

117TH CONGRESS
2D SESSION

S. 4161

To establish effluent limitations guidelines and standards and water quality criteria for perfluoroalkyl and polyfluoroalkyl substances under the Federal Water Pollution Control Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2022

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish effluent limitations guidelines and standards and water quality criteria 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 2.0 Act of 2022”.

1 **SEC. 2. CLEAN WATER ACT EFFLUENT LIMITATIONS GUIDE-**
2 **LINES AND STANDARDS AND WATER QUALITY**
3 **CRITERIA FOR PFAS.**

4 (a) DEADLINES.—

5 (1) WATER QUALITY CRITERIA.—Not later than
6 the date that is 3 years after the date of enactment
7 of this Act, the Administrator shall publish in the
8 Federal Register human health water quality criteria
9 under section 304(a)(1) of the Federal Water Pollu-
10 tion Control Act (33 U.S.C. 1314(a)(1)) to address
11 each measurable perfluoroalkyl substance,
12 polyfluoroalkyl substance, and class of those sub-
13 stances.

14 (2) EFFLUENT LIMITATIONS GUIDELINES AND
15 STANDARDS FOR PRIORITY INDUSTRY CAT-
16 EGORIES.—Not later than the following dates, the
17 Administrator shall publish in the Federal Register
18 a final rule establishing effluent limitations guide-
19 lines and standards, in accordance with the Federal
20 Water Pollution Control Act (33 U.S.C. 1251 et
21 seq.), for each of the following industry categories
22 for the discharge (including a discharge into a pub-
23 licly owned treatment works) of each measurable
24 perfluoroalkyl substance, polyfluoroalkyl substance,
25 or class of those substances:

1 (A) DURING CALENDAR YEAR 2024.—Not
2 later than June 30, 2024, for the following
3 point source categories:

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

8 (ii) Electroplating, as identified in
9 part 413 of title 40, Code of Federal Regu-
10 lations (or successor regulations).

11 (iii) Metal finishing, as identified in
12 part 433 of title 40, Code of Federal Regu-
13 lations (or successor regulations).

14 (B) DURING CALENDAR YEAR 2025.—Not
15 later than June 30, 2025, for the following
16 point source categories:

17 (i) Textile mills, as identified in part
18 410 of title 40, Code of Federal Regula-
19 tions (or successor regulations).

20 (ii) Electrical and electronic compo-
21 nents, as identified in part 469 of title 40,
22 Code of Federal Regulations (or successor
23 regulations).

1 (iii) Landfills, as identified in part
2 445 of title 40, Code of Federal Regula-
3 tions (or successor regulations).

4 (C) DURING CALENDAR YEAR 2026.—Not
5 later than December 31, 2026, for the following
6 point source categories:

7 (i) Leather tanning and finishing, as
8 identified in part 425 of title 40, Code of
9 Federal Regulations (or successor regula-
10 tions).

11 (ii) Paint formulating, as identified in
12 part 446 of title 40, Code of Federal Regu-
13 lations (or successor regulations).

14 (iii) Plastics molding and forming, as
15 identified in part 463 of title 40, Code of
16 Federal Regulations (or successor regula-
17 tions).

18 (b) ADDITIONAL MONITORING REQUIREMENTS.—

19 (1) IN GENERAL.—Effective beginning on the
20 date of enactment of this Act, the Administrator
21 shall require monitoring of the discharges (including
22 discharges into a publicly owned treatment works) of
23 each measurable perfluoroalkyl substance,
24 polyfluoroalkyl substance, and class of those sub-
25 stances for the point source categories and entities

1 described in paragraph (2). The monitoring require-
2 ments under this paragraph shall be included in any
3 permits issued under section 402 of the Federal
4 Water Pollution Control Act (33 U.S.C. 1342) after
5 the date of enactment of this Act.

6 (2) CATEGORIES DESCRIBED.—The point
7 source categories and entities referred to in para-
8 graphs (1) and (3) are each of the following:

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

12 (B) Airports (as defined in section 47102
13 of title 49, United States Code).

14 (3) DETERMINATION.—

15 (A) IN GENERAL.—Not later than Decem-
16 ber 31, 2023, the Administrator shall make a
17 determination—

18 (i) to commence developing effluent
19 limitations and standards for the point
20 source categories and entities listed in
21 paragraph (2); or

22 (ii) that effluent limitations and
23 standards are not feasible for those point
24 source categories and entities, including an

1 explanation of the reasoning for this deter-
2 mination.

3 (B) REQUIREMENT.—Any effluent limita-
4 tions and standards for the point source cat-
5 egories and entities listed in paragraph (2) shall
6 be published in the Federal Register by not
7 later than December 31, 2027.

8 (c) NOTIFICATION.—The Administrator shall notify
9 the Committee on Transportation and Infrastructure of
10 the House of Representatives and the Committee on Envi-
11 ronment and Public Works of the Senate of each publica-
12 tion made under this section.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Administrator to
15 carry out this section \$12,000,000 for fiscal year 2023,
16 to remain available until expended.

17 (e) DEFINITIONS.—In this section:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the Environ-
20 mental Protection Agency.

21 (2) EFFLUENT LIMITATION.—The term “efflu-
22 ent limitation” has the meaning given the term in
23 section 502 of the Federal Water Pollution Control
24 Act (33 U.S.C. 1362).

1 (3) MEASURABLE.—The term “measurable”,
2 with respect to a chemical substance or class of
3 chemical substances, means capable of being meas-
4 ured using test procedures established under section
5 304(h) of the Federal Water Pollution Control Act
6 (33 U.S.C. 1314(h)).

7 (4) PERFLUOROALKYL SUBSTANCE.—The term
8 “perfluoroalkyl substance” means a chemical of
9 which all of the carbon atoms are fully fluorinated
10 carbon atoms.

11 (5) POLYFLUOROALKYL SUBSTANCE.—The
12 term “polyfluoroalkyl substance” means a chemical
13 containing at least 1 fully fluorinated carbon atom
14 and at least 1 carbon atom that is not a fully
15 fluorinated carbon atom.

16 (6) TREATMENT WORKS.—The term “treatment
17 works” has the meaning given the term in section
18 212 of the Federal Water Pollution Control Act (33
19 U.S.C. 1292).

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