STATE OF NEW YORK

9525

IN SENATE

August 5, 2022

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to enacting the "PFAS surface water discharge disclosure act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act may be known and may be cited as the "PFAS surface water discharge disclosure act".

§ 2. Legislative intent. PFAS (per- and polyfluoroalkyl chemicals) are a class of persistent, bioaccumulative, and toxic chemicals. PFAS have contaminated surface waters and groundwater in New York and across the country. New York has led the nation by limiting two PFAS--perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS)--in drinking water by setting a maximum contaminant level for these two chemicals. However, no PFAS--not even PFOA or PFOS--are currently limited in discharges to our surface waters. Further, those proposing to discharge pollutants into New York's waterways are not even required to disclose whether their existing or proposed discharges contain PFAS. The lack of information about the suite of PFAS chemicals currently entering New York's waterways serves as a barrier to developing regulations to protect people and the environment from the harms of PFAS in our waterways. The modification of existing application requirements will ensure all facilities currently discharging or proposing to discharge into waters in New York disclose and monitor their discharge of PFAS.

§ 3. The environmental conservation law is amended by adding a new section 17-0833 to read as follows:

§ 17-0833. PFAS in surface water discharge disclosure requirement.

1. As used in this section, the term "PFAS" shall mean perfluoroalkyl and polyfluoroalkyl chemicals.

2. The department shall require all publicly owned treatment works licensed pursuant to this title to disclose annually for the period of their permit and every year thereafter upon renewal of such permit, through quantitative and qualitative monitoring, the levels of PFAS present in the discharge produced by such treatment works.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD16177-02-2

3. (a) The department shall require any new SPDES permit applicant to submit documentation on whether such applicant knows or has reason to believe that any PFAS are or will be discharged from the outlet or point source as indicated on the application into the surface waters or groundwaters of the state.

(b) An applicant shall measure any PFAS in accordance with the approved or drafted method for analyzing such PFAS pursuant to 40 CFR Part 136 and report the quantitative data in their application to the department. If a PFAS for which there is not an approved or drafted method for analyzing such PFAS pursuant to 40 CFR Part 136 is expected to be discharged, the applicant shall briefly describe the reasons the PFAS is expected to be discharged in their application to the department.

4. Each person discharging industrial waste to a publicly owned treatment works shall identify any PFAS known or suspected in the industrial waste to such treatment works.

5. The department shall make publically available all reported PFAS testing data on the department's website.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.