

116TH CONGRESS
1ST SESSION

S. 2980

To require the promulgation of certain standards for perfluoroalkyl and polyfluoroalkyl substances under the Federal Water Pollution Control Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 2019

Mrs. GILLIBRAND (for herself, Mr. DURBIN, Mr. MERKLEY, Mr. BLUMENTHAL, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the promulgation of certain standards for perfluoroalkyl and polyfluoroalkyl substances under the Federal Water Pollution Control Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Water Standards
5 for PFAS Act of 2019”.

1 **SEC. 2. CLEAN WATER ACT EFFLUENT STANDARDS,**
2 **PRETREATMENT STANDARDS, AND WATER**
3 **QUALITY CRITERIA FOR PFAS.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Environ-
7 mental Protection Agency.

8 (2) COVERED PERFLUOROALKYL OR
9 POLYFLUOROALKYL SUBSTANCE OR CLASS.—The
10 term “covered perfluoroalkyl or polyfluoroalkyl sub-
11 stance or class” means a measurable chemical sub-
12 stance, or class of chemical substances, that is—

13 (A) perfluorooctanoic acid or
14 perfluorooctane sulfonic acid, a salt associated
15 with perfluorooctanoic acid or perfluorooctane
16 sulfonic acid, or a substance that degrades to
17 perfluorooctanoic acid or perfluorooctane sul-
18 fonic acid;

19 (B) a perfluoroalkyl or polyfluoroalkyl sub-
20 stance or class of perfluoroalkyl or
21 polyfluoroalkyl substances that is—

22 (i) identified in section 721.9582 or
23 721.10536 of title 40, Code of Federal
24 Regulations (as in effect on the date of en-
25 actment of this Act); and

(ii) listed as an active chemical substance in the February 2019 update to the inventory published under section 8(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2607(b)(1)); or

(C) a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which the Administrator has established a draft toxicity value under the Integrated Risk Information System program of the Environmental Protection Agency.

(3) EFFLUENT LIMITATION.—The term “effluent limitation” means an effluent limitation established under section 301(b) of the Federal Water Pollution Control Act (33 U.S.C. 1311(b)).

(4) MEASURABLE.—The term “measurable”, with respect to a chemical substance or class of chemical substances, means capable of being measured using—

(A) test procedures established under section 304(h) of the Federal Water Pollution Control Act (33 U.S.C. 1314(h)); or

(B) any other analytical method developed by the Administrator.

1 (5) PERFLUOROALKYL OR POLYFLUOROALKYL
2 SUBSTANCE.—The term “perfluoroalkyl or
3 polyfluoroalkyl substance” means a perfluoroalkyl
4 substance or a polyfluoroalkyl substance that is—

5 (A) manmade; and

6 (B) has at least 1 fully fluorinated carbon
7 atom.

8 (6) PRETREATMENT STANDARD.—The term
9 “pretreatment standard” means a pretreatment
10 standard promulgated under section 307(b) of the
11 Federal Water Pollution Control Act (33 U.S.C.
12 1317(b)).

13 (7) PRIORITY INDUSTRY CATEGORY.—The term
14 “priority industry category” means the following
15 point source categories:

16 (A) Organic chemicals, plastics, and syn-
17 thetic fibers, as identified in part 414 of title
18 40, Code of Federal Regulations (or successor
19 regulations).

20 (B) Pulp, paper, and paperboard, as iden-
21 tified in part 430 of title 40, Code of Federal
22 Regulations (or successor regulations).

23 (C) Textile mills, as identified in part 410
24 of title 40, Code of Federal Regulations (or suc-
25 cessor regulations).

1 (8) TREATMENT WORKS.—The term “treatment
2 works” has the meaning given the term in section
3 212 of the Federal Water Pollution Control Act (33
4 U.S.C. 1292).

5 (9) WATER QUALITY CRITERIA.—The term
6 “water quality criteria” means criteria for water
7 quality published under section 304(a)(1) of the
8 Federal Water Pollution Control Act (33 U.S.C.
9 1314(a)(1)).

10 (b) REVIEW AND REGULATION OF SUBSTANCES AND
11 SOURCES.—

12 (1) REVIEW.—As soon as practicable, but not
13 later than June 1, 2021, the Administrator shall
14 publish in the Federal Register a description of the
15 results of a review of the classes and categories of
16 point sources (other than publicly owned treatment
17 works) that discharge perfluoroalkyl and
18 polyfluoroalkyl substances.

19 (2) REGULATION.—Based on the results of the
20 review conducted under paragraph (1) and in ac-
21 cordance with the requirements of the Federal
22 Water Pollution Control Act (33 U.S.C. 1251 et
23 seq.), the Administrator shall—

24 (A) in accordance with the description pub-
25 lished under paragraph (1), establish effluent

1 limitations and pretreatment standards for the
2 discharge of measurable perfluoroalkyl and
3 polyfluoroalkyl substances and classes of
4 perfluoroalkyl and polyfluoroalkyl substances
5 from classes and categories of point sources
6 (other than publicly owned treatment works);
7 and

8 (B) not later than 1 year after the date on
9 which the description is published under para-
10 graph (1), publish water quality criteria for
11 measurable perfluoroalkyl and polyfluoroalkyl
12 substances and classes of perfluoroalkyl and
13 polyfluoroalkyl substances.

14 (c) DEADLINES FOR CERTAIN SUBSTANCES.—

15 (1) COVERED PERFLUOROALKYL AND
16 POLYFLUOROALKYL SUBSTANCES AND CLASSES.—

17 (A) WATER QUALITY CRITERIA.—Not later
18 than 2 years after the date of enactment of this
19 section, the Administrator shall publish in the
20 Federal Register water quality criteria for each
21 covered perfluoroalkyl and polyfluoroalkyl sub-
22 stance and class.

23 (B) EFFLUENT LIMITATIONS AND
24 PRETREATMENT STANDARDS FOR PRIORITY IN-
25 DUSTRY CATEGORIES.—As soon as practicable,

1 but not later than 4 years after the date of en-
2 actment of this section, the Administrator shall
3 publish in the Federal Register a final rule es-
4 tablishing, for each priority industry category,
5 effluent limitations and pretreatment standards
6 for each covered perfluoroalkyl and
7 polyfluoroalkyl substance and class.

8 (2) OTHER PERFLUOROALKYL AND
9 POLYFLUOROALKYL SUBSTANCES AND CLASSES.—

10 (A) WATER QUALITY CRITERIA.—Not later
11 than 180 days after the date on which a
12 perfluoroalkyl or polyfluoroalkyl substance or
13 class of perfluoroalkyl or polyfluoroalkyl sub-
14 stances (other than a covered perfluoroalkyl or
15 polyfluoroalkyl substance or class) meets the
16 criteria described in subparagraph (C), the Ad-
17 ministrator shall publish in the Federal Reg-
18 ister—

19 (i) a determination, in accordance
20 with the requirements of the Federal
21 Water Pollution Control Act (33 U.S.C.
22 1251 et seq.), of whether to publish water
23 quality criteria for the perfluoroalkyl or
24 polyfluoroalkyl substance or class of

perfluoroalkyl or polyfluoroalkyl substances; and

(ii) as applicable based on the determination under clause (i), water quality criteria.

(B) EFFLUENT LIMITATIONS AND PRETREATMENT STANDARDS.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances (other than a covered perfluoroalkyl or polyfluoroalkyl substance or class) that meets the criteria described in subparagraph (C), after the date on which the Administrator determines that the criteria are met, the Administrator shall publish in the Federal Register a schedule for publishing final rules establishing—

(i) effluent limitations; and

(ii) pretreatment standards.

(C) CRITERIA DESCRIBED.—The criteria referred to in subparagraphs (A) and (B), with respect to each measurable perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances, are that the Administrator has—

1 (i) made, by rule, a determination
2 under paragraph (2) of section 5(a) of the
3 Toxic Substances Control Act (15 U.S.C.
4 2604(a)) that a use of a chemical sub-
5 stance is a significant new use (other than
6 a determination described in paragraph
7 (3)(B) or (3)(C) of that section); or

8 (ii) published a draft toxicity value
9 under the Integrated Risk Information
10 System program of the Environmental
11 Protection Agency.

12 (d) NOTIFICATION.—The Administrator shall notify
13 the Committee on Transportation and Infrastructure of
14 the House of Representatives and the Committee on Envi-
15 ronment and Public Works of the Senate of each publica-
16 tion made under this section.

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