

# Rulemaking Advisory Committee Meeting 2

## PFAS 2025:

PFOA and PFOS as Oregon Hazardous Substances

OAR 340-122-0115

Jan. 22, 2025

Zoom Webinar

# Agenda

Time*	Topic
9 a.m.	Welcome and meeting overview
9:10 a.m.	Introductions
9:20 a.m.	Clarifying scope and questions from RAC Meeting #1
9:40 a.m.	PFAS Constituents
10:10 a.m.	Racial Equity and Environmental Justice Considerations
11 a.m.	Break
11:15 a.m.	Public Input
11:30 a.m.	Fiscal Impact Statement
12:20 p.m.	Wrap up and next steps
12:30 p.m.	Meeting adjourns

\*Note: Times subject to change and topics may begin and end earlier than listed

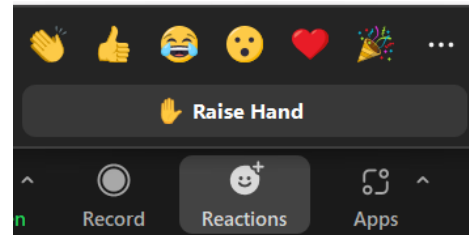
# Zoom tips

Join audio either by phone or computer, not both

For committee member discussion and comments, use the raise hand button to get in the queue; if by phone press \*9

If comfortable and able, RAC members please keep your camera on

For Zoom issues, send a message to Annie Rohlf, or email [Annie.Rohlf@deq.oregon.gov](mailto:Annie.Rohlf@deq.oregon.gov) or text 503-706-3681



# Meeting ground rules

- Listen and treat everyone with respect
- Allow one person to speak at a time
  - Please raise your (virtual) hand to speak
- Move around and take care of yourself as needed
- Share constructive feedback on rule concepts



# Introductions – DEQ staff

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**Franziska Landes**



**Annie Rohlf**



**Sarah Van Glubt**



**Cade Anslem**



**Dan Hafley**

# Introductions – RAC members

Name	Affiliation	Representing
<b>Negonnekodoqua Blair</b>	Confederated Tribes of the Umatilla Indian Reservation	Tribal
<b>Anzie St Clair</b>	Port of Portland	Aviation Industry, Government
<b>Jim Denson</b>	Waste Management	Landfills
<b>Jamie DeWitt</b>	Oregon State University	Academia and Research
<b>Heather Gosack</b>	WSP	Environmental Consulting
<b>Jeremy Haney</b>	Oregon Military Department	Military
<b>Jeff Hunter</b>	Perkins Coie, on behalf of Oregon Business and Industry	Business and Industry

# Introductions – RAC members

Name	Affiliation	Representing
<b>Michael Karnosh</b>	Confederated Tribes of Grand Ronde	Tribal
<b>Johnny Leavy</b>	City of Medford Public Works Water Reclamation Division and Association of Clean Water Agencies	Wastewater Facilities
<b>Karen Lewotsky</b>	Oregon Environmental Council	Environmental Advocates, Rural Communities
<b>Jamie Porter</b>	Rainbow Water District	Water Providers
<b>Rose Poton</b>	Verde	Environmental Advocates, Low-Income and Minority Communities
<b>Teryn Yazdani</b>	Columbia Riverkeeper	Environmental Advocates

# Welcome

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# Questions from the RAC?

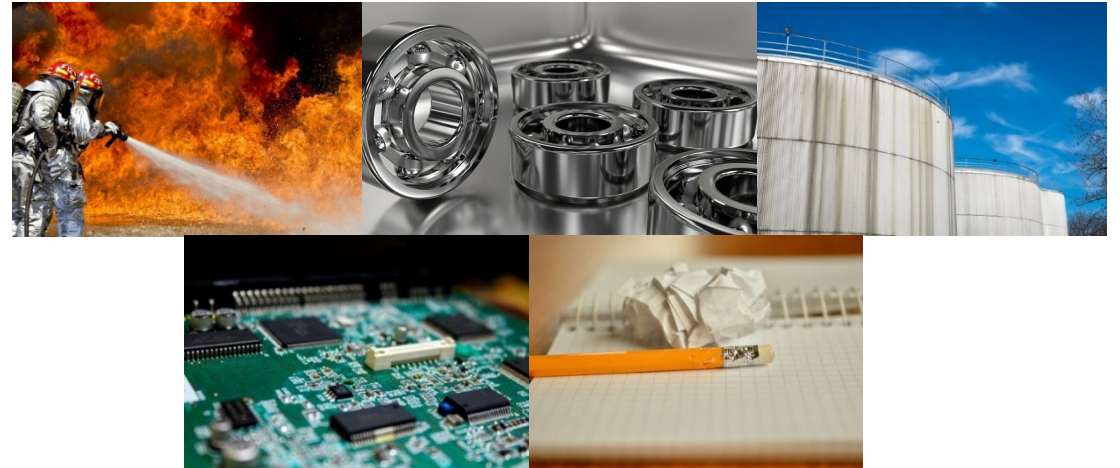
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# Scope of rulemaking

- This rulemaking:
  - Applies to Cleanup Program
  - Same cleanup processes
  - Applies to releases
- RAC input:
  - Rulemaking scope
  - Racial equity and environmental justice impacts
  - Fiscal impacts

## Cleanup Program:



## Permitting Programs:



# Regulatory authority

The EQC designates hazardous substances

[Oregon Statute 465.400](#)

- Compounds that may harm public or environment
- Not limited to federal list

DEQ acts to protect public and environment

[Hazardous substance remedial action rules OAR 340-122](#)

- Investigations, sampling, risk assessments, cleanup



# Questions from the RAC?

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# Rule language options

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1

Add PFOA and PFOS by readopting current CERCLA list

2

Add PFOA and PFOS as a separate line item

3

Add the 6 PFAS with MCLs as a line item

# Rule language option 2

2

Add PFOA and PFOS as a separate line item

(30) "Hazardous substance" means:

(a) Hazardous waste as defined in ORS 466.005;

(b) Any substance defined as a hazardous substance pursuant to section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, P.L. 96-510, as amended, and P.L. 99-499;

(c) Oil as defined in ORS 465.200(18); and

(d) Methane generated at a historic solid waste landfill; and

(e) Any substance designated by the commission under ORS 465.400

(f) Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), including their salts and structural isomers

# Rule language option 3

3

Add the 6 PFAS with MCLs as a line item

(30) "Hazardous substance" means:

- (a) Hazardous waste as defined in ORS 466.005;
- (b) Any substance defined as a hazardous substance pursuant to section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, P.L. 96-510, as amended, and P.L. 99-499;
- (c) Oil as defined in ORS 465.200(18); and
- (d) Methane generated at a historic solid waste landfill; and
- (e) Any substance designated by the commission under ORS 465.400
- (f) Perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid, commonly known as GenX Chemicals (HFPO-DA) and perfluorobutane sulfonic acid (PFBS), including their salts and structural isomers

# RAC discussion

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1 Add PFOA and PFOS by readopting current CERCLA list

2 Add PFOA and PFOS as a separate line item

3 Add the 6 PFAS with MCLs as a line item

1. What PFAS constituents should be considered to best protect human health and the environment?
2. How might the different rule language proposals impact the communities and parties you represent?



# Racial equity and environmental justice

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## Environmental Justice:

The fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies

- Minority communities face disproportionate burdens of environmental contamination and health effects
- Rulemaking places cleanup responsibility on responsible parties
- Otherwise, costs and health impacts passed onto communities

# Example: Drinking water

- PFAS detected in ~32 public drinking water systems around state, **~23 above MCLs**
- Drinking water treatment is extremely costly
- Rulemaking supports source identification and cleanup by responsible parties
- Otherwise, testing/treatment costs to municipalities and rate payers

PFAS	# systems
PFOS	23
PFOA	9
PFHxS	10
PFBS	8
GenX	1
PFNA	0

# Example: Fish contamination

- PFAS present in fish in Oregon
- Impacts to Tribal, subsistence, and recreational fishers
- Tribal communities:
  - Consume more fish, cultural significance
  - Impacts to other first foods (game, roots, berries)
  - Disproportionate health impacts
- Rulemaking supports source identification and cleanup contamination impacting fish



# RAC discussion

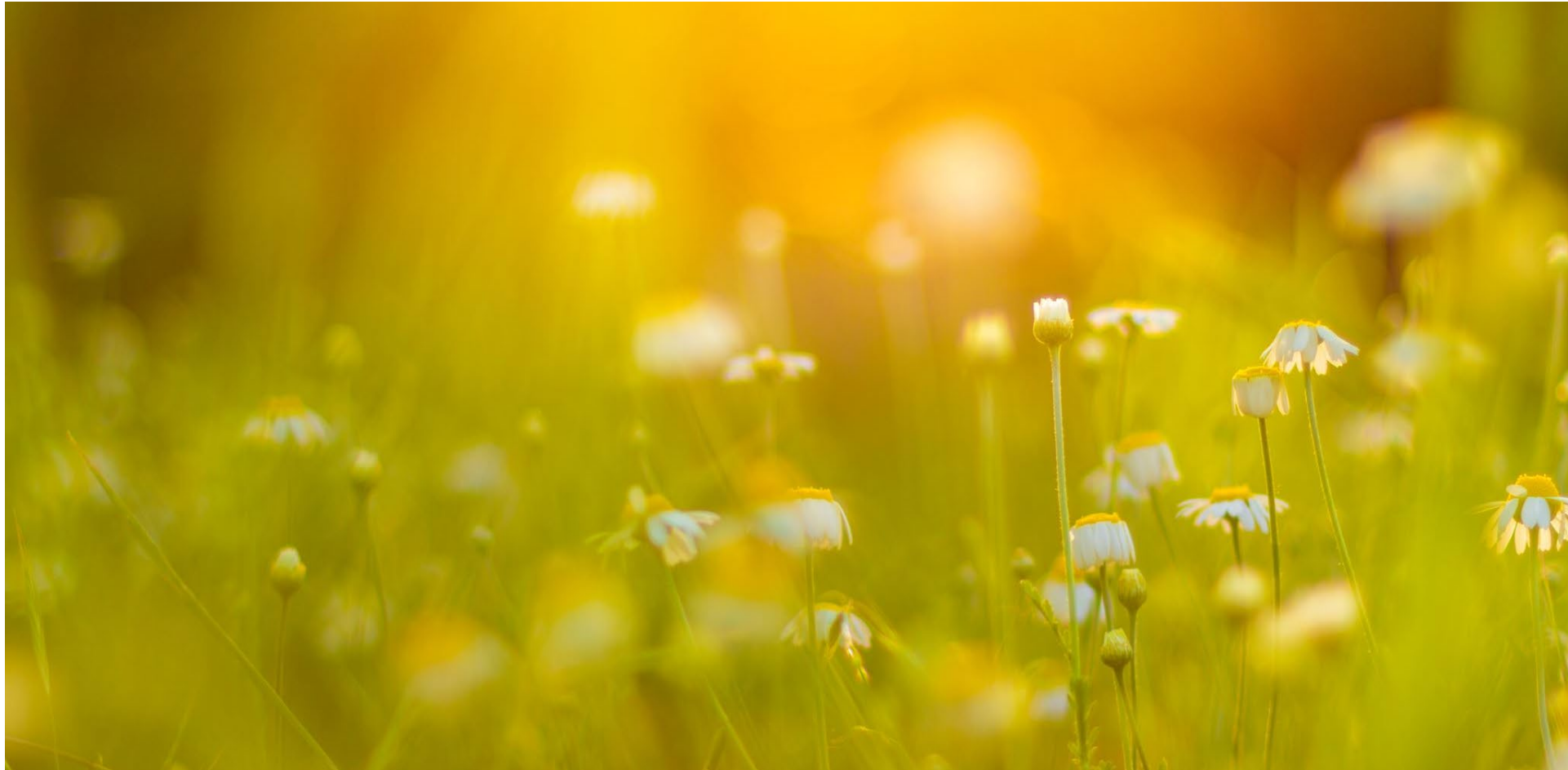
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1. What are additional racial equity and environmental justice considerations?
2. How might the health of the communities and parties you represent be affected by this rulemaking?

# Break

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# Public input period

To provide input please raise your hand or put your comment/question in the chat.

Input can also be emailed to [PFAS.2025@deq.oregon.gov](mailto:PFAS.2025@deq.oregon.gov)

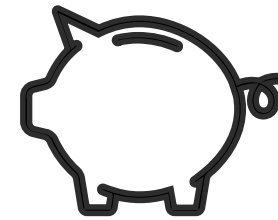
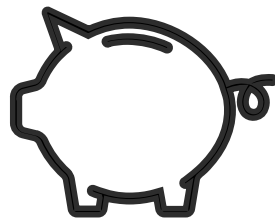
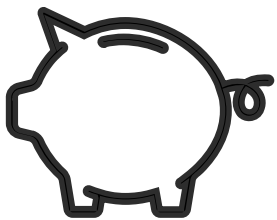
# Fiscal impact statement

## Analysis of fiscal impact on:

- Businesses
- State agencies
- Local government
- Public
- Housing costs

## Committee input requested:

- Whether proposed rule would have fiscal impact
- Extent of fiscal impact
- Impact on small businesses



# Costs for sites under Cleanup Program

- No impact when no known or suspected use
- Costs similar to (800+) contaminants under regulation



## Investigations

- Simple: records/database review, limited sampling
- Complex: more extensive, multi-media



## Cleanup

- Simple: removal, capping, land use restrictions
- Complex: treatment or containment, long-term maintenance



# Impact to public

- Health benefit of cleaner, healthier environment
- Cost benefit to some publicly owned facilities impacted by contamination
  - Example: WWTF, water providers, rate payers
- Cost burden to some publicly owned facilities with releases
  - Example: airports and municipal fire training



# RAC discussion

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1. What are additional fiscal or cost considerations?
2. How might the communities and parties you represent be economically impacted by this rulemaking?

# Next steps – provide written input

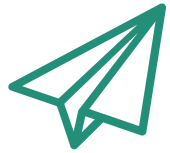


- DEQ will summarize the notes from today's meeting
- Provide additional input by **Wednesday, Feb. 5.**
  - Do you have any additional input you didn't get a chance to provide during the meeting today?
  - If so, please send it to us within the next two weeks

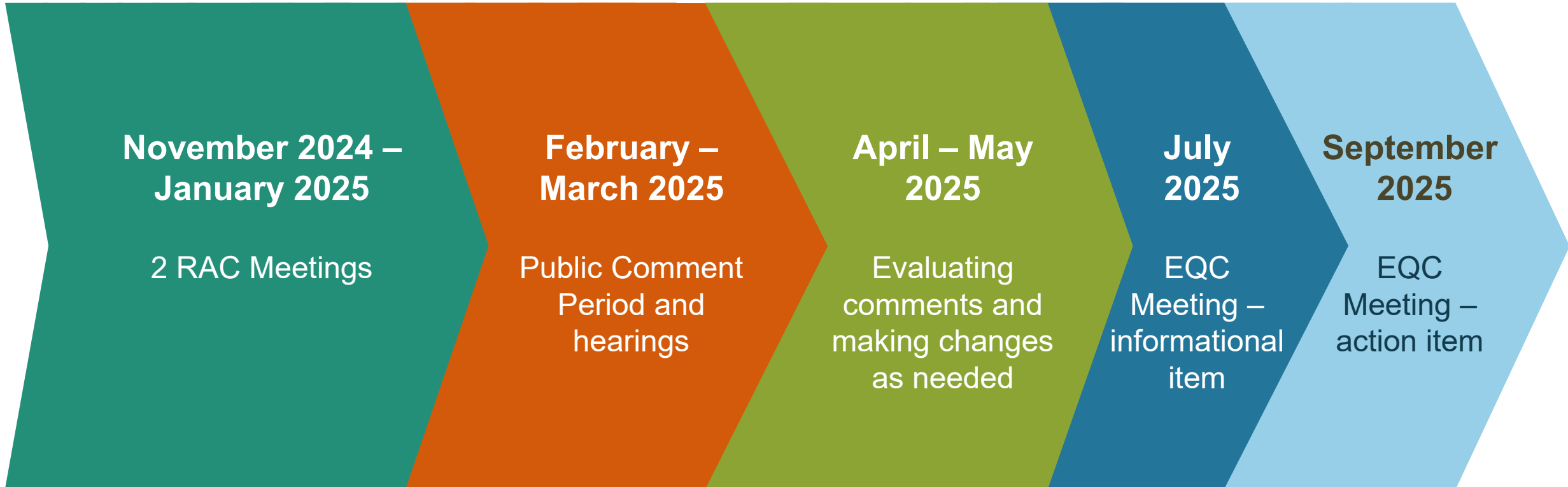


- This feedback received will be compiled and published on the website
- Email feedback to: [PFAS.2025@deq.oregon.gov](mailto:PFAS.2025@deq.oregon.gov)

# Next steps - timeline



[Sign-up for GovDelivery notifications](#)



# Title VI and alternative formats

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