 at 1:00pm will be not be allowed. Members of the public may view the meeting live on the SGVCOG's website. To access the meeting video, log onto www.sgvcog.org, click on the Energy, Environment, and Natural Resources Committee Agenda text on the right-hand side of the homepage, then follow prompts to watch the meeting live during the scheduled meeting time.

Public comments can be submitted electronically by emailing afung@sgvcog.org at least 1 hour prior to the scheduled meeting time. Emailed public comments will be read into the record. If you wish to comment on a specific agenda item, please identify the item in your email. General public comments will be addressed during the general public comment item on the agenda.

Any member of the public requiring a reasonable accommodation to participate in this meeting should contact Alexander Fung at least 48 hours prior to the meeting at (626) 457-1800 or at afung@sgvcog.org.

PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment *(If necessary, the Chair may place reasonable time limits on all comments)*
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting *(It is anticipated that the EENR Committee may take action on the following matters)*

CONSENT CALENDAR *(It is anticipated that the EENR Committee may take action on the following matters)*

5. EENR Meeting Minutes – April 15, 2020 **(Page 1)**
Recommended Action: Approve.
6. Correspondence **(Page 5)**
Recommended Action: Receive and file.

LIAISON REPORTS

7. Clean Power Alliance
8. San Gabriel Mountains Community Collaborative **(Page 7)**
9. San Gabriel Valley Mosquito and Vector Control District
10. Trust for Public Land
11. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy
12. Sanitation Districts of Los Angeles County **(Page 8)**
13. Southern California Edison
14. Southern California Gas Company **(Page 9)**
15. South Coast Air Quality Management District **(Page 11)**

PRESENTATIONS *(It is anticipated that the EENR Committee may take action on the following matters)*

16. 2020 San Gabriel Valley Energy Wise Partnership Overview – Alexander Fung, Management Analyst, SGVCOG **(Page 18)**
Recommended Action: For information only.
17. Legislative Updates: H.R. 535 (Dingell) – Alexander Fung, Management Analyst, SGVCOG **(Page 52)**
Recommended Action: For information only.

STAFF ANNOUNCEMENT

18. Next Committee Meeting
Recommended Action: For information only.

ADJOURN

SGVCOG EENR Committee Unapproved Meeting Minutes
Date: April 15, 2020
Time: 1:00 PM
Location: Zoom Virtual Meeting

PRELIMINARY BUSINESS

1. Call to Order
The meeting was called to order at 1:03 p.m.

2. Roll Call

Members Present:	**Members Absent:**
Claremont – J. Stark	Covina
Duarte – L. Reilly	Sierra Madre
Rosemead – M. Clark	
San Dimas – D. Bertone	
San Gabriel – C. Liao	
West Covina – T. Wu	
Temple City – J. Lee (Ex-officio)	

SGVCOG Staff:	**Guests:**
K. Ward, Staff	Elyse Rasmussen, Los Angeles County DPH
A. Fung, Staff	Evelyn Gonzalez, Los Angeles County DPH
	Terry Grill, Claremont Wildlands Conservancy
	Belinda Faustinos, Nature for All
	Omar Gomez, Nature for All
	Bryan Matsumoto, Nature for All
	Araceli Hernandez, Nature for All

3. Public Comment
There were no public comments at this meeting.

4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.
D. Bertone requested that Item 18, 2020 Nature for All Programs, be reviewed before Item 16, Claremont Wildlands Conservancy's Efforts to Protect San Gabriel Mountains Foothills.

CONSENT CALENDAR

5. EENR Meeting Minutes – January 15, 2020
Recommended Action: Approve.

6. EENR Meeting Minutes – February 19, 2020
Recommended Action: Approve.

7. Correspondence
Recommended Action: Receive and file.

There was a motion made to approve consent calendar items 5-7. (M/S: L. Reilly/T. Wu)
[Motion Passed]

AYES:	Claremont, Duarte, Rosemead, San Dimas, San Gabriel, West Covina
NOES:	
ABSTAIN:	
ABSENT:	Covina, Sierra Madre

LIAISON REPORTS

8. San Gabriel Mountains Community Collaborative
L. Reilly provided a written report on behalf of the San Gabriel Mountains Community Collaborative. Both State of California and County of Los Angeles recently issued stay-at-home orders that continue to allow outdoor recreation provided that the public maintains appropriate social distancing. All developed recreation sites have been closed, including developed campgrounds and picnic areas; however, trailheads that are less frequented by the public are not included in closure orders.

9. San Gabriel Valley Mosquito and Vector Control District (MVCD)
There were no updates from the San Gabriel Valley MVCD.

10. Trust for Public Land
There were no updates from the Trust for Public Land.

11. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy
There were no updates from the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

12. Sanitation Districts of Los Angeles County
M. Rosales provided a written report on behalf of the Sanitation Districts of Los Angeles County. The Districts' sewer system and treatment plants are fully functional and wastewater treatment processes include disinfection to produce safe and clean water for local residents. Ongoing monitoring and lab testing at all 11 wastewater treatment plants indicate that discharged water meets or exceeds all regulatory requirements, including the destruction of viruses, bacteria, and other pathogens.

13. Southern California Edison
There were no updates from Southern California Edison.

14. Southern California Gas Company

H. Romero Shaw provided a written report on behalf of SoCalGas. SoCalGas reassures cities and residents that natural gas will continue to flow and be delivered to the 22 million customers across Southern and Central California.

15. South Coast Air Quality Management District (AQMD)
R. Yeung provided a written report on behalf of the South Coast AQMD. AQMD will prioritize and expedite the permitting process for businesses and organizations in order to provide full support for public health and safety efforts. Processing and issuance of permits are considered as essential functions during the COVID-19 response as part of the agency's efforts to improve air quality and protect public health and safety.

PRESENTATIONS

16. Claremont Wildlands Conservancy's Efforts to Protect San Gabriel Mountains Foothills
Claremont Wildlands Conservancy President, Terry Grill, provided a presentation on the Conservancy's efforts to acquire 100 acres of San Gabriel Mountains Foothills, known as the Clara Oaks Property, to protect the land from further development. The Conservancy is currently in the process of acquiring and adding the property to the Claremont Hills Wilderness Park. Member of the Conservancy are gathering letters of support to be included in applications for funding to purchase the Clara Oaks Property.

Discussions/Questions:

- Members of the committee recognized and thanked the Conservancy for leading the efforts to preserve open spaces in Claremont.

There was a motion made to direct SGVCOG staff to provide a letter of support for the Claremont Wildlands Conservancy to acquire the Clara Oaks Property to protect the land from further development. (M/S: L. Reilly/M. Clark)

[Motion Passed]

AYES:	Duarte, Rosemead, San Dimas, San Gabriel, West Covina
NOES:	
ABSTAIN:	Claremont
ABSENT:	Covina, Sierra Madre

17. Coronavirus Situation in Los Angeles County
Los Angeles County Department of Public Health (DPH) Community Liaison Public Health Nurse Supervisor, Elyse Rasmussen, issued situational updates regarding the COVID-19 pandemic. Ms. Rasmussen requested cities' continued partnership to enforce existing health orders that were issued by the Los Angeles County Health Officer, including the Safer at Home Order, Isolation Requirement Order, and Quarantine Requirement Order. Residents should continue practice social distancing guidelines by staying at home, avoiding crowds, and staying at least six feet away from others whenever possible.

Discussions/Questions:

- A committee member inquired about the possibility of using bleach and water as a sanitizer. Ms. Rasmussen responded that that mixture of bleach and water can serve as a sanitizer and the DPH website includes a flyer on proper cleaning supplies.
- Another committee member inquired about if a resident can be infected after receiving a negative result on a COVID-19 test. Ms. Rasmussen responded that individuals can still become infected after testing negative on COVID-19. All individuals should continue to practice social distancing guidelines and having a negative test result should not lead to having a false sense of security.

18. 2020 Nature for All Programs
Nature for All representatives provided a presentation on the organization's programs and initiatives for this year. The organization is currently building a legacy of environmental stewardship by empowering underserved community members to advocate for the protection and enhancement of local forests, mountains, parks, rivers, and watershed rivers. Nature for All is also increasing equitable access to natural areas in and around Los Angeles through its Community Transit Program and San Gabriel Mountains Transit & Access Improvement Program.

COMMITTEE MEMBER ITEM

19. Potential Tour: Southern California Edison Big Creek Hydroelectric Project
SGVCOG staff provided a background of the Southern California Edison Big Creek Hydroelectric Project and invited committee members to tour the facility.

STAFF ANNOUNCEMENT

20. San Gabriel Valley Energy Wise Partnership – Energy Work Group Meeting
The upcoming meeting of the San Gabriel Valley Energy Wise Partnership's Energy Work Group is scheduled for Tuesday, June 16, 2020 at 1:30pm.

ADJOURN
D. Bertone adjourned the meeting at 2:19 p.m.

Governor Newsom Announces California has Conducted Over 1 Million Diagnostic Tests for COVID-19 as Testing Capacity Ramps Up

Published: May 12, 2020

State's testing capacity has increased, with an average of more than 35,000 tests conducted daily

Governor allows pharmacists to collect test specimens and order tests

SACRAMENTO – As a result of California scaling up its COVID-19 testing capacity in recent weeks, Governor Gavin Newsom today announced that more than 1 million diagnostic tests for the virus have been conducted statewide. Just over a month ago, the Governor set an ambitious goal to increase testing to 25,000 tests a day by the end of April – and daily testing has averaged more than 35,000 in the past few days.

"Ramping up our testing capacity is critical as we begin modifying our stay at home order," said Governor Newsom. "In addition to standing up more than 80 new testing sites across the state in under-served communities, soon Californians will be able to get tested when they pick up their prescriptions at some pharmacies across the state."

Ensuring the state has sufficient capacity to test for COVID-19 and ability to conduct contact tracing when outbreaks surface are key indicators in the state's gradual efforts to modify the stay at home order, as laid out in the Resilience Roadmap.

Governor Newsom also announced today that the California Department of Consumer Affairs and State Board of Pharmacy will allow pharmacists to collect specimens for COVID-19 tests and order tests for consumers. The specimens will be delivered to and processed at public health, university or commercial labs.

The state has also created a new "Medi-Nurse" line available for Medi-Cal patients without a health plan (fee for service) and uninsured Californians. The line – 1-877-409-9052 – is available 24/7 for COVID-19 concerns or for general medical issues. Those who have health insurance may visit covid19.ca.gov and use the telehealth zip code finder to access their health insurance plan's telehealth and nurse help lines.

Increasing testing is one of the six critical indicators guiding California's Resilience Roadmap. California's six indicators for modifying the stay-at-home order are:

- The ability to monitor and protect our communities through testing, contact tracing, isolating, and supporting those who are positive or exposed;
- The ability to prevent infection in people who are at risk for more severe COVID-19;
- The ability of the hospital and health systems to handle surges;
- The ability to develop therapeutics to meet the demand;
- The ability for businesses, schools, and child care facilities to support physical distancing; and
- The ability to determine when to reinstitute certain measures, such as the stay-at-home orders, if necessary.

On April 4, Governor Newsom announced the COVID-19 Testing Task Force, a public-private collaboration working with stakeholders across the state to significantly boost California's testing capacity. The Task Force is co-chaired by Dr. Charity Dean, Assistant Director of the California Department of Public Health (CDPH), and Blue Shield of California President and CEO Paul Markovich.

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REPORT

DATE: May 20, 2020

TO: Energy, Environment, and Natural Resources Committee

FROM: San Gabriel Mountains Community Collaborative

RE: SAN GABRIEL MOUNTAINS COMMUNITY COLLABORATIVE LIAISON REPORT

RECOMMENDED ACTION

For information only.

BACKGROUND

Nature for All has applied to REI for grant funds that will help support the establishment of a framework for a Los Angeles-wide volunteer portal system that would benefit outdoor places such as the San Gabriel Mountains National Monument. Working with the San Gabriel Mountains Community Collaborative to establish the framework, the goal is to develop an online database of volunteers, their skillsets, and opportunities within the San Gabriel Mountains. The portal will feature volunteer opportunities, projects, and links the San Gabriel Mountains Forest Service (FS) website, Bulletin Board, and Calendar of Events.

REPORT

DATE: May 20, 2020

TO: Energy, Environment, and Natural Resources Committee

FROM: Sanitation Districts of Los Angeles County

RE: SANITATION DISTRICTS OF LOS ANGELES COUNTY LIAISON REPORT

RECOMMENDED ACTION

For information only.

LIAISON REPORT

The Sanitation Districts' mission is to protect public health and the environment by providing wastewater and solid waste management services. We remain committed to our mission during this crisis. Our sewer system and treatment plants are fully functional as are our solid waste facilities. The California Water Resources Control Board confirmed industry findings that the novel coronavirus is destroyed by the wastewater treatment process and that the cleaned water produced by wastewater treatment plants is safe for reuse. We are working with universities and a state agency to test for novel coronavirus in sewage in hopes of providing insight into the magnitude of the coronavirus outbreak in our communities. We had also reduced hours/days of operations at our solid waste facilities, but reverted to pre-COVID19 hours/days on May 18.

A variety of safety precautions are still in place. We are closed to guests at our offices and require employees, customers and vendors to wear face coverings when physical distancing cannot be maintained. Fortunately, only one of our 1700 employees has tested positive and that person has recovered.

We are now offering virtual tours of selected facilities. If you would like a free tour for a group of 10 or more participants, please call (562) 908-4288 ext. 2300.

Our Household Hazardous Waste Program, a partnership with LA County Public Works, is expected to tentatively on June 20th in Culver City. Please check our website www.lacsd.org/hhw for more information.

SOCALGAS® STANDS WITH YOUR

COMMUNITY DURING COVID-19

As May begins and summer approaches, we all continue to navigate through this new normal. One thing you can count on is that SoCalGas will continue to provide the natural gas service your communities count on.

This past week's Giving Tuesday has even more meaning because it is in response to the unprecedented need caused by COVID-19 in our community. SoCalGas is proud to help bring together nonprofits, communities, individuals, and businesses across our service territory.

Now is the time to help others. We know you depend on us, and that's why we want to make sure you are aware of the many things we are doing to support the communities we serve.

Andy Carrasco
Vice President, Strategy and Engagement,
and Chief Environmental Officer

DONATIONS DOUBLE THE AMOUNT OF FREE SERVICES *THE LAUNDRY TRUCK LA* CAN PROVIDE

The Laundry Truck LA (TLTLA) provides free laundry services and necessities to the homeless population in Los Angeles, including at the city's 42 COVID-19 relief centers. Donations from SoCalGas and Landi Renzo will allow TLTLA to complete 15,600 loads of laundry in 2020. SoCalGas' $25,000 donation will help fund the purchase and furnishing of a second trailer to support the community's rising demands for laundry services. Landi Renzo USA, a global leader in alternative fuel technology that helps lower fleet emissions and reduce environmental impacts, will also donate a truck equipped with the company's Eco Ready compressed natural gas (CNG) system to support TLTLA's efforts. The converted CNG Ford F-250 pickup truck will help TLTLA expand their reach and lower the organization's current transportation costs by 30 percent and reduce emissions, leading to overall improvements for a cleaner environment.

Read more **here**.

HYDROGEN CARS HELP THOSE IN NEED AND THE ENVIRONMENT

Energy Independence Now (EIN), the only nonprofit focused on hydrogen vehicles, is loaning two hydrogen cars and fuel cards to Men with Vision Foundation so they can deliver groceries to veterans, seniors, low-income families and the homeless. It's no secret that transportation is the largest source of greenhouse gas (GHG) emissions in California. The use of these hydrogen vehicles will not only benefit residents, allowing the Foundation to be more economical, but will also prove better for the environment too! SoCalGas is an advocate for the use of hydrogen vehicles and forged the relationship between EIN and Men with Vision.

INLAND EMPIRE RESIDENTS RECEIVE $200,000

SoCalGas is supporting the Inland Empire with $200,000 in charitable donations to nonprofits operating in the area. The $200,000 includes $75,000 donations to both The United Way of the Inland Valleys and The Inland Empire Community Foundation, and $25,000 each to FIND Food Bank and Riverside County Works. Riverside County Works will use the funds to help underserved, minority communities in Riverside County that have been particularly hard hit by layoffs with their job search, resume writing and job skills training. Additionally, the organization will assist small businesses on coaching their employees with PPE use and how to set up social distancing in their small businesses. These gifts are part of SoCalGas' $1.6 million in donations to nonprofit organizations throughout its service area to support the region's workforce, feed the hungry, and provide bill assistance to customers most affected by COVID-19.

Read more **here**.

COMMUNICATION IS KEY

SoCalGas Public Affairs Manager Maria Ventura has built strong working relationships with members of the business community, nonprofits and local municipalities throughout Ventura County. Maria has been in regular contact with local officials to keep them updated on SoCalGas' COVID-19 response. She recently partnered with Ventura County on a video to keep our Spanish language customers in the area updated.

Click here to view the full video.

Please visit our COVID-19 support and response page at **socalgas.com/Coronavirus** for the latest information.

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South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

ADVISORY NOTICE

April 15, 2020

Enforcement Discretion to Help Address Impacts of COVID-19

I. Introduction

South Coast AQMD recognizes that the ongoing COVID-19 crisis has created significant burdens on residents, regulated entities, and local communities across the region. This agency seeks to do its part to address administrative regulatory challenges in a responsible manner that continues protection of public health and safety.

Regulated entities, however, should make every effort to comply with all applicable air pollution control requirements, including, but not limited to, South Coast AQMD rules, permits, and hearing board orders.

This document has been created after careful consideration of the need for temporary relief and our important primary mission of reducing air pollution and protecting public health for all communities, and especially for disadvantaged and vulnerable residents. South Coast AQMD will exercise limited enforcement discretion, as detailed below, on a temporary basis during this crisis for non-emissions-related requirements provided certain provisions are met. An owner or operator must submit a request for limited extensions of certain permitting, testing, certification, and reporting/submission deadlines deemed administrative in nature. All other requests will be evaluated on a case-by-case basis.

This notice will apply retroactively beginning on March 12, 2020. It may be modified, superseded, or withdrawn at any time, without notice, at the sole discretion of the Executive Officer. Unless granted enforcement discretion through the procedures set forth in Part II or Part III below, all applicable legal requirements for regulated entities remain in full force and effect.

II. Temporary Relief from Certain Administrative Requirements

In order to assist the regulated community during the COVID-19 crisis, South Coast AQMD will exercise enforcement discretion to extend administrative deadlines that fall within the period of March 12, 2020 through May 11, 2020 (hereinafter, the "Effective Period"). This is intended to be a relatively simple, straightforward process that will not overly burden entities seeking relief.

Facilities requesting enforcement discretion must submit a written request that:

(1) Identifies the specific date of any deadline that cannot be met, including any relevant rule provisions, permit conditions, or other requirements relevant to that deadline;
(2) Briefly states how COVID-19 and/or any applicable public health directive or guidance will prevent compliance with the deadline, despite best efforts; and
(3) Is accompanied by a supporting document, if any exists, that clearly demonstrates the inability to comply – such as a letter from a third-party contractor advising of delays due to workforce limitations caused by the pandemic, or an order from a government official prohibiting certain necessary activities.

Unless otherwise noted below, the exercise of enforcement discretion is conditioned upon the timely submittal of the request, as well as the request being complete and consistent with the guidance provided in this document. Extension requests must be submitted prior to the deadline at issue (or by April 22, 2020, if the deadline has already passed as of the issuance of this notice), and extensions granted under this provision will start from the original deadline for which the extension was sought. This request must be submitted via e-mail to EmergencyRelief@aqmd.gov.

A. Permit Applications and Equipment Installations/Upgrades

Permit applications for Title V operating permits should still be submitted prior to the applicable renewal deadlines. For Permits to Construct that have already been issued and are approaching expiration, South Coast AQMD will attempt to accommodate delays caused by COVID-19. Applicants should contact the South Coast AQMD permit engineer listed on their Permits to Construct to request an extension pursuant to Rule 205.

An extension request may also be submitted for installations of equipment and completion of construction activities for building enclosures required to be installed pursuant to Regulation XI and/or Regulation XIV during the Effective Period. For pollution control equipment required to be installed or upgraded due to rule amendments, such as Rule 1147 and Rule 1469, the deadlines to submit permit applications falling within the Effective Period may be extended for 60 days. For these rule-related deadlines, requests for extensions should be submitted via e-mail to EmergencyRelief@aqmd.gov.

B. Source Tests and Calibration

Owners or operators are encouraged to continue submitting source test protocols and attempting to complete source tests by previously-required deadlines. Staff is aware, however, of the challenges that many facilities have encountered in attempting to retain source test companies and otherwise having this type of onsite testing performed safely. Upon a facility making the requisite showing described above, therefore, all source test-related deadlines that occur during the Effective Period may be extended for 60 days. Facilities that have contributed to elevated levels of toxic air contaminants as demonstrated through ambient air monitoring or that have caused a public nuisance pursuant to Rule 402 and/or California Health & Safety Code § 41700 in the last 12 months are not eligible for a deadline extension. Source tests required pursuant to Rule 1402 are also not eligible for an extension.

A facility may apply using the above process to seek a 60-day extension of deadlines for Relative Accuracy Test Audits (RATA), Relative Accuracy Audits (RAA), Cylinder Gas Analysis (CGA),

Linearity Tests, Boiler Portable Analyzer Testing and Tune-Ups, and any similar test required to verify emissions or to ensure the accuracy and precision of measurements (i.e., calibration). This extension is not available for the operation, maintenance, or automatic daily calibration of Continuous Emissions Monitoring Systems (CEMS), in order to ensure the absence of excess emissions.

C. Training and Certification Requirements

South Coast AQMD's headquarters in Diamond Bar is now closed to the public, and all training classes offered to the public have been temporarily canceled. This includes classes for the following subjects: Controlling Fugitive Dust (Rules 403 & 403.1); Gasoline Transfer and Dispensing (Rule 461); Certifications for Inspection of Aboveground Storage Tanks (Rules 463 & 1178); Combustion Gas Portable Analyzer Training and Certification (Rules 1146, 1146.1, & 1110.2); Certification to Inspect Sumps and Wastewater Separators (Rule 1176); Asbestos Demolition and Renovation (Rule 1403); Hexavalent Chromium Operations (Rule 1469); and Employee Transportation Coordinator (ETC) Training (Rule 2202).

Staff understands that these cancelations will prevent recertification of individuals to conduct inspections, submit notifications, and conduct other types of activities required under particular rules. Accordingly, all persons whose certifications are scheduled to lapse during the Effective Period will be automatically granted a 60-day extension. For initial certifications under those rules, such as for Rule 461 self-inspections or Rule 1469 recordkeeping, staff is in the process of creating online content to provide the requisite training and provisional certifications, where appropriate. Updates will be placed on the South Coast AQMD Compliance Training webpage, which may be found here.

D. Portable Engines and Equipment

While the requirements of the Portable Equipment Registration Program (PERP) continue to be in effect, the use of unpermitted or unregistered portable engine or equipment units is allowed in situations that will assist in responding to the ongoing COVID-19 crisis. Owners or operators may receive authorization to use those unpermitted/unregistered units upon submitting a Form 40 – *Notification of Operation in an Emergency Event* to CARB at portable@arb.ca.gov. If approved, the Form 40 is also forwarded to South Coast AQMD, so no additional submission to South Coast AQMD is required.

Staff understands that the current situation has led to delays in the issuance and/or installation of placards and stickers on currently-registered equipment. During the Effective Period, owners or operators will be allowed to use PERP equipment, under normal, non-emergency circumstances, in the absence of placards or stickers. PERP registrations will be verified at the time of inspection, and no specific request need be submitted to obtain this relief.

E. Routine Reports and Plan Submittals

South Coast AQMD will attempt to work with regulated entities to temporarily reduce the burden of routine reporting and plan submission requirements. The aforementioned 60-day extension may apply to all deadlines that occur during the Effective Period for the following routine reports:

- Quarterly Emissions Reports under Rule 1118;
- Annual Quantity and Emissions Reports under Rule 1143;
- Annual and Quarterly Reports for Landfills under Rule 1150.1;
- Annual and Quarterly Reports under Rules 1173 and 1176; and
- Quarterly and monthly electronic emissions reporting, and Quarterly Certification of Emissions Reports (QCERs), for the RECLAIM program.

If a facility has reporting deadlines that the owner or operator believes should be on this list, please contact EmergencyRelief@aqmd.gov.

The extension does not apply to breakdown/deviation reports (500-N), specific cause analyses, or any other submissions required after equipment breakdowns, process upsets, unplanned flaring, or other discrete events. This policy also does not apply to Annual Emission Reports (AERs), submittals associated with the Toxic Hot Spots program under AB 2588 and Rule 1402, or reports or submissions required under Rule 314 and Rule 2202. The deadline for Annual Emission Reporting has been extended to April 17, 2020, and both AERs and associated fees will be due on that date. Deadlines for submitting materials required by Rule 1402 remain in effect. Requests to extend deadlines associated with submittal of Air Toxics Inventory Reports, required source tests, Health Risk Assessments, Risk Reduction Plans, Voluntary Risk Reduction Plans, and associated supporting materials and reports will be handled on an individual basis. Deadlines for surveys and plan submittals under Rule 2202 have already been extended for 90 days.

Where hard copies are expressly required to comply with rule provisions, South Coast AQMD will exercise its enforcement discretion to accept digital versions of reports and other submissions, as well as accept authorized individuals' execution of documents electronically in lieu of "wet" signatures.

III. Case-by-Case Consideration

Requirements for South Coast AQMD to be notified regarding breakdowns and other process upsets, flaring events, Title V or RECLAIM deviations, and asbestos renovations and demolitions shall remain in effect because of their correlation to actual emissions and corresponding, potentially serious health impacts. Similarly, notifications that include work plans – such as for oil and gas well activities under Rule 1148.2, excavation to be done under Rule 1166, soil movement under Rule 1466, and Rule 1403 Procedure 5 asbestos cleanup plans – are still required. Recordkeeping requirements, especially for petroleum refineries, sources of toxic air contaminants, and other facilities with hazardous materials, must likewise continue in order to protect the public.

If a regulated entity believes that full or timely compliance with a non-emissions-related requirement (other than the requirements listed above in Part II) is inconsistent with public health directives or guidance related to COVID-19, it may make a request for enforcement discretion using a form provided by South Coast AQMD. This form will require, among other things, the following information:

a. The specific provision(s) of a rule, permit, or other requirement that cannot be fully or timely met;

b. The expected duration of need for enforcement discretion, including specific impacts of COVID-19 on operations and on the ability to comply;
c. A succinct but complete explanation of why full or timely compliance is inconsistent with applicable public health directives or guidance, including efforts made to comply; and
d. Any action that the regulated entity will take in lieu of full and timely compliance to fulfill its rule or permit obligations as nearly as possible.

Instead of simply identifying obligations for which compliance may not be possible, entities seeking relief should propose concrete, verifiable steps to be taken to achieve the goals of the rule provision or requirement at issue. A facility should identify any information that it believes to be business confidential in its submission. Deference will be afforded to entities seeking to participate in pandemic relief efforts. Staff will also attempt to make special accommodations for businesses that are completely shutting down during the Effective Period. It is the responsibility of the regulated entity to provide adequate factual support for any such request and to use best efforts to return to compliance. This request should be submitted via e-mail to EmergencyRelief@aqmd.gov.

No enforcement discretion will be granted for public nuisance violations under Rule 402 and/or California Health & Safety Code § 41700.

IV. Conclusion

These temporary measures are designed to assist regulated entities to address the consequences of social distancing and travel restrictions issued by governmental entities, as well as workforce reductions and/or the unavailability of key employees, contractors, vendors, or other necessary persons, while at the same time protecting the health and safety of local communities throughout the South Coast Air Basin. Staff is committed to working with all stakeholders during the ongoing COVID-19 crisis. Further extensions of administrative deadlines will be considered, as necessary, prior to the expiration of the Effective Period. Also, the variance process pursuant to California Health & Safety Code § 42350, et seq. remains available for regulated entities that are still unable to comply due to conditions beyond their reasonable control even after consideration of the above.

If you have any questions, please feel free to contact Marian Coleman, Deputy Executive Officer for Compliance & Enforcement, at mcoleman1@aqmd.gov or (909) 396-2415, or Terrence Mann, Assistant Deputy Executive Officer for Compliance & Enforcement, at tmann@aqmd.gov or (909) 396-3023.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

PRESS RELEASE

www.aqmd.gov @SouthCoastAQMD

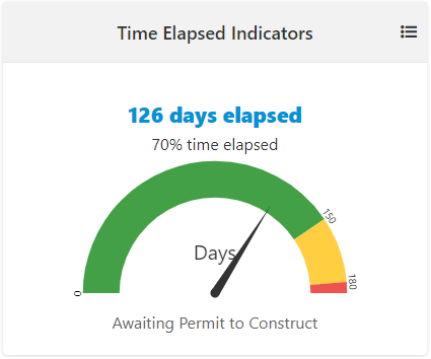
FOR IMMEDIATE RELEASE: May 1, 2020
MEDIA CONTACT:
Bradley Whitaker, (909) 396-3456, Cell: (909) 323-9516
Nahal Mogharabi, (909) 396-3773, Cell: (909) 837-2431
press@aqmd.gov

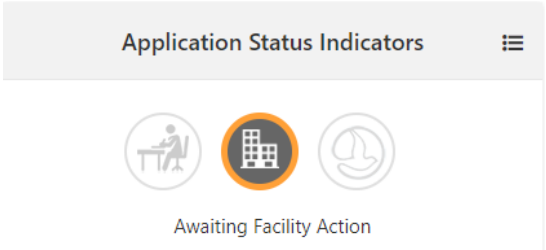
South Coast AQMD unveils online tool to track permit applications

First air agency in California to produce this type of digital tool

DIAMOND BAR – Today, the South Coast Air Quality Management District (South Coast AQMD) unveiled a new online Permit Application Status tool where businesses and organizations can now track submitted permit applications from start to finish. South Coast AQMD is the first air agency in California to provide an online tool that provides this type of information clearly and easily to the public.

"We are excited to launch this digital permitting tool to the public," said Wayne Nastri, Executive Officer of South Coast AQMD. "This improves our ability to be transparent and responsive to both businesses and the community by keeping them clearly informed on the status of permits."

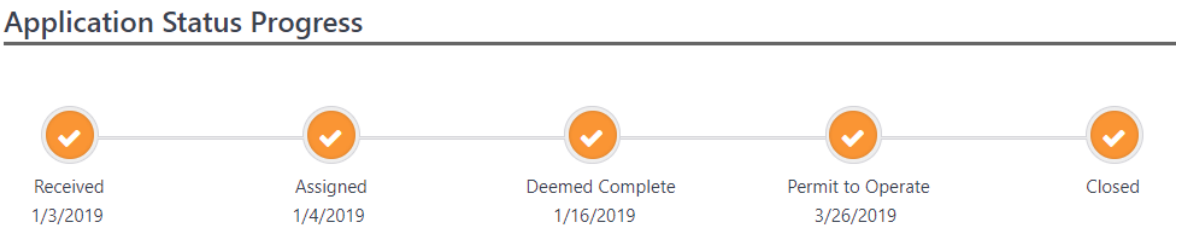




Once a permit application is submitted, applicants and the public can check its current status as well as additional details including:

- A full timeline of the permit process from start to finish;
- If information or action is still needed from the facility such as data, reports, fees, or source tests; and,
- If the permit is being processed or has triggered additional evaluation steps from South Coast AQMD.

The new online tool will be integrated into South Coast AQMD's existing Facility Information Detail (FIND) system where the public can search for information about regulated facilities. More information regarding the new online tool and instructions on its use can be accessed on the South Coast AQMD's Permits page at www.aqmd.gov/home/permits.



This is the latest action in South Coast AQMD's ongoing efforts to streamline its permitting process and reduce its permit application inventory. In 2016, over 7,000 permitting applications awaited processing. Since then, South Coast AQMD has slashed its inventory in half to the lowest levels in over three decades.

South Coast AQMD is the air pollution control agency for Orange County and major portions of Los Angeles, San Bernardino and Riverside counties, including the Coachella Valley. For news, air quality alerts, event updates and more, please visit us at www.aqmd.gov, download our award-winning app, or follow us on Facebook, Twitter and Instagram.

# # #

REPORT

DATE: May 20, 2020

TO: Energy, Environment, and Natural Resources Committee

FROM: Marisa Creter, Executive Director

RE: 2020 SAN GABRIEL VALLEY ENERGY WISE PARTNERSHIP PROGRAMS

RECOMMENDED ACTION

For information only.

BACKGROUND

The San Gabriel Valley Energy Wise Partnership is a collaboration between the SGVCOG and SoCalGas to assist cities in reducing their energy consumption and greenhouse gas emissions. The Partnership provides energy efficiency resources and supports cities to implement energy efficiency projects at their buildings and facilities with the goal of creating a more sustainable future for the San Gabriel Valley region.

Implemented by the SGVCOG, SGVCOG staff collaborates with SoCalGas representatives to identify opportunities for municipal building energy efficiency retrofits and assist cities to access financial incentives and technical resources to complete these retrofits. Additionally, the Partnership offers toolbox trainings for city staff, provides facility benchmarking and energy auditing services to help cities monitor their facilities' energy usage, and hosts quarterly Energy Work Group meetings to facilitate peer discussions on municipal energy efficiency projects.

The Partnership is also proud to offer the Energy Assessment Screening for Your Home (EASY) Program and the SGV Go Green Program to residents, businesses, and nonprofits of the San Gabriel Valley. The EASY Program provides free residential energy assessments for households while the SGV Go Green Program offers free commercial energy assessments to businesses, offices, and nonprofits. Both programs provide recommendations for energy efficiency improvement projects and are operated by SGVCOG staff who are trained in building science.

Earlier this month, the Partnership launched the 2020 San Gabriel Valley Energy Champion Awards to encourage cities to increase energy efficiency efforts in municipal facilities and communities. Cities must meet thresholds in community outreach, strategic planning, and energy efficiency projects in order to receive awards. San Gabriel Valley cities will be recognized for their achievements towards the end of this year. The most recent progress report for the 2020 San Gabriel Valley Energy Champion Awards can be found in Attachment A.

Committee members are encouraged to work with their respective public works and facilities staff to schedule a meeting with the SGVCOG to review their facilities' existing natural gas consumption and explore potential energy efficiency projects. Additional information regarding

the San Gabriel Valley Energy Wise Partnership can be found on www.sgvenergywise.org.

SGVCOG Management Analyst, Alexander Fung, will provide a brief presentation on the Partnership's programs and offerings at this meeting.

Prepared by: _____
Alexander P. Fung
Management Analyst

Approved by: _____
Marisa Creter
Executive Director

ATTACHMENTS
Attachment A – 2020 San Gabriel Valley Energy Champion Awards Progress Report

San Gabriel Valley Energy Wise Partnership

ENERGY CHAMPION AWARDS REPORT

MAY 2020

Prepared by:
San Gabriel Valley Council of Governments

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29	CITY OF TEMPLE CITY
30	CITY OF WALNUT
31	CITY OF WEST COVINA

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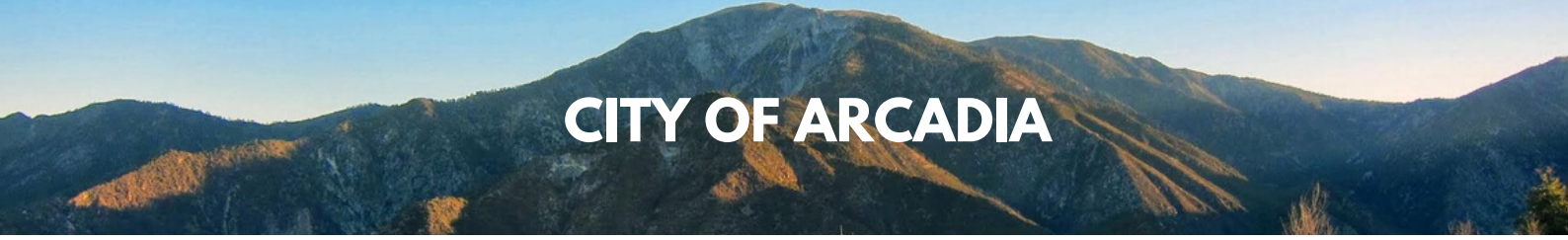

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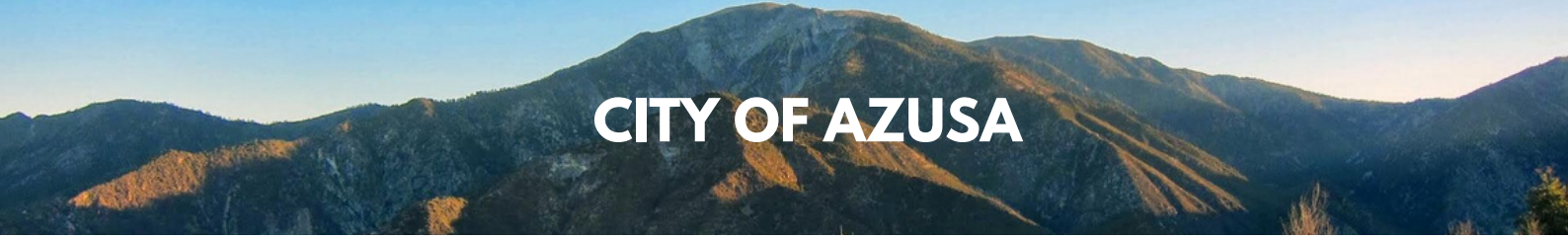

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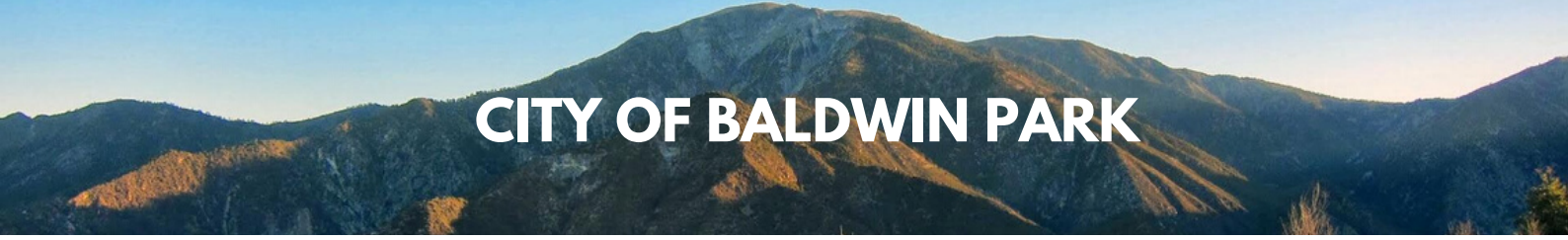

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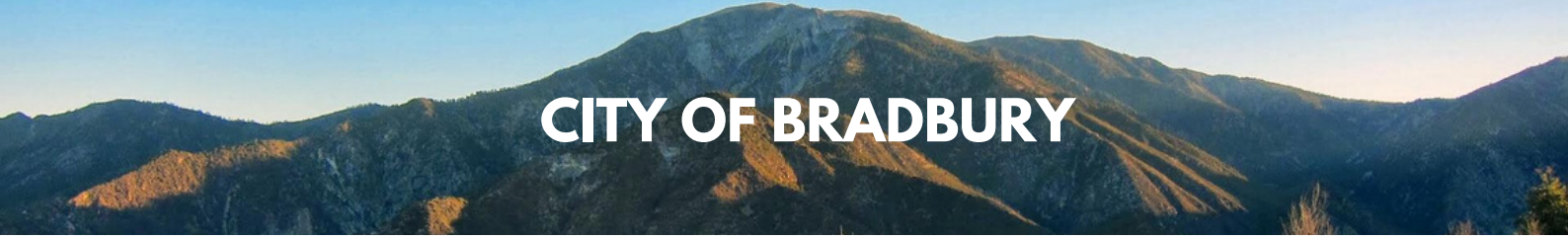

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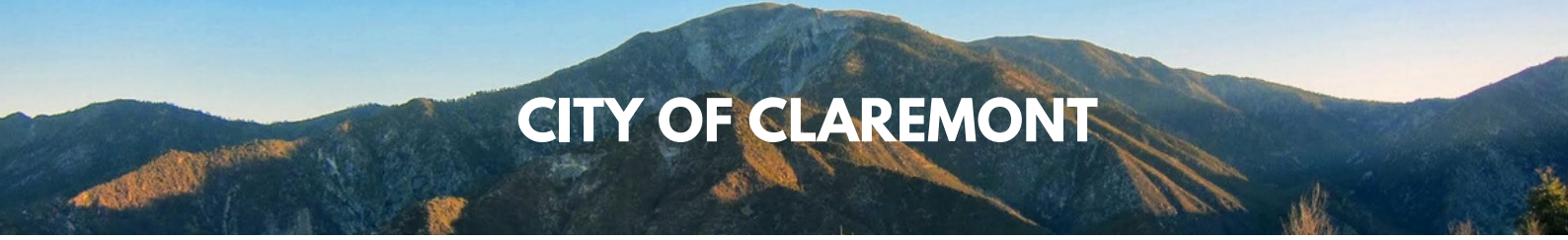

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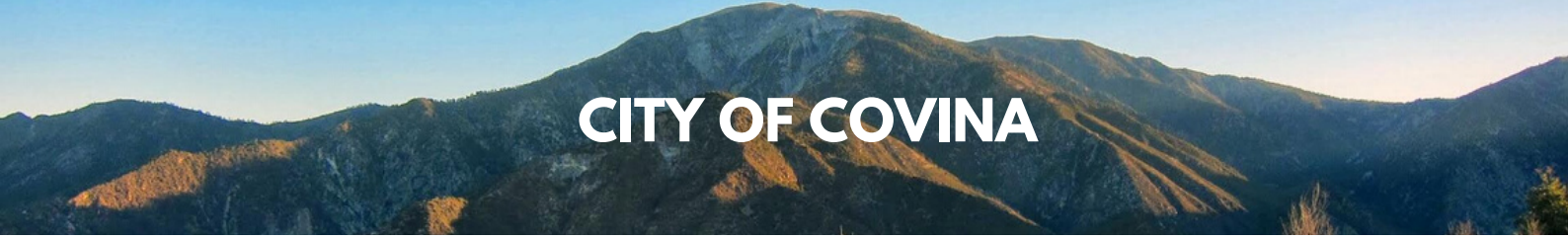

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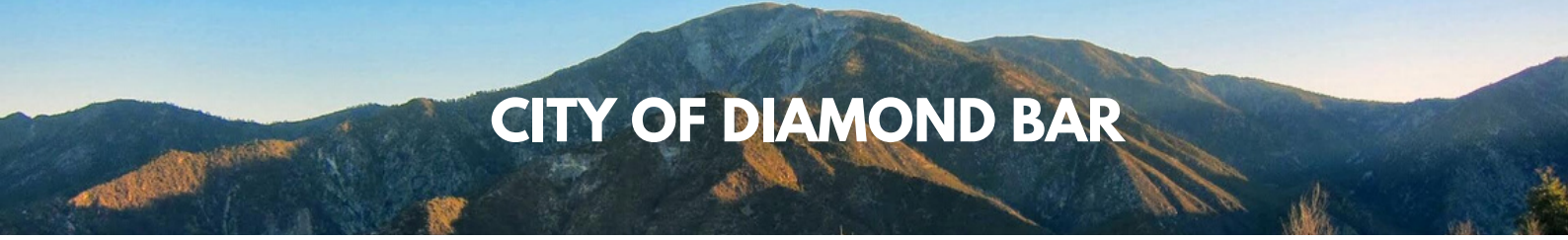

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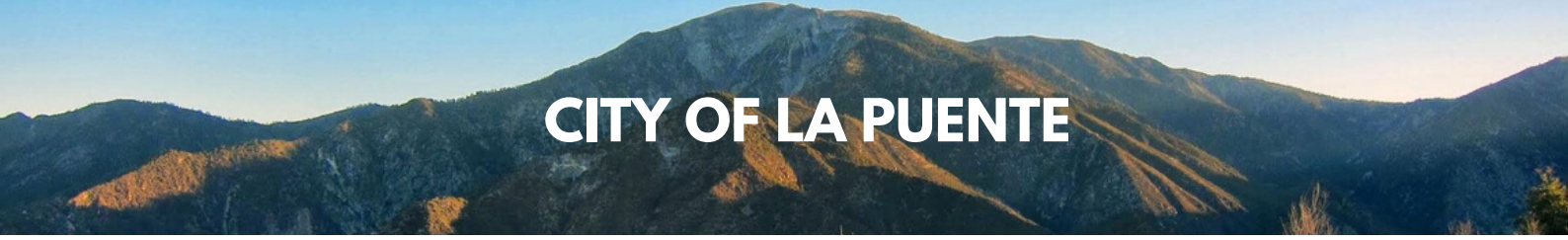

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DATE: May 21, 2020

TO: Energy, Environment, and Natural Resources Committee

FROM: Marisa Creter, Executive Director

RE: H.R. 535 (DINGELL) – PFAS ACTION ACT OF 2019

RECOMMENDED ACTION

For information only.

BACKGROUND

On January 14, 2019, Congresswoman Debbie Dingell (D-Michigan-12) introduced H.R. 535, known as the PFAS Action Act of 2019, to address perfluoroalkyl substances (PFAS) contamination across the United States. PFAS are a group of unnatural chemicals that include perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), GenX, and other chemicals. PFAS have been manufactured and utilized in a variety of industries since the 1940s and these chemicals are today found in a wide range of consumer products, such as non-stick cookware and weather-proof clothing. Several studies have shown that PFAS chemicals are persistent in the environment and do not break down in the human body. The U.S. Environmental Protection Agency (EPA) has concluded that exposure to PFAS can lead to adverse human health effects, such as low infant birth weights, cancer (caused by PFOA), thyroid hormone disruption (caused by PFOS), and negative effects on the immune system.

H.R. 535 would require the EPA to publish a maximum contaminant level goal for PFAS and establish national drinking water safeguards for PFAS chemicals. The bill would also require the EPA to stem the flow of PFAS contamination into the environment by requiring cleanup of sites that are contaminated with PFOA and PFOS, setting air emission limits, prohibiting unsafe incineration of PFAS, and limiting the introduction of new PFAS chemicals into commerce.

Additionally, the EPA would identify health risks by requiring comprehensive health testing for all PFAS, reporting of PFAS releases, and monitoring for PFAS in drinking water. The legislation also creates a voluntary level for cookware that is PFAS-free, issues guidance for first responders to limit their exposures, and provides grants to impacted water systems.

H.R. 535 was passed by the House of Representatives by 247-159-24 on January 10, 2020 and it has now been referred to the Senate Committee on Environment and Public Works. SGVCOG Management Analyst, Alexander Fung, will provide a brief presentation on H.R. 535 at this meeting.

Prepared by: _____
Alexander P. Fung
Management Analyst

Approved by: Marisa Creter _____
Marisa Creter
Executive Director

ATTACHMENTS
Attachment A – H.R. 535 Bill Language
Attachment B – H.R. 535 Bill Summary

IIB

116TH CONGRESS
2D SESSION

H. R. 535

IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2020
Received; read twice and referred to the Committee on Environment and Public Works

AN ACT

To require the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''PFAS Action Act of 2019''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Designation as hazardous substances.
Sec. 3. Testing of perfluoroalkyl and polyfluoroalkyl substances.
Sec. 4. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.
Sec. 5. National primary drinking water regulations for PFAS.
Sec. 6. Enforcement.
Sec. 7. Establishment of PFAS infrastructure grant program.
Sec. 8. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.
Sec. 9. Prohibition on unsafe waste incineration of PFAS.
Sec. 10. Label for PFAS-free products.
Sec. 11. Guidance on minimizing the use of firefighting foam and other related equipment containing any PFAS.
Sec. 12. Investigation of prevention of contamination by GenX.
Sec. 13. Disclosure of introductions of PFAS.
Sec. 14. Household well water testing website.
Sec. 15. Risk-communication strategy.
Sec. 16. Assistance to Territories for addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.
Sec. 17. Clean Water Act effluent standards, pretreatment standards, and water quality criteria for PFAS.

SEC. 2. DESIGNATION AS HAZARDOUS SUBSTANCES.

(a) DESIGNATION.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate perfluorooctanoic acid and its salts, and perfluoroactanesulfonic acid and its salts, as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602(a)).

(b) DEADLINE FOR ADDITIONAL DETERMINATIONS.—Not later than 5 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall determine whether to designate all perfluoroalkyl and polyfluoroalkyl substances, other than those perfluoroalkyl and polyfluoroalkyl substances designated pursuant to subsection (a), as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602(a)) individually or in groups.

(c) AIRPORT SPONSORS.—

(1) IN GENERAL.—No sponsor, including a sponsor of the civilian portion of a joint-use airport or a shared-use airport (as such terms are defined in section 139.5 of title 14, Code of Federal Regulations (or a successor regulation)), shall be liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for the costs of responding to, or damages resulting from, a release to the environment of a perfluoroalkyl or polyfluoroalkyl substance designated as a hazardous substance under section 102(a) of such Act that resulted from the use of aqueous film forming foam agent, if such use was—

(A) required by the Federal Aviation Administration for compliance with part 139 of title 14, Code of Federal Regulations; and

(B) carried out in accordance with Federal Aviation Administration standards and guidance on the use of such substance.

(2) SPONSOR DEFINED.—In this subsection, the term ''sponsor'' has the meaning given such term in section 47102 of title 49, United States Code.

(d) PUBLIC AVAILABILITY.—Not later than 60 days after making a determination under subsection (b), the Administrator of the Environmental Protection Agency shall make the results of such determination publicly available on the website of the Environmental Protection Agency.

(e) REVIEW.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the appropriate congressional committees a report containing a review of actions by the Environmental Protection Agency to clean up contamination of the substances designated pursuant to subsection (a).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include an assessment of cleanup progress and effectiveness, including the following:

(A) The number of sites where the Environmental Protection Agency has acted to remediate contamination of the substances designated pursuant to subsection (a).

(B) Which types of chemicals relating to such substances were present at each site and the extent to which each site was contaminated.

(C) An analysis of discrepancies in cleanup between Federal and non-Federal contamination sites.

(D) Any other elements the Administrator may determine necessary.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means the following:

(A) The Committee on Energy and Commerce of the House of Representatives.

(B) The Committee on the Environment and Public Works of the Senate.

SEC. 3. TESTING OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) TESTING REQUIREMENTS.—Section 4(a) of the Toxic Substances Control Act (15 U.S.C. 2603(a)) is amended by adding at the end the following:

"(5) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES RULE.—

"(A) RULE.—Notwithstanding paragraphs (1) through (3), the Administrator shall, by rule, require that comprehensive toxicity testing be conducted on all chemical substances that are perfluoroalkyl or polyfluoroalkyl substances.

"(B) REQUIREMENTS.—In issuing a rule under subparagraph (A), the Administrator—

"(i) may establish categories of perfluoroalkyl and polyfluoroalkyl substances based on hazard characteristics or chemical properties;

"(ii) shall require the development of information relating to perfluoroalkyl and polyfluoroalkyl substances that the Administrator determines is likely to be useful in evaluating the hazard and risk posed by such substances in land, air, and water (including drinking water), as well as in products; and

''(iii) may allow for varied or tiered testing requirements based on hazard characteristics or chemical properties of perfluoroalkyl and polyfluoroalkyl substances or categories of perfluoroalkyl and polyfluoroalkyl substances.

''(C) DEADLINES.—The Administrator shall issue—

''(i) a proposed rule under subparagraph (A) not later than 6 months after the date of enactment of this paragraph; and

''(ii) a final rule under subparagraph (A) not later than 2 years after the date of enactment of this paragraph.''.

(b) PERSONS SUBJECT TO RULE.—Section 4(b)(3) of the Toxic Substances Control Act (15 U.S.C. 2603(b)(3)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B) or (C)'' and inserting ''subparagraph (B), (C), or (D)''; and

(2) by adding at the end the following:

''(D) A rule under subsection (a)(5) shall require the development of information by any person who manufactures or processes, or intends to manufacture or process,

a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance.''.

(c) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended by adding at the end the following:

''(i) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

''(1) TESTING REQUIREMENT RULE.—

''(A) PROTOCOLS AND METHODOLOGIES.—In determining the protocols and methodologies to be included pursuant to subsection (b)(1) in a rule under subsection (a)(5), the Administrator shall allow for protocols and methodologies that test chemical substances that are perfluoroalkyl and polyfluoroalkyl substances as a class.

''(B) PERIOD.—In determining the period to be included pursuant to subsection (b)(1) in a rule under subsection (a)(5), the Administrator shall ensure that the period is as short as possible while allowing for completion of the required testing.

''(2) EXEMPTIONS.—In carrying out subsection (c) with respect to a chemical substance that is a

perfluoroalkyl or polyfluoroalkyl substance, the Administrator—

''(A) may only determine under subsection (c)(2) that information would be duplicative if the chemical substance with respect to which the application for exemption is submitted is in the same category, as established under subsection (a)(5)(B)(i), as a chemical substance for which information has been submitted to the Administrator in accordance with a rule, order, or consent agreement under subsection (a) or for which information is being developed pursuant to such a rule, order, or consent agreement; and

''(B) shall publish a list of all such chemical substances for which an exemption under subsection (c) is granted.''.

SEC. 4. MANUFACTURING AND PROCESSING NOTICES FOR PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) in subsection (h), by adding at the end the following:

''(7) This subsection does not apply to any chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance.''; and

(2) by adding at the end the following:

''(j) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

''(1) DETERMINATION.—For a period of 5 years beginning on the date of enactment of this subsection, any chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance for which a notice is submitted under subsection (a) shall be deemed to have been determined by the Administrator to present an unreasonable risk of injury to health or the environment under paragraph (3)(A) of such subsection.

''(2) ORDER.—Notwithstanding subsection (a)(3)(A), for a chemical substance described in paragraph (1) of this subsection, the Administrator shall issue an order under subsection (f)(3) to prohibit the manufacture, processing, and distribution in commerce of such chemical substance.''.

SEC. 5. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

Section 1412(b) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)) is amended by adding at the end the following:

"(16) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall, after notice and opportunity for public comment, promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

"(i) perfluorooctanoic acid (commonly referred to as 'PFOA'); and

"(ii) perfluorooctane sulfonic acid (commonly referred to as 'PFOS').

"(B) ALTERNATIVE PROCEDURES.—

"(i) IN GENERAL.—Not later than 1 year after the validation by the Administrator of an equally effective quality control and testing procedure to ensure compliance with the national primary drinking water regulation promulgated under sub-

paragraph (A) to measure the levels described in clause (ii) or other methods to detect and monitor perfluoroalkyl and polyfluoroalkyl substances in drinking water, the Administrator shall add the procedure or method as an alternative to the quality control and testing procedure described in such national primary drinking water regulation by publishing the procedure or method in the Federal Register in accordance with section 1401(1)(D).

''(ii) LEVELS DESCRIBED.—The levels referred to in clause (i) are—

''(I) the level of a perfluoroalkyl or polyfluoroalkyl substance;

''(II) the total levels of perfluoroalkyl and polyfluoroalkyl substances; and

''(III) the total levels of organic fluorine.

''(C) INCLUSIONS.—The Administrator may include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances on—

"(i) the list of contaminants for consideration of regulation under paragraph (1)(B)(i), in accordance with such paragraph; and

"(ii) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i), in accordance with such section.

"(D) MONITORING.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under subparagraph (A) or subparagraph (G)(ii), the Administrator shall tailor the monitoring requirements for public water systems that do not detect or are reliably and consistently below the maximum contaminant level (as defined in section 1418(b)(2)(B)) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances subject to the national primary drinking water regulation.

"(E) HEALTH PROTECTION.—The national primary drinking water regulation promulgated under subparagraph (A) shall be protective of

the health of subpopulations at greater risk, as described in section 1458.

"(F) HEALTH RISK REDUCTION AND COST ANALYSIS.—In meeting the requirements of paragraph (3)(C), the Administrator may rely on information available to the Administrator with respect to one or more specific perfluoroalkyl or polyfluoroalkyl substances to extrapolate reasoned conclusions regarding the health risks and effects of a class of perfluoroalkyl or polyfluoroalkyl substances of which the specific perfluoroalkyl or polyfluoroalkyl substances are a part.

"(G) REGULATION OF ADDITIONAL SUBSTANCES.—

"(i) DETERMINATION.—The Administrator shall make a determination under paragraph (1)(A), using the criteria described in clauses (i) through (iii) of that paragraph, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances in the national primary drinking water regulation under subparagraph

(A) not later than 18 months after the later of—

"(I) the date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is listed on the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

"(II) the date on which—

"(aa) the Administrator has received the results of monitoring under section 1445(a)(2)(B) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; or

"(bb) the Administrator has received reliable water data or water monitoring surveys for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances from a Federal or State agency that the Adminis-

trator determines to be of a quality sufficient to make a determination under paragraph (1)(A).

"(ii) PRIMARY DRINKING WATER REGULATIONS.—

"(I) IN GENERAL.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under clause (i), the Administrator—

"(aa) not later than 18 months after the date on which the Administrator makes the determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

"(bb) may publish the proposed national primary drinking water regulation described in item (aa) concurrently with the

publication of the determination to regulate the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

"(II) DEADLINE.—

"(aa) IN GENERAL.—Not later than 1 year after the date on which the Administrator publishes a proposed national primary drinking water regulation under clause (i)(I) and subject to item (bb), the Administrator shall take final action on the proposed national primary drinking water regulation.

"(bb) EXTENSION.—The Administrator, on publication of notice in the Federal Register, may extend the deadline under item (aa) by not more than 6 months.

"(H) HEALTH ADVISORY.—

"(i) IN GENERAL.—Subject to clause (ii), the Administrator shall publish a

health advisory under paragraph (1)(F) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not subject to a national primary drinking water regulation not later than 1 year after the later of—

"(I) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

"(II) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

"(ii) WAIVER.—The Administrator may waive the requirements of clause (i) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl and polyfluoroalkyl substances if the Administrator determines that there is a substantial likelihood that

the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances will not occur in drinking water with sufficient frequency to justify the publication of a health advisory, and publishes such determination, including the information and analysis used, and basis for, such determination, in the Federal Register.''.

SEC. 6. ENFORCEMENT.

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency may not impose financial penalties for the violation of a national primary drinking water regulation (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a national primary drinking water regulation has been promulgated under section 1412(b)(16) of the Safe Drinking Water Act earlier than the date that is 5 years after the date on which the Administrator promulgates the national primary drinking water regulation.

SEC. 7. ESTABLISHMENT OF PFAS INFRASTRUCTURE GRANT PROGRAM.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following new section:

"SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYSTEMS AFFECTED BY PFAS.

''(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall establish a program to award grants to affected community water systems to pay for capital costs associated with the implementation of eligible treatment technologies.

''(b) APPLICATIONS.—

''(1) GUIDANCE.—Not later than 12 months after the date of enactment of this section, the Administrator shall publish guidance describing the form and timing for community water systems to apply for grants under this section.

''(2) REQUIRED INFORMATION.—The Administrator shall require a community water system applying for a grant under this section to submit—

''(A) information showing the presence of PFAS in water of the community water system; and

"(B) a certification that the treatment technology in use by the community water system at the time of application is not sufficient to remove all detectable amounts of PFAS.

"(c) LIST OF ELIGIBLE TREATMENT TECHNOLOGIES.—Not later than 150 days after the date of enactment of this section, and every 2 years thereafter, the Administrator shall publish a list of treatment technologies that the Administrator, after providing an opportunity for public comment, determines are effective at removing all detectable amounts of PFAS from drinking water.

"(d) PRIORITY FOR FUNDING.—In awarding grants under this section, the Administrator shall prioritize affected community water systems that—

"(1) serve a disadvantaged community or a disproportionately exposed community;

"(2) will provide at least a 10-percent cost share for the cost of implementing an eligible treatment technology; or

"(3) demonstrate the capacity to maintain the eligible treatment technology to be implemented using the grant.

"(e) NO INCREASED BONDING AUTHORITY.—Amounts awarded to affected community water systems

under this section may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section not more than—

''(A) $125,000,000 for each of fiscal years 2020 and 2021; and

''(B) $100,000,000 for each of fiscal years 2022 through 2024.

''(2) SPECIAL RULE.—Of the amounts authorized to be appropriated by paragraph (1), $25,000,000 are authorized to be appropriated for each of fiscal years 2020 and 2021 for grants under subsection (a) to pay for capital costs associated with the implementation of eligible treatment technologies during the period beginning on October 1, 2014, and ending on the date of enactment of this section.

''(g) DEFINITIONS.—In this section:

''(1) AFFECTED COMMUNITY WATER SYSTEM.—The term 'affected community water system' means

a community water system that is affected by the presence of PFAS in the water in the community water system.

''(2) DISADVANTAGED COMMUNITY.—The term 'disadvantaged community' has the meaning given that term in section 1452.

''(3) DISPROPORTIONATELY EXPOSED COMMUNITY.—The term 'disproportionately exposed community' means a community in which climate change, pollution, or environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused, people with disabilities, or youth.

''(4) ELIGIBLE TREATMENT TECHNOLOGY.—The term 'eligible treatment technology' means a treatment technology included on the list published under subsection (c).

''(5) PFAS.—The term 'PFAS' means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom, including the chemical GenX.''.

SEC. 8. LISTING OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS HAZARDOUS AIR POLLUTANTS.

(a) LISTING.—

(1) INITIAL LISTING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall issue a final rule adding perfluorooctanoic acid and its salts, and perfluoroactanesulfonic acid and its salts, to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)).

(2) ADDITIONAL LISTINGS.—Not later than 5 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall determine whether to issue, in accordance with section 112 of the Clean Air Act (42 U.S.C. 7412), any final rules adding perfluoroalkyl and polyfluoroalkyl substances, other than those perfluoroalkyl and polyfluoroalkyl substances listed pursuant to paragraph (1), to the list of hazardous air pollutants under section 112(b) of such Act.

(b) SOURCES CATEGORIES.—Not later than 365 days after any final rule is issued pursuant to subsection (a), the Administrator of the Environmental Protection Agency shall revise the list under section 112(c)(1) of the Clean

Air Act (42 U.S.C. 7412(c)(1)) to include categories and subcategories of major sources and area sources of perfluoroalkyl and polyfluoroalkyl substances listed pursuant to such final rule.

SEC. 9. PROHIBITION ON UNSAFE WASTE INCINERATION OF PFAS.

Section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) is amended by adding at the end the following new subsection:

''(z) PFAS WASTES.—

''(1) FIREFIGHTING FOAM.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall promulgate regulations requiring that when materials containing perfluoroalkyl and polyfluoroalkyl substances or aqueous film forming foam are disposed—

''(A) all incineration is conducted in a manner that eliminates perfluoroalkyl and polyfluoroalkyl substances while also minimizing perfluoroalkyl and polyfluoroalkyl substances emitted into the air to the extent feasible;

''(B) all incineration is conducted in accordance with the requirements of the Clean Air Act, including controlling hydrogen fluoride;

"(C) any materials containing perfluoroalkyl and polyfluoroalkyl substances that are designated for disposal are stored in accordance with the requirement under part 264 of title 40, Code of Federal Regulations; and

"(D) all incineration is conducted at a facility that has been permitted to receive waste regulated under this subtitle.

"(2) PENALTIES.—For purposes of section 3008(d), a waste subject to a prohibition under this subsection shall be considered a hazardous waste identified or listed under this subtitle.".

SEC. 10. LABEL FOR PFAS-FREE PRODUCTS.

(a) LABEL FOR PFAS-FREE PRODUCTS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) revise the Safer Choice Standard of the Safer Choice Program to identify the requirements for a pot, pan, cooking utensil, carpet, or rug, clothing, or upholstered furniture, or a stain resistant, water resistant, or grease resistant coating not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act to meet in order

to be labeled with a Safer Choice label, including a requirement that any such pot, pan, cooking utensil, carpet, rug, clothing, or upholstered furniture, or stain resistant, water resistant, or grease resistant coating does not contain any PFAS; or

(2) establish a voluntary label that is available to be used by any manufacturer of any pot, pan, cooking utensil, carpet, rug, clothing, or upholstered furniture, or stain resistant, water resistant, or grease resistant coating not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act that the Administrator has reviewed and found does not contain any PFAS.

(b) DEFINITION.—In this section, the term ''PFAS'' means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

SEC. 11. GUIDANCE ON MINIMIZING THE USE OF FIRE-FIGHTING FOAM AND OTHER RELATED EQUIPMENT CONTAINING ANY PFAS.

(a) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the head of the U.S. Fire Administration, Federal Aviation Administration, and other relevant Federal departments or agencies and representatives of State and local building

and fire code enforcement jurisdictions, shall issue guidance on minimizing the use of, or contact with, firefighting foam and other related equipment containing any PFAS by firefighters, police officers, paramedics, emergency medical technicians, and other first responders, in order to minimize the risk to such firefighters, police officers, paramedics, emergency medical technicians, and other first responders, and the environment, without jeopardizing firefighting efforts.

(b) ANNUAL REPORT.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the head of the U.S. Fire Administration, shall submit to Congress a report on the effectiveness of the guidance issued under subsection (a). Such report shall include recommendations for congressional actions that the Administrator determines appropriate to assist efforts to reduce exposure to PFAS by firefighters and the other persons described in subsection (a).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the head of the U.S. Fire Administration and other relevant Federal departments or agencies, shall report to Congress on the efforts of the Environmental Protection Agency and

other relevant Federal departments and agencies to identify viable alternatives to firefighting foam and other related equipment containing any PFAS.

(d) DEFINITION.—In this section, the term ''PFAS'' means perfluorooctanoic acid, perfluorooctanesulfonic acid, and any other perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom that the Administrator of the Environmental Protection Agency determines is used in firefighting foam and other related equipment.

SEC. 12. INVESTIGATION OF PREVENTION OF CONTAMINATION BY GENX.

The Administrator of the Environmental Protection Agency shall investigate methods and means to prevent contamination by GenX of surface waters, including source waters used for drinking water purposes.

SEC. 13. DISCLOSURE OF INTRODUCTIONS OF PFAS.

(a) IN GENERAL.—The introduction of any perfluoroalkyl or polyfluoroalkyl substance by the owner or operator of an industrial source shall be unlawful unless such owner or operator first notifies the owner or operator of the applicable treatment works of—

(1) the identity and quantity of such substance;

(2) whether such substance is susceptible to treatment by such treatment works; and

(3) whether such substance would interfere with the operation of the treatment works.

(b) VIOLATIONS.—A violation of this section shall be treated in the same manner as a violation of a regulation promulgated under subsection 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317(b)).

(c) DEFINITIONS.—In this section:

(1) INTRODUCTION.—The term ''introduction'' means the introduction of pollutants into treatment works, as described in section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317).

(2) TREATMENT WORKS.—The term ''treatment works'' has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

SEC. 14. HOUSEHOLD WELL WATER TESTING WEBSITE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall establish a website containing information relating to the testing of household well water.

(b) CONTENTS.—The Administrator shall include on the website established under subsection (a) the following:

(1) Information on how to get groundwater that is the source for a household water well tested by a

well inspector who is certified by a qualified third party.

(2) A list of laboratories that analyze water samples and are certified by a State or the Administrator.

(3) State-specific information, developed in coordination with each State, on naturally occurring and human-induced contaminants.

(4) Information that, using accepted risk communication techniques, clearly communicates whether a test result value exceeds a level determined by the Administrator or the State to pose a health risk.

(5) Information on treatment options, including information relating to water treatment systems certified by the National Science Foundation or the American National Standards Institute, and people who are qualified to install such systems.

(6) A directory of whom to contact to report a test result value that exceeds a level determined by the Administrator or the State to pose a health risk.

(7) Information on financial assistance that is available for homeowners to support water treatment, including grants under section 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e) and State resources.

(8) Any other information the Administrator considers appropriate.

(c) COORDINATION.—The Administrator shall coordinate with the Secretary of Health and Human Services, the Secretary of Agriculture, and appropriate State agencies in carrying out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2021.

SEC. 15. RISK-COMMUNICATION STRATEGY.

The Administrator of the Environmental Protection Agency shall develop a risk-communication strategy to inform the public about the hazards or potential hazards of perfluoroalkyl and polyfluoroalkyl substances, or categories of perfluoroalkyl and polyfluoroalkyl substances, by—

(1) disseminating information about the risks or potential risks posed by such substances or categories in land, air, water (including drinking water), and products;

(2) notifying the public about exposure pathways and mitigation measures through outreach and educational resources; and

(3) consulting with States that have demonstrated effective risk-communication strategies for

best practices in developing a national risk-communication strategy.

SEC. 16. ASSISTANCE TO TERRITORIES FOR ADDRESSING EMERGING CONTAMINANTS, WITH A FOCUS ON PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

Section 1452(t) of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) ASSISTANCE TO TERRITORIES.—Of the amounts made available under this subsection, the Administrator may use funds to provide grants to the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam for the purpose of addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.''.

SEC. 17. CLEAN WATER ACT EFFLUENT STANDARDS, PRETREATMENT STANDARDS, AND WATER QUALITY CRITERIA FOR PFAS.

(a) REVIEW AND REGULATION OF SUBSTANCES AND SOURCES.—

(1) REVIEW.—

(A) IN GENERAL.—As soon as practicable, but not later than September 30, 2021, and biennially thereafter, the Administrator shall publish in the Federal Register a plan under subsection (m) of section 304 of the Federal Water Pollution Control Act (33 U.S.C. 1314) that contains the results of a review, conducted in accordance with such section, of the introduction or discharge of perfluoroalkyl and polyfluoroalkyl substances from classes and categories of point sources (other than publicly owned treatment works).

(B) INCLUSIONS.—The Administrator shall include in each plan published pursuant to subparagraph (A)—

(i) information on potential introduction or discharges of perfluoroalkyl and polyfluoroalkyl substances;

(ii) any information gaps on such introduction or discharges and the process by which the Administrator will address such gaps;

(iii) for each measurable perfluoroalkyl and polyfluoroalkyl sub-

stance that is not on the list of toxic pollutants described in section 307(a) of the Federal Water Pollution Control Act, a determination, in accordance with the requirements of such section, whether or not to add the substance to such list; and

(iv) a determination, in accordance with the requirements of the Federal Water Pollution Control Act, whether or not to establish effluent limitations and pretreatment standards for the introduction or discharge of each substance described in clause (iii) that the Administrator determines under such clause not to add to such list and for which the Administrator has not developed such limitations or standards.

(2) REGULATION.—Based on the results of each review conducted under paragraph (1) and in accordance with the requirements of the Federal Water Pollution Control Act, the Administrator shall—

(A) in accordance with the plan published under paragraph (1), as soon as practicable—

(i) for each measurable perfluoroalkyl and polyfluoroalkyl substance that the Administrator determines under paragraph (1)(B)(iii) to add to the list of toxic pollutants described in section 307(a) of such Act, initiate the process for adding the substance to such list; and

(ii) for each measurable perfluoroalkyl and polyfluoroalkyl substance that the Administrator determines under paragraph (1)(B)(iv) to establish effluent limitations and pretreatment standards, establish such effluent limitations and pretreatment standards (which limitations and standards may be established by substance or by class or category of substances); and

(B) not later than 2 years after the date on which each plan is published under paragraph (1), publish human health water quality criteria for measurable perfluoroalkyl and polyfluoroalkyl substances and classes and categories of perfluoroalkyl and polyfluoroalkyl substances for which the Administrator has not published such criteria.

(b) DEADLINES FOR COVERED PERFLUOROALKYL SUBSTANCES.—

(1) WATER QUALITY CRITERIA.—Not later than 2 years after the date of enactment of this section, the Administrator shall publish in the Federal Register human health water quality criteria for each covered perfluoroalkyl substance.

(2) EFFLUENT LIMITATIONS AND PRETREATMENT STANDARDS FOR PRIORITY INDUSTRY CATEGORIES.—As soon as practicable, but not later than 4 years after the date of enactment of this section, the Administrator shall publish in the Federal Register a final rule establishing, for each priority industry category, effluent limitations and pretreatment standards for the introduction or discharge of each covered perfluoroalkyl substance.

(c) NOTIFICATION.—The Administrator shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of each publication made under this section.

(d) IMPLEMENTATION ASSISTANCE FOR PUBLICLY OWNED TREATMENT WORKS.—

(1) IN GENERAL.—The Administrator shall award grants, in amounts not to exceed $100,000,

to owners and operators of publicly owned treatment works, to be used for the implementation of a pretreatment standard developed by the Administrator for a perfluoroalkyl or polyfluoroalkyl substance.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $100,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

(e) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED PERFLUOROALKYL SUBSTANCE.—The term ''covered perfluoroalkyl substance'' means perfluorooctanoic acid, perfluorooctane sulfonic acid, or a salt associated with perfluorooctanoic acid or perfluorooctane sulfonic acid.

(3) EFFLUENT LIMITATION.—The term ''effluent limitation'' means an effluent limitation under section 301(b) of the Federal Water Pollution Control Act (33 U.S.C. 1311).

(4) INTRODUCTION.—The term ''introduction'' means the introduction of pollutants into treatment

works, as described in section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317).

(5) MEASURABLE.—The term ''measurable'' means, with respect to a chemical substance or class or category of chemical substances, capable of being measured using—

(A) test procedures established under section 304(h) of the Federal Water Pollution Control Act (33 U.S.C. 1314);

(B) applicable protocols and methodologies required pursuant to section 4(a) of the Toxic Substances Control Act (15 U.S.C. 2603); or

(C) any other analytical method developed by the Administrator for detecting pollutants, as such term is defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(6) PRETREATMENT STANDARD.—The term ''pretreatment standard'' means a pretreatment standard under section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317).

(7) PRIORITY INDUSTRY CATEGORY.—The term ''priority industry category'' means the following point source categories:

(A) Organic chemicals, plastics, and synthetic fibers, as identified in part 414 of title 40, Code of Federal Regulations.

(B) Pulp, paper, and paperboard, as identified in part 430 of title 40, Code of Federal Regulations.

(C) Textile mills, as identified in part 410 of title 40, Code of Federal Regulations.

(8) TREATMENT WORKS.—The term ''treatment works'' has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(9) WATER QUALITY CRITERIA.—The term ''water quality criteria'' means criteria for water quality under section 304(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1314).

Passed the House of Representatives January 10, 2020.

Attest: CHERYL L. JOHNSON,

Clerk.

January 2020
Section by Section Summary
H.R. 535, the PFAS Action Act of 2019
COMMITTEE ON ENERGY & COMMERCE

SEC. 1. Short Title; Table of Contents.
Section 1(a) designates this Act may be cited as the "PFAS Action Act of 2019". Section 1(b) provides the table of contents.

SEC. 2. Designation as hazardous substances.
Section 2 would require the listing of certain perfluoroalkyl and polyfluoroalkyl substances as hazardous substances under CERCLA within one year. It would also set a deadline for EPA to decide within five years whether or not to list the remaining PFAS under CERCLA, individually or in groups.

SEC. 3. Testing of perfluoroalkyl and polyfluoroalkyl substances.
This section incorporates H.R. 2608, sponsored by Rep. Sean Patrick Maloney (D-NY), to require EPA to promulgate a test rule requiring health effects testing for all PFAS. The section allows the Administrator to divide PFAS into subclasses through the rulemaking process.

SEC. 4. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.
This section incorporates H.R. 2596, sponsored by Rep. Ann McLane Kuster (D-NH), with amendment. Under the amended text, there will be a moratorium under the Toxic Substances Control Act (TSCA) on the approval of new PFAS for five years, as well as a permanent bar on the introduction of new PFAS into commerce under low volume exemptions.

SEC. 5. National primary drinking water regulation for PFAS.
The section incorporates H.R. 2377, sponsored by Representatives Brendan Boyle (D-PA) and Brian Fitzpatrick (R-PA), with amendment, to ensure the adoption of a drinking water standard under the Safe DrinkingWater Act (SDWA) for certain PFAS that protects the health of vulnerable subpopulations, including pregnant women, infants, and children.

SEC. 6. Monitoring and detection.
Struck by the manager's amendment because of prior enactment.

SEC. 7. Enforcement.
This section provides a five-year delay in enforcement for the drinking water standard for PFAS, to allow drinking water utilities to implement improvements in their treatment techniques.

SEC. 8. Drinking water state revolving funds.
Struck by the manager's amendment because of prior enactment.

SEC. 9. Additions to Toxics Release Inventory.
Struck by the manager's amendment because of prior enactment.

SEC. 10. PFAS Data Call.
Struck by the manager's amendment because of prior enactment.

SEC. 11. Significant New Use Rule for long chain PFAS.
Struck by the manager's amendment because of prior enactment.

SEC. 12. Destruction and disposal guidance.
Struck by the manager's amendment because of prior enactment.

SEC. 13. Establishment of PFAS infrastructure grant program.
This section of the AINS incorporates H.R. 2533, sponsored by Rep. Pallone, with amendment, to provide financial assistance under SDWA to water utilities that must install new treatment technology to remove PFAS from the water they provide.

SEC. 14. Cooperative agreements with States for removal and remedial actions to address drinking, surface, and groundwater and soil contamination from PFAS.
Struck by the manager's amendment because of prior enactment.

SEC. 15. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.
This section incorporates H.R. 2605, sponsored by Rep. Haley Stevens (D-MI), without change, to require the listing of PFAS chemicals as hazardous air pollutants under the Clean Air Act.

SEC. 16. Prohibition on waste incineration of PFAS.
This section incorporates H.R. 2591, sponsored by Rep. Ro Khanna (D-CA), with amendment. As currently structured, the section amends the Solid Waste Disposal Act (SWDA) to allow for incineration of PFAS containing wastes so long as that incineration is done at an approved hazardous waste incinerator and meets emissions standards (including those for Hydrogen Fluoride), while minimizing PFAS air emissions to the extent feasible.

SEC. 17. Label for pots, pans, and cooking utensils.
This section incorporates H.R. 2566, sponsored by Rep. Darren Soto (D-FL), to require the EPA Administrator to establish a voluntary label to be available to the manufacturers of pots, pans, and cooking utensils that do not contain PFAS.

SEC. 18. Guidance on minimizing the use of firefighting foam and other related equipment containing PFAS.
This section incorporates H.R. 2638, sponsored by Rep. Lizzie Fletcher (D-TX), to direct the Administrator of the Environmental Protection Agency to issue guidance for firefighters and other first responders to minimize the use of foam and other firefighting materials containing PFAS and to minimize their health risk from PFAS exposure. As amended, this section requires EPA to consult with the head of the U.S. Fire Administration and other relevant Federal Agencies in developing the guidance.