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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clean Water Standards for PFAS 2.0 Act of 2022”.
SEC. 2. CLEAN WATER ACT EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS AND WATER QUALITY CRITERIA FOR PFAS.

(a) Deadlines.—

(1) Water quality criteria.—Not later than the date that is 3 years after the date of enactment of this Act, the Administrator shall publish in the Federal Register human health water quality criteria under section 304(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(1)) to address each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of those substances.

(2) Effluent limitations guidelines and standards for priority industry categories.—Not later than the following dates, the Administrator shall publish in the Federal Register a final rule establishing effluent limitations guidelines and standards, in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), for each of the following industry categories for the discharge (including a discharge into a publicly owned treatment works) of each measurable perfluoroalkyl substance, polyfluoroalkyl substance, or class of those substances:
(A) **DURING CALENDAR YEAR 2024.**—Not later than June 30, 2024, for the following point source categories:

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

(ii) Electroplating, as identified in part 413 of title 40, Code of Federal Regulations (or successor regulations).

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

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

(i) Textile mills, as identified in part 410 of title 40, Code of Federal Regulations (or successor regulations).

(ii) Electrical and electronic components, as identified in part 469 of title 40, Code of Federal Regulations (or successor regulations).
(iii) Landfills, as identified in part 445 of title 40, Code of Federal Regulations (or successor regulations).

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

(i) Leather tanning and finishing, as identified in part 425 of title 40, Code of Federal Regulations (or successor regulations).

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

(iii) Plastics molding and forming, as identified in part 463 of title 40, Code of Federal Regulations (or successor regulations).

(b) ADDITIONAL MONITORING REQUIREMENTS.—

(1) IN GENERAL.—Effective beginning on the date of enactment of this Act, the Administrator shall require monitoring of the discharges (including discharges into a publicly owned treatment works) of each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of those substances for the point source categories and entities
described in paragraph (2). The monitoring requirements under this paragraph shall be included in any permits issued under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) after the date of enactment of this Act.

(2) CATEGORIES DESCRIBED.—The point source categories and entities referred to in paragraphs (1) and (3) are each of the following:

(A) Pulp, paper, and paperboard, as identified in part 430 of title 40, Code of Federal Regulations (or successor regulations).

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

(3) DETERMINATION.—

(A) IN GENERAL.—Not later than December 31, 2023, the Administrator shall make a determination—

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

(ii) that effluent limitations and standards are not feasible for those point source categories and entities, including an
explanation of the reasoning for this determination.

(B) REQUIREMENT.—Any effluent limitations and standards for the point source categories and entities listed in paragraph (2) shall be published in the Federal Register by not later than December 31, 2027.

(c) NOTIFICATION.—The Administrator shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of each publication made under this section.

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

(e) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) EFFLUENT LIMITATION.—The term “effluent limitation” has the meaning given the term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).
(3) Measurable.—The term “measurable”, with respect to a chemical substance or class of chemical substances, means capable of being measured using test procedures established under section 304(h) of the Federal Water Pollution Control Act (33 U.S.C. 1314(h)).

(4) Perfluoroalkyl Substance.—The term “perfluoroalkyl substance” means a chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(5) Polyfluoroalkyl Substance.—The term “polyfluoroalkyl substance” means a chemical containing at least 1 fully fluorinated carbon atom and at least 1 carbon atom that is not a fully fluorinated carbon atom.

(6) Treatment Works.—The term “treatment works” has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).