



VOLUME 16 ISSUE NO. 1 WINTER 2023

# H<sub>2</sub>O LINE NEWSLETTER

## Inside This Issue:

- 2 Advantages of Bivalent Covid Booster
- 2 Soltera to pay \$408 Million to Settle Ethylene Oxide Lawsuit
- 2 Tier II Chemical Reporting Program
- 3 EPA Requires Reporting on Releases and other Waste Management
- 3 Highlights of the EPA Enforcement Summary for FY 22
- 4 Industrial Stormwater Reporting & NetDMR
- 4 Texas & Beyond Trouble

Clean Prairie is a tiered certification program that was developed to promote the beautification of the City. To become a Clean Prairie Company, businesses are encouraged to participate in beautification efforts at their own business and throughout the community. The more activities a business completes, the more points they earn, which leads to different levels of certification: Bronze, Silver, or Gold.

To become Bronze certified, the business must be free from litter and clutter and the inside must be kept clean. Businesses that want to become Silver or Gold certified must complete activities that include, but are not limited to:

1. Implementing a recycling program

## MEETING NOTICE

Please join us on **Thursday, February 16, 2023** for the next Environmental Compliance meeting. The meeting will be held from **9:30 a.m. - 11:00 a.m.** at the **Main Library located at the 901 Conover.**

Heather Goins, a Project Manager with Mead & Hunt, will be discussing PFAS and its impacts for industries. Heather has over 17 years of experience in water and wastewater compliance. Throughout her career, Heather has worked with municipal and regional utilities to implement approved pretreatment programs and provide support for water and wastewater operations. For the past ten years, she has managed teams to provide solutions for water, wastewater, and stormwater permit compliance challenges. Her experience includes water quality studies, municipal wastewater permitting, MS4 compliance, and industrial pretreatment program development.

To register, or for more information, contact Eric Straw at (972) 237-8277 or [estraw@gptx.org](mailto:estraw@gptx.org), or fax your registration form to (972) 237-8228.

## BECOME A CLEAN PRAIRIE COMPANY

2. Participating in community clean-ups hosted by the city
  3. Participating in the annual Clean Air Challenge
  4. Beautifying the outside of the business, graffiti removal, and any other action that contributes to the beautification of the city.
- Each level earns different rewards that recognizes the business for its efforts. If you are interested in becoming a Clean Prairie Company or would like more information, email [kcwieden@gptx.org](mailto:kcwieden@gptx.org).



# ADVANTAGES OF BIVALENT COVID BOOSTER

The virus that causes COVID-19 changes periodically and immunity decreases over time. Previous immunity either from being sick, vaccinated, or both decreases, and you lose some of the protection. These are some of the advantages of COVID-19 booster shots:

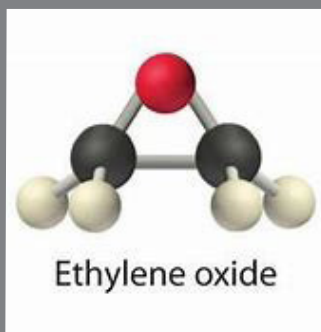
1. It's the most recent version of the COVID-19 vaccine. It contains two components: a component of the original virus strain and a component of the Omicron virus strain. Together, the two components provide broad and enhanced protection against currently circulating COVID-19 variants.
2. It's a way to maximize immune protection. While the new boosters will not prevent COVID-19 infections completely, they are designed to make your immune system capable of limiting the severity of symptoms, hospitalization, and death.
3. It is safe. The basic ingredients are the same used to manufacture the original monovalent vaccines. Small changes in the vaccine target shouldn't change the safety profile, in line with what is done with other vaccines like the flu vaccine.
4. The secondary effects are not any different than those experiences with the monovalent vaccine series.
5. People are still able to mix and match previous COVID-19 vaccines and the new booster.
6. The flu vaccine and the new COVID-19 booster bivalent shot can be obtained at the same time.
7. Data studied by the FDA shows that a bivalent vaccine induced better responses against Omicron than another dose of the original booster vaccine.
8. It is a single booster shot.

Vaccine-induced immunity is better because it's safer and it induces the kind of immunity that is going to protect you from disease. When you get infected, you have all these other symptoms from the virus wreaking havoc in your system. The bivalent booster, particularly on top of an infection, is going to strengthen your immune responses to very high levels and do so in a safe way.

## SOLTERA TO PAY \$408 MILLION TO SETTLE ETHYLENE OXIDE LAWSUIT

Soltera Health LLC, parent company to Sterigenics, has reached an agreement to settle 870+ lawsuits involving Ethylene Oxide (EO) in the state of Illinois. EO is used, according to the FDA, to sterilize half of all medical devices that require sterilization within the United States. So it's use is critical to the medical field. However, according to the National Institutes of Health, EO is also linked to an increased risk of cancer.

The over 800 plaintiffs allege they had become ill due to Ethylene Oxide emissions from the now closed Willowbrook facility, outside of Chicago. Soltera maintains that the facility posed no safety risks to the public. In a statement released by the company, they say the settlement is in the best interest of their stakeholders and will put an end to the significant costs from years of court battles. They also blame "years of biased media coverage in the Chicago area" as a reason for their capitulation. Once the plaintiffs receive a receipt of their portion of the \$408 million settlement, they will have 30 days to decide whether they will opt-in.



## TIER II CHEMICAL REPORTING PROGRAM

### REMINDER

A Tier II Chemical Report gives information about a facility, the hazardous chemicals located on site and emergency contacts. Tier II Report information is used by emergency response personnel (fire, police, and Emergency Medical Services) in responding to accidents and other community emergencies and by local emergency planning committees, who used this information for developing community emergency response plans. Tier II reporting is required for any facility that stores hazardous chemical(s) that meet or exceed chemical thresholds at any one time.

Tier II reports are due **March 1, 2023**. All Tier II Reports must be submitted using the online Tier II Reporting system available through the TCEQ's STEERS website. For more information, go to <https://www.tceq.texas.gov/permitting/tier2/tierii-online-help>.

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# EPA REQUIRES REPORTING ON RELEASES AND OTHER WASTE MANAGEMENT FOR NINE ADDITIONAL PFAS

On January 6, 2023, the EPA announced the automatic addition of 9 per- and polyfluoroalkyl substances (PFAS) to the Toxics Release Inventory (TRI) list. TRI data is reported to the EPA annually by facilities in certain industry sectors and federal facilities that manufacture, process, or otherwise use TRI-listed chemicals above certain quantities. This data shows how waste is being managed and what quantities of chemicals are being released into the environment. For TRI Reporting Year 2023 (reporting forms due by July 1, 2024), reporting is required for the nine additional PFAS, bringing the total PFAS subject to TRI reporting to 189.

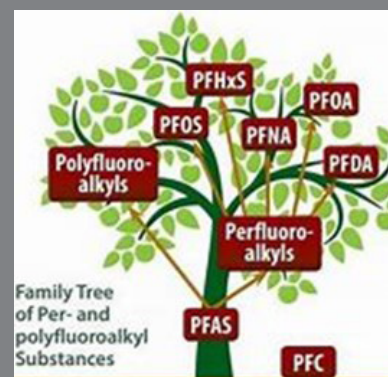
These four PFAS have been added because they are no longer claimed as confidential business information:

1. Alcohols, C8-16,  $\gamma$ - $\omega$ -perfluoro, reaction products with 1,6-diisocyanatohexane, glycidol and stearyl alc. (2728655-42-1)
2. Acetamide, N-[3-(dimethylamino)propyl]-, 2-[( $\gamma$ - $\omega$ -perfluoro-C4-20-alkyl)thio] derivs. (2738952-61-7)
3. Acetic acid, 2-[( $\gamma$ - $\omega$ -perfluoro-C4-20-alkyl)thio] derivs., 2-hydroxypropyl esters (2744262-09-5)
4. Acetamide, N-(2-aminoethyl)-, 2-[( $\gamma$ - $\omega$ -perfluoro-C4-20-alkyl)thio] derivs., polymers with N1,N1-dimethyl-1,3-propanediamine, epichlorohydrin and ethylenediamine, oxidized (2742694-36-4)

These five PFAS have been added because a toxicity value has been finalized for Perfluorobutanoic acid (PFBA), its anion, and its related salts:

1. PFBA (375-22-4)
2. Perfluorobutanoate (45048-62-2)
3. Ammonium perfluorobutanoate (10495-86-0)
4. Potassium perfluorobutanoate (2966-54-3)
5. Sodium perfluorobutanoate (2218-54-4)

As of **January 1, 2023**, facilities which are subject to reporting requirements for these chemicals should start tracking their activities involving these PFAS as required by Section 313 of the Emergency Planning and Community Right-to-Know Act.



## HIGHLIGHTS OF THE EPA ENFORCEMENT SUMMARY FOR FISCAL YEAR 2022



EPA's criminal, civil, and administrative enforcement cases reduced, treated, or eliminated pollutants by 95 million pounds and required violators to pay over \$300 million in penalties, fines, and restitution.

In fiscal year (FY) 2022, the Agency performed over 5,800 inspections, with over 3,300, or 56%, in areas of potential Environmental Justice (EJ) concern.

EPA's enforcement staff concluded approximately 1,650 civil judicial and administrative cases; of these cases, over 44% addresses facilities in areas with potential EJ concerns, the highest percentage since FY 2014.

In FY 2022, the criminal enforcement program opened 117 new cases. An individual defendant was prosecuted in 88% of the criminal cases charged in FY 2022. The criminal enforcement program's conviction rate was 94% in FY 2022.

Court sentencing in this year's cases resulted in a total of 21 years of incarceration for individual defendants. Individual and corporate defendants paid \$149,312,313 in fines and restitution with \$7,862,500 in court-ordered environmental projects. Defendants were required to forfeit an additional \$214,110,581 of illegal proceeds in FY 2022.

For FY 2022, EPA's Superfund required responsible parties to perform and/or pay for cleanup in 74 settlements, five orders, and seven settlement amendments resulting in cleanup commitments valued at \$575.0 million (for cleanup work totaling \$466.0 million and cost recovery settlements totaling \$109.0 million), including \$35.3 million from settlements with prospective purchasers and other third parties.

# INDUSTRIAL STORMWATER REPORTING & NETDMR

Facilities in Texas that discharge stormwater associated with industrial activity fall within the state's Multi-Sector General Permit (MSGP). All such facilities must obtain this general permit and comply with all effluent limitations, monitoring requirements, and the Texas Commission on Environmental Quality (TCEQ).

Discharge monitoring reports (DMRs) for the 2022 calendar year must be submitted by MSGP permittees who are required to record analytical data for effluent monitoring. These DMRs report contaminant levels in the facility's stormwater discharges. NetDMR, a new online reporting system, is now ready to accept data from MSGP permittees. Required permittees must now submit DMRs electronically using NetDMR by March 31, 2023. TCEQ hosted a NetDMR training for MSGP facilities in October, 2022. To view a recording of the online workshop, visit TCEQ's MSGP NetDMR Webinar webpage.

DMRs are to be submitted to TCEQ electronically by March 31 of each year in the following cases:

1. Any non-compliance with an effluent limit for any of the hazardous metals required in Part III.C.1 of this permit, shall be recorded on a DMR and reported in NetDMR at a frequency of once per year.
2. All results of sampling for effluent limits in accordance with Part V of the permit (Sector-specific requirements in Sectors A, C, D, E, J, or O) must be reported in NetDMR regardless of if there was an exceedance or not.

## TEXAS & BEYOND TROUBLE

A scrapyard facility in Fannin County was assessed \$20,850 for allowing the collection, storage, transportation, or disposal of municipal solid waste.

A recycling and glycerin refining site in Fayette County was assessed \$137,805 for failing to keep records of all industrial solid waste activities, failing to submit a written notice to the TCEQ which includes the types of ISW or municipal hazardous waste to be recycled, the method of storage prior to recycling, and the nature of the recycling activity 90 days prior to engaging in such activities, failing to conduct hazardous waste determinations and waste classifications, failing to notify the TCEQ as soon as possible but no later than 24 hours after the discovery of a spill, failing to immediately abate and contain a spill, and failing to prepare and implement a Stormwater Pollution Prevention Plan.

EPA Region 6 out of Dallas, Texas reported on September 27, 2022 that in Oklahoma, January Environmental Services Inc., January Transport Inc., and a company-owner Cris January will pay civil penalties of \$1.9 million and perform comprehensive corrective measures to resolve allegations that they violated the Resource Conservation and Recovery Act (RCRA) through their used oil transportation and processing operations in Oklahoma City, Oklahoma. In a complaint filed on November 30, 2020, the U.S. Environmental Protection Agency (EPA), the Department of Justice, and the Oklahoma Department of Environmental Quality (ODEQ) alleged that the companies and Cris January committed multiple violations of RCRA's used oil and hazardous waste regulations.