



# *Hazardous Wastes and Cleanups: PFAS Impacts*

REGFORM 2025 Missouri Hazardous Waste 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
  - Interrelated impacts to hazardous waste management and environmental remediations
- Analytical methods are new; historical data issues
  - January 2024: EPA finalizes two test methods for PFAS in wastewater, soils, and certain other matrices: Methods 1621 and 1633



# April 2024: EPA establishes PFAS MCLs

- 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
- Directed to Public Water Systems, but impact is much broader
- Potential impacts
  - Other environmental programs, including hazardous wastes and remediations
  - State laws
- Subject to judicial review; challenges pending in D.C. Circuit Court of Appeals
  - February 2025: 60-day stay granted for litigation only, not the regulation



# NPDES and Wastewater

- POTW concerns
- 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
- January 21, 2025: OMB withdraws EPA's proposed Effluent Limitations Guidelines (ELGs) for PFAS manufacturers
- Potential impacts
- Biosolids: For PFAS, a patchwork system
  - January 2025: EPA issues draft biosolids risk assessment
  - Missouri land application restrictions are in flux



# Waste Management: RCRA

- RCRA Hazardous Waste status
  - PFAS as “hazardous constituents” or “hazardous wastes”?
- RCRA Corrective Action
- EPA proposal February 2024; expected final regulations December 2024, but did not happen
- Impacts: PFAS discarded materials management, wastes, biosolids
- April 2024: EPA updates interim guidance on PFAS destruction, disposal
  - Accepted public comments for 180 days
- EPA adds PFAS to FY 2024-27 National Enforcement & Compliance Initiatives



# Environmental Remediation: CERCLA

- CERCLA “hazardous substances” definition
- July 2024: Regulation defines PFOA and PFOS as “hazardous substances”
- April 2024: EPA issues enforcement discretion & settlement policy
  - But may not fully protect public entities
- Subject to judicial challenges before D.C. Circuit Court of Appeals
  - Lawsuit stayed for 60 days, but not the regulation itself
- Impacts
  - Risk, exposure; screening levels; cleanup levels (ARARs)
  - CERCLA historic remedy reopeners; Five-Year Reviews
  - CERCLA cost recovery, litigation
  - Biosolids
  - Real estate transactions “All Appropriate Inquiry” (Phase 1, Phase 2 ESAs)
  - BVCP sites



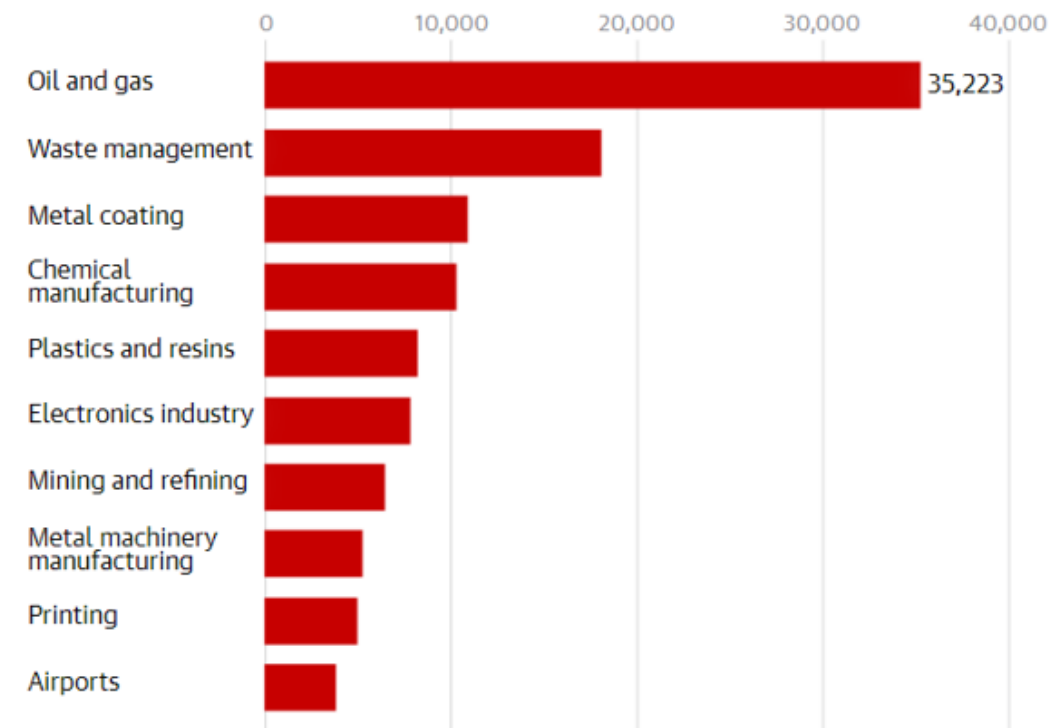
# Impacts and Planning

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 third-party litigation
- Attorney-client privilege
- Anticipate evolving PFAS requirements
- Sampling and investigation strategies
- Source reduction; finding alternatives
- Weighing and balancing risks
- Risk communication challenges
- **Bottom Line: Sometimes, there will be no clear answers**

# Questions?



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