

PFAS Update and Future Impacts

REGFORM 2024 Missouri Water Seminar

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Agenda

- Overview
- Review environmental regulatory programs, PFAS actions, dates
- Impacts, planning suggestions

PFAS Overview

[Environmental Topics](#) ▾[Laws & Regulations](#) ▾[Report a Violation](#) ▾[About EPA](#) ▾

PFOA, PFOS and Other PFAS

[CONTACT US](#)[PFAS Home](#)[PFAS Explained](#)[EPA actions to address PFAS](#)[PFAS Strategic Roadmap](#)[Data and Tools](#)[State Information](#)

PFAS Strategic Roadmap: EPA's Commitments to Action 2021–2024

On October 18, 2021, EPA Administrator Michael S. Regan announced the Agency's PFAS Strategic Roadmap—laying out a whole-of-agency approach to addressing PFAS.

The roadmap sets timelines by which EPA plans to take specific actions and commits to bolder new policies to safeguard public health, protect the environment, and hold polluters accountable. The actions described in the PFAS Roadmap each represent important and meaningful steps to safeguard communities from PFAS contamination. Cumulatively, these actions will build upon one another and lead to more enduring and protective solutions.

- Read EPA's one-year progress report on its work under the PFAS Strategic Roadmap: [EPA's PFAS Strategic Roadmap: A Year of Progress \(pdf\)](#) (3.33 MB, November 2022)
- Read an overview of the PFAS Strategic Roadmap and learn more about key actions below, or read the complete [PFAS Strategic Roadmap \(pdf\)](#) (1.46 MB) .
- [Learn about EPA actions and accomplishments since January 20, 2021.](#)
- View the slides from EPA-hosted webinars: [Webinar: PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024 \(pdf\)](#) (864.63 KB, October 2021)

Lea en español

Infórmese acerca del [Mapa estratégico sobre PFAS: Los compromisos de la EPA para tomar acción en 2021-2024](#)

PFAS Overview

- EPA PFAS Strategic Roadmap
- “Whole of Agency” approach
- Broad impacts on industrial, waste management, wastewater, drinking water sectors
 - Across all federal and state environmental regulatory programs
 - Some, sooner than you may think
- Analytical methods are new; several only recently developed and approved; sampling issues; historical data issues
 - January 2024: EPA finalizes two test methods for PFAS in wastewater, soils, and certain other matrices: Methods 1621 and 1633
- Risk communication challenges



Drinking Water

- April 10, 2024: EPA finalized MCLs under SDWA for six PFAS compounds
 - PFOA, PFOS: 4.0 ppt (roughly equivalent to lab detection limits)
 - Four others: Combined exposures, Hazard Index = 1
- Some funding available under federal Infrastructure Act
- Directed to Public Water Systems, but impact is much broader
- Potential impacts: Other environmental programs
- State laws



NPDES and Wastewater

- POTW concerns
- EPA guidance for permit writers: April 2022, December 2022
 - Directed toward obtaining information about PFAS contained in
 - POTW outfalls
 - Industrial Users' influent to POTWs under pretreatment permits
 - Direct Dischargers' outfalls
- Key: Sampling, gathering information about PFAS presence, past usage, inputs, outfalls
 - Will lead to plans for PFAS reduction from Industrial Users and Dischargers
 - Pretreatment permit requirements
- Coming: Regulations with similar requirements; Effluent Limitations Guidelines (ELGs)
- Potential impacts
- Biosolids



Environmental Remediation: CERCLA

- CERCLA “hazardous substances” definition
- Effective July 8, 2024: Regulation defines PFOA and PFOS as “hazardous substances”
- Five-Year Reviews, remedy reopeners
- “All Appropriate Inquiry” in real estate transactions (Phase 1, Phase 2 ESAs)
- April 19, 2024: EPA issues enforcement discretion & settlement policy
- Impacts
 - Historic remediations; reopeners
 - Risk, exposure; cleanup levels
 - MDNR establishing PFAS dashboard to help locate potential PFAS release sources
 - Biosolids
 - Transactions; BVCP sites
 - CERCLA cost recovery, litigation
 - EPA enforcement discretion & settlement policy may not fully protect public entities



Waste Management: RCRA and other

- RCRA Hazardous Waste status
 - PFAS as “hazardous constituents” or “hazardous wastes”?
- RCRA Corrective Action
- EPA proposal February 2024; expect final regulations December 2024
- Impacts: PFAS discarded materials management, wastes, biosolids
- April 2024: EPA updates interim guidance on PFAS destruction, disposal
 - Accepting public comments for 180 days
- TRI: Expansions of PFAS reporting
 - Some new requirements for 2023 reporting year (due June 2024); more due 2025
- TSCA: New PFAS reporting requirements for product manufacturers, importers
- August 2023: EPA adds PFAS to National Enforcement & Compliance Initiative



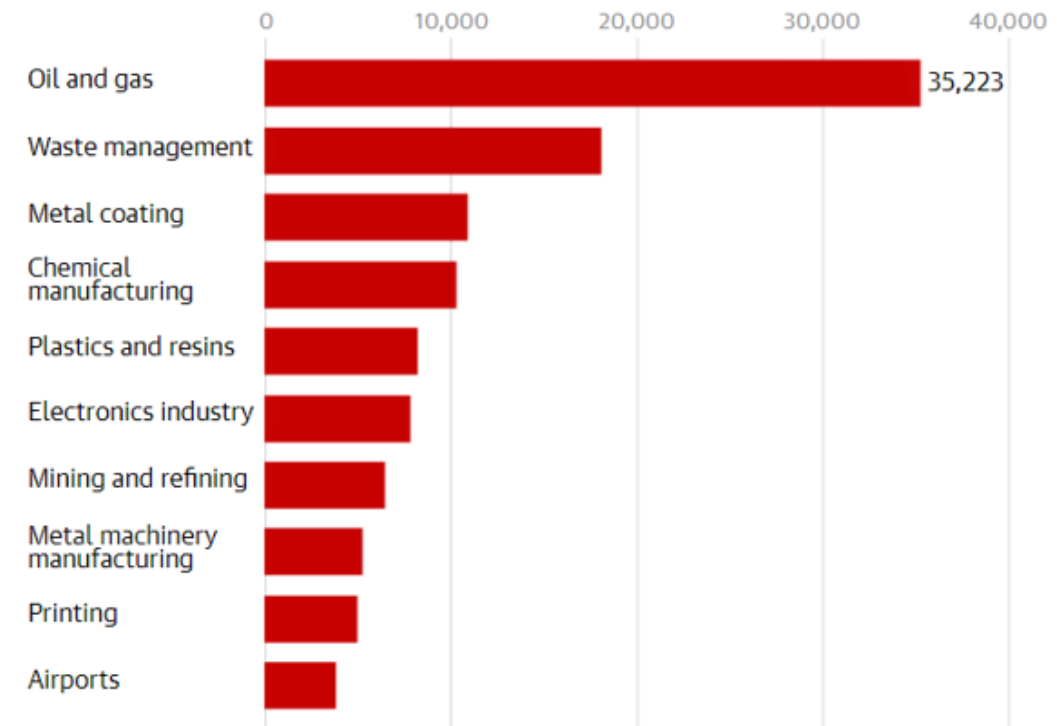
Impacts and Planning

What industry are you in?

What industries do you serve?

Facilities potentially handling PFAS - top 10 industries

Facilities may be counted twice if they belong to multiple industries



Guardian graphic. Source: US Environmental Protection Agency



Impacts and Planning

- Follow regulatory developments
- Impact of recent Supreme Court *Loper Bright* decision and demise of *Chevron* deference to certain agency interpretations of statutes?
- Potential for litigation
- Attorney-client privilege
- Anticipate requirements to test for PFAS
- Sampling strategies
- Source reduction; finding alternatives
- Weighing and balancing risks
- **Bottom Line: Sometimes, there will be no clear answers**

Questions?



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