

STATE OF NEW YORK

4574--B

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2025-2026 Regular Sessions

IN SENATE

February 7, 2025

Introduced by Sens. MAY, FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "PFAS discharge disclosure act".
3 § 2. Legislative intent. The legislature finds and declares the
4 following:
5 1. Per- and polyfluoroalkyl substances (PFAS) are a class of persist-
6 ent, bioaccumulative, and toxic chemicals which have contaminated
7 surface waters and groundwater in New York and across the country.
8 2. New York has led the nation by limiting two PFAS--perfluorooctanoic
9 acid (PFOA) and perfluorooctane sulfonic acid (PFOS)--in drinking water
10 by setting a maximum contaminant level for these two chemicals in 2020.
11 New York has also designated twenty-three additional PFAS chemicals as
12 emerging contaminants under section 1112 of the public health law, which
13 requires statewide drinking water testing and public notification.
14 3. In December 2022, the Federal Environmental Protection Agency (EPA)
15 published guidance encouraging states to require permitted industries,
16 Publicly Owned Treatment Works (POTWs), and industrial sources sending
17 waste to POTWs to monitor for and disclose the presence of PFAS in
18 wastewater discharged into waterways. Conventional treatment technology
19 at POTWs is not designed to remove PFAS from wastewater, meaning any

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

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1 PFAS introduced to the POTW by an industrial source will typically pass
2 through into the waters of the state.

3 4. In 2023, the New York State Department of Environmental Conserva-
4 tion (DEC) adopted numeric guidance values limiting the acceptable
5 amounts of PFOA and PFOS that can be discharged into waters of the state
6 by State Pollutant Discharge Elimination System (SPDES) permittees.

7 5. However, DEC's permitting guidance has only applied these limits
8 and PFAS testing requirements to a subset of facilities, meaning that
9 many potential sources of PFAS directly or indirectly discharging into
10 the waters of the state, including industrial sources sending waste to
11 POTWs, have not yet been required to test for PFAS.

12 6. The lack of information about PFAS chemicals currently entering New
13 York's waters is an obstacle to developing regulations to protect people
14 and the environment from the harms of PFAS.

15 7. Legislation can ensure that key facilities currently discharging or
16 proposing to discharge into New York waters disclose the presence of
17 these forever chemicals to the public.

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

20 § 17-0833. PFAS discharge disclosure requirements.

21 1. Definitions. As used in this section, the following terms shall
22 have the following meanings:

23 a. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a
24 class of fluorinated organic chemicals containing at least one fully
25 fluorinated carbon atom.

26 b. "Covered industrial discharger" means a SPDES permit applicant or
27 holder seeking to discharge industrial wastewater, other than an appli-
28 cant for or holder of a general SPDES permit which is not a multi-sector
29 general permit, that is:

30 (i) in an industry that is identified by the department as an industry
31 known or suspected to discharge PFAS; or

32 (ii) otherwise determined by the department to warrant PFAS monitoring
33 based on the industrial discharger's industry or facility.

34 c. "Covered industrial user" means a person introducing or seeking to
35 introduce industrial wastewater into a POTW that is:

36 (i) in an industry that is identified by the department as an industry
37 known or suspected to discharge PFAS; or

38 (ii) is otherwise determined by the department to warrant PFAS moni-
39 toring based on the industrial discharger's industry or facility.

40 d. "POTW" means a publicly owned treatment works with or seeking a
41 SPDES permit.

42 e. "Industrial wastewater" means liquid industrial waste, including
43 but not limited to leachate from solid waste facilities.

44 f. "PFAS monitoring" means sampling and testing of effluent for PFAS
45 presence and concentration.

46 2. Every covered industrial discharger or POTW making an application
47 for a new SPDES permit shall submit as part of such application project-
48 ed or estimated results of PFAS monitoring.

49 3. All new SPDES permits issued to covered industrial dischargers or
50 POTWs shall require such facilities to conduct PFAS monitoring at least
51 quarterly for one year and submit the first results of such monitoring
52 to the department within ninety days of the commencement of the
53 discharge. If any PFAS are detected during the PFAS monitoring, at a
54 level that the department has determined warrants continued monitoring
55 pursuant to subdivision ten of this section, the department shall modify

1 the SPDES permit of the covered industrial discharger or POTW to require
2 quarterly PFAS monitoring for the duration of the permit term.

3 4. Every covered industrial discharger or POTW seeking to renew a
4 SPDES permit shall, as part of its renewal application, submit PFAS
5 monitoring results to the department not less than one hundred eighty
6 days prior to the expiration of the existing SPDES permit. If any PFAS
7 are detected during the PFAS monitoring at a level that the department
8 has determined warrants continued monitoring pursuant to subdivision ten
9 of this section, the department shall modify the SPDES permit to require
10 quarterly PFAS monitoring for the duration of the permit term.

11 5. Any covered industrial discharger or POTW that is lawfully operat-
12 ing under an expired or administratively renewed SPDES permit shall
13 submit PFAS monitoring results to the department within six months of
14 the effective date of this section and at least once every five years
15 thereafter.

16 6. A POTW shall require any covered industrial user seeking to intro-
17 duce industrial wastewater into the POTW to conduct PFAS monitoring and
18 submit the results of such monitoring to the POTW and the department
19 prior to introducing industrial wastewater to the POTW.

20 7. Every covered industrial user introducing industrial wastewater to
21 a POTW on or before the effective date of this section, and continuing
22 to do so after such effective date, shall conduct PFAS monitoring quar-
23 terly for one year. Such covered industrial users shall submit the
24 results of PFAS monitoring quarterly to the POTW and the department and
25 shall submit their first monitoring results within one hundred eighty
26 days of the effective date of this section. Any covered industrial user
27 that detects any PFAS at a level that the department has determined
28 warrants continued monitoring pursuant to subdivision ten of this
29 section shall continue to conduct quarterly PFAS monitoring and submit
30 such results to the POTW and the department.

31 8. All PFAS monitoring shall be conducted using a PFAS testing method
32 or methods authorized by the department, including but not limited to
33 the federal environmental protection agency's method 1633. As appropri-
34 ate, the department shall authorize additional methods that detect more
35 PFAS or PFAS at lower levels.

36 9. The department shall make publicly available on the department's
37 website all PFAS monitoring results submitted to the department by
38 covered industrial dischargers, covered industrial users, and POTWs,
39 including any results submitted by such facilities within six years
40 prior to the effective date of this section. The website shall be
41 updated at least every six months with all new monitoring results
42 received.

43 10. For at least the forty PFAS that can be detected by the federal
44 environmental protection agency's method 1633, the department shall set,
45 by rule or regulation, detection levels that warrant continued monitor-
46 ing as required by this section. Such detection levels shall take into
47 account the latest scientific evidence on the risks of PFAS exposure.

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