

117TH CONGRESS
1ST SESSION

S. 1907

To require the Administrator of the Environmental Protection Agency to develop effluent limitations guidelines and standards and water quality criteria for PFAS under the Federal Water Pollution Control Act, to provide Federal grants to publicly owned treatment works to implement such guidelines and standards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

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

A BILL

To require the Administrator of the Environmental Protection Agency to develop effluent limitations guidelines and standards and water quality criteria for PFAS under the Federal Water Pollution Control Act, to provide Federal grants to publicly owned treatment works to implement such guidelines and standards, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Clean Water Standards
3 for PFAS Act of 2021”.

4 **SEC. 2. CLEAN WATER ACT EFFLUENT LIMITATIONS GUIDE-**
5 **LINES AND STANDARDS AND WATER QUALITY**
6 **CRITERIA FOR PFAS.**

7 (a) DEADLINES.—

8 (1) WATER QUALITY CRITERIA.—Not later than
9 2 years after the date of enactment of this section,
10 the Administrator shall publish in the Federal Reg-
11 ister human health water quality criteria for each
12 measurable perfluoroalkyl substance, polyfluoroalkyl
13 substance, and class of such substances.

14 (2) EFFLUENT LIMITATIONS GUIDELINES AND
15 STANDARDS FOR PRIORITY INDUSTRY CAT-
16 EGORIES.—As soon as practicable, but not later
17 than 4 years after the date of enactment of this sec-
18 tion, the Administrator shall publish in the Federal
19 Register a final rule establishing, for each priority
20 industry category, effluent limitations guidelines and
21 standards, in accordance with the Federal Water
22 Pollution Control Act (33 U.S.C. 1251 et seq.), for
23 the discharge (including a discharge into a publicly
24 owned treatment works) of each measurable
25 perfluoroalkyl substance, polyfluoroalkyl substance,
26 and class of such substances.

1 (b) NOTIFICATION.—The Administrator shall notify
 2 the Committee on Transportation and Infrastructure of
 3 the House of Representatives and the Committee on Envi-
 4 ronment and Public Works of the Senate of each publica-
 5 tion made under this section.

6 (c) IMPLEMENTATION ASSISTANCE FOR PUBLICLY
 7 OWNED TREATMENT WORKS.—

8 (1) IN GENERAL.—The Administrator shall
 9 award grants to owners and operators of publicly
 10 owned treatment works, to be used to implement ef-
 11 fluent limitations guidelines and standards developed
 12 by the Administrator for a perfluoroalkyl substance,
 13 polyfluoroalkyl substance, or class of such sub-
 14 stances.

15 (2) AUTHORIZATION OF APPROPRIATIONS.—
 16 There is authorized to be appropriated to the Ad-
 17 ministrator to carry out this subsection
 18 \$200,000,000 for each of fiscal years 2022 through
 19 2026, to remain available until expended.

20 (d) DEFINITIONS.—In this section:

21 (1) ADMINISTRATOR.—The term “Adminis-
 22 trator” means the Administrator of the Environ-
 23 mental Protection Agency.

24 (2) EFFLUENT LIMITATION.—The term “efflu-
 25 ent limitation” has the meaning given that term in

1 section 502 of the Federal Water Pollution Control
2 Act (33 U.S.C. 1362).

3 (3) MEASURABLE.—The term “measurable”,
4 with respect to a chemical substance or class of
5 chemical substances, means capable of being meas-
6 ured using—

7 (A) a test procedure promulgated or ap-
8 proved in accordance with part 136 of title 40,
9 Code of Federal Regulations (or successor regu-
10 lations); or

11 (B) another analytical method for meas-
12 uring a perfluoroalkyl substance, polyfluoroalkyl
13 substance, or class of those substances, if the
14 analytical method is validated by the Adminis-
15 trator.

16 (4) PERFLUOROALKYL SUBSTANCE.—The term
17 “perfluoroalkyl substance” means a chemical of
18 which all of the carbon atoms are fully fluorinated
19 carbon atoms.

20 (5) POLYFLUOROALKYL SUBSTANCE.—The
21 term “polyfluoroalkyl substance” means a chemical
22 containing at least one fully fluorinated carbon atom
23 and at least one carbon atom that is not a fully
24 fluorinated carbon atom.

1 (6) PRIORITY INDUSTRY CATEGORY.—The term
2 “priority industry category” means the following
3 point source categories:

4 (A) Organic chemicals, plastics, and syn-
5 thetic fibers, as identified in part 414 of title
6 40, Code of Federal Regulations (or successor
7 regulations).

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

11 (C) Textile mills, as identified in part 410
12 of title 40, Code of Federal Regulations (or suc-
13 cessor regulations).

14 (D) Electroplating, as identified in part
15 413 of title 40, Code of Federal Regulations (or
16 successor regulations).

17 (E) Metal finishing, as identified in part
18 433 of title 40, Code of Federal Regulations (or
19 successor regulations).

20 (F) Leather tanning and finishing, as iden-
21 tified in part 425 of title 40, Code of Federal
22 Regulations (or successor regulations).

23 (G) Paint formulating, as identified in part
24 446 of title 40, Code of Federal Regulations (or
25 successor regulations).

1 (H) Electrical and electronic components,
2 as identified in part 469 of title 40, Code of
3 Federal Regulations (or successor regulations).

4 (I) Plastics molding and forming, as iden-
5 tified in part 463 of title 40, Code of Federal
6 Regulations (or successor regulations).

7 (7) TREATMENT WORKS.—The term “treatment
8 works” has the meaning given that term in section
9 212 of the Federal Water Pollution Control Act (33
10 U.S.C. 1292).

11 (8) WATER QUALITY CRITERIA.—The term
12 “water quality criteria” means the recommended cri-
13 teria for water quality developed by the Adminis-
14 trator under section 304(a)(1) of the Federal Water
15 Pollution Control Act (33 U.S.C. 1314(a)(1)).

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