

Board Information Item

Environmental Task Force Activity Report

April – August 2010

Following the NWPPA's Environmental Task Force (ETF) spring meeting in Tacoma, Washington, activity has focused upon the following areas and activities:

1. U.S. EPA Advanced Notice of Proposed Rulemaking (ANPRM) on PCB Use Authorization

- a. Scope of ANPRM: The EPA's ANPRM requested information from many industries, including the electric utility industry, on the use of PCB's, the levels of PCBs in materials, testing, and more.
- b. Public Meetings: Although the EPA planned public meetings to take comments on the proposed rulemaking, none were schedule in the west. The ETF responded by requesting and holding a two hour webinar meeting with EPA headquarters officials in Washington, DC to discuss the purpose and scope of the requests. Over 100 utility employees and industry suppliers were estimated in attendance. This two way discussion, unlike other public meetings where only comments were read and no discussions with the EPA were allowed, provided NWPPA and the west a unique opportunity to share concerns such as PCB testing feasibility and impacts on operations and costs.
- c. Filing of Comments: The ETF filed comments on the ANPRM on August 13, 2010.
- d. Next Steps:
 - i. At the Sept 20, 2010 ETF meeting the EPA will be attending and NWPPA members will have an opportunity to discuss the rulemaking with the Region 10 EPA coordinator from Seattle.
 - ii. After analyzing the information and data provided, EPA Headquarters in Washington DC will announce the Notice of Proposed Rulemaking (NOPR), which will contain proposed rules for PCB use. Indications from discussions with EPA staff are that PCB's in electrical equipment could be reduced below the current 50ppm limits, to possibly 5ppm or lower. The final rule could include broad based testing for PCBs, equipment labeling, and replacement of equipment.

2. SPCC Rulemaking

- a. Scope of NOPR: EPA continues its work on SPCC rules. This rule has been in play since 2002 and its finalization has been delayed five times.

- b. Filing of Comments: The NWPPA ETF filed comments with the EPA on May 1, 2010 with eight specific recommendations primarily requesting clarifications.
- c. Order and Potential Delayed Imp[le]mentation: A ruling is in place and all facilities are to have developed and implemented a SPCC plan by November 10, 2010. On July 30, 2010 the EPA proposed to delay and extend the November 10th implementation date by up to one additional year. As of August 13th, no decision has come from EPA regarding the extension.
- d. Next Steps: It is recommended that members update or develop and implement necessary SPCC plans for their facilities versus waiting until next year. This is due to the lead time required. NWPPA has provided two training classes on SPCC plan preparation and additional classes could be offered if there is enough interest.

3. SPCC Rule Clarification

- a. The NWPPA ETF sent a letter, along with its 2006 comment letter on a SPCC rulemaking, to the Region 10, EPA, Office of Environmental Cleanup requesting clarification on how to proceed in a variety of scenarios where oil filled equipment has been placed upon customer property for the customers' specific use. State law does not allow public funds to be spent on customer property but containment areas or other remediation is required by the SPCC rule. The request was to clarify who is responsible for SPCC compliance in such cases.
- b. Follow up will occur with the Region 10 coordinator over the next several months.

4. September ETF Meeting

- a. Meeting: The next meeting of the ETF will occur on Monday, September 20, 2010 in South Lake Tahoe, California. These meetings are rotated to be held in various states so that those not able to travel long distances have an opportunity to attend. The ETF encourages all California, Nevada and Oregon utilities to attend.
- b. Topics: Meeting topics will include a presentation and discussion with the EPA's Region 10 PCB Coordinator and the Region 10 Toxic Air Coordinator. The topics will be the ANPRM on PCBs and the mandatory green house gas reporting order. Additional presentations will be from industry vendors that handle PCB wastes which is especially important given their services will be required and will increase if/when the EPA orders PCB levels reduced as expected.

NWPPA encourages all members to engage employees with the ETF and to attend the meetings in order to remain current on environmental issues and rulemakings, as well

as to network with peers on solutions to issues a member may have. In addition to the ETF meetings, NWPPA maintains the Environmental Task Force Basecamp which is used to prepare comments, share information and network with peers using an internet based system.

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