

# Emerging Contaminants and Brownfields



# Run of Show

- So, here's the format:
  - Ashton will set the scene and do brief intros
  - Each presenter – Eric, then Eileen, then Brien - is going to give a talk of 10 to 15 minutes
  - Then we are going to get into a facilitated discussion of issues –
    - first any issues, questions, concern the audience may have
    - then a series of questions I have prepared
- The audience is encouraged to succinctly share their experiences on any of the EC topics at any time.
- Let's make this interactive and audience-inclusive

# Emerging Contaminants Issues 4

## Discussion

- How are PFAS, 6PPD-quinone, microplastics showing up in public conversation, and how do you think this influences regulatory timelines and actions?
- What's your best guess as to when PFAS compounds will be actually regulated as hazardous substances under federal and state law?
- Three-part question: What's your understanding of the status of science on the degradation of PFAS, its remediation in soil and water, and its treatment?
- What might be the role of wastewater treatment plants and landfills in PFAS treatment and cleanup?

# Emerging Contaminants Issues 4

## Discussion

- I'm a developer looking at redeveloping an old military airport site where fire training exercises occurred for decades and PFAS and 6PPD-quinone are showing up in preliminary tests of soil and groundwater along with regulated hazardous substances of petroleum products, solvents and metals. I want to get it cleaned up and build a factory on it on a construction completion timeline that won't wait for the completion of full regulation of these ECs. What issues do you foresee and what can you do to help solve them to assure timely construction of a factory that will bring many quality jobs and community benefits to the region?
- What's a good protocol for the management and handling of PFAS containing soil at a construction site? If the contractor wants to take it offsite, what do you do about arranging and causing and contributing to contamination liabilities under federal and state law?

# Emerging Contaminants Issues 4

## Discussion

- What federal or state funding sources are available to assist with dealing with PFAS and other ECs? And is the fact they are unregulated an impediment to qualifying e.g., for brownfields grants or loans?
- Since PFAS have been used since the 1960s and in Oregon insurance coverage for pollutants was not cut off until 1986, what can one do to work with one's insurer's pre-regulation to get ahead of investigation and cleanup claims and ever-increasing costs of investigation and construction?

# Emerging Contaminants Issues 4

## Discussion

- What if I am dealing with a fire training pit site and I have a PRP prior tenant or owner who is willing to cleanup but nobody knows the extent to which EC constituents in the environmental media will need to be cleaned up?
- How do you structure a settlement of such a matter?
- Is it possible to set cleanup targets or levels for ECs before EPA or DEQ has set them through HH or Ecological risk assessment to find what's protective of HH and the environment and also get agency approval of such targets/levels?
- NFAs typically have carve outs for unknown contaminants? To what extent are existing NFA'd sites going to be subject to reopening?

# Emerging Contaminants Issues 4

## Discussion

- What about EPA's new Office of Environmental Justice and External Civil Rights, do we have to be on the look out for how EJ and civil rights claims may play out in the ECs arena?
- Manufacturers of specialty chemicals have often been found to have known about the hazards of their creations many years before the regulators or the rest of us. Philip Morris. Monsanto. Dupont. How can this be prevented for future specialty chemicals? To what extent do Class Action lawsuits help?

# Emerging Contaminants Issues 4

## Discussion

- What's going on in the area of the EPA Columbia River Basin Toxics Reduction and PFAS?
- Look into your crystal ball: what does the future regulation of ECs like 6PPD-quinone and microplastics look like?
- Sometimes California and not the federal government is the leader in the area of regulating emerging contaminants, are you aware of anything going on in California in this area from which we might learn?
- Talk to us about any success stories in the arena of ECs?