

# STATE OF NEW YORK

5832

2025-2026 Regular Sessions

## IN ASSEMBLY

February 20, 2025

Introduced by M. of A. KELLES, ROSENTHAL, REYES, EPSTEIN, MAMDANI, BURDICK, SIMONE, COLTON, McMAHON, DAVILA, SHRESTHA, SHIMSKY, FORREST -- read once and referred to the Committee on Environmental Conservation

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. PFAS (per- and polyfluoroalkyl substances) 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. The treatment technology at POTWs  
19 is not designed to remove PFAS from wastewater, meaning any PFAS intro-  
20 duced to the POTW by an industrial source will pass through into the  
21 waters of the state.  
22 4. In 2023, the NYS Department of Environmental Conservation (DEC)  
23 adopted numeric guidance values limiting the acceptable amounts of PFOA

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

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1 and PFOS that can be discharged into waters of the state by state Pollu-  
2 tant Discharge Elimination System (SPDES) permittees.

3 5. However, DEC's permitting guidance has only applied these limits  
4 and PFAS testing requirements to a subset of facilities, meaning that  
5 many potential polluters directly or indirectly discharging into the  
6 waters of the state, including industrial sources sending waste to  
7 POTWs, have not yet been required to test for PFAS. DEC's permitting  
8 guidance does not align with EPA's minimum recommendations made in 2022.

9 6. The lack of information about the suite of PFAS chemicals currently  
10 entering New York's waterways is a barrier to developing regulations to  
11 protect people and the environment from the harms of PFAS in our water-  
12 ways.

13 7. Legislation is necessary to align New York state law with EPA guid-  
14 ance and ensure key facilities currently discharging or proposing to  
15 discharge into waters in New York disclose the presence of these forever  
16 chemicals to the public.

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

19 § 17-0833. PFAS discharge disclosure requirement.

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

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

25 (b) "Industrial discharger" means a facility with or seeking a SPDES  
26 permit to discharge industrial wastewater into the waters of the state.

27 (c) "Industrial source" means a facility introducing or seeking to  
28 introduce industrial wastewater to a POTW for treatment before being  
29 discharged into the waters of the state.

30 (d) "POTW" means a publicly owned treatment works with or seeking a  
31 SPDES permit to discharge sewage into the waters of the state.

32 (e) "Industrial wastewater" means liquid industrial waste.

33 (f) "PFAS monitoring" means sampling of industrial wastewater or  
34 sewage from each outlet to determine the concentration of PFAS present.

35 2. Every industrial discharger or POTW making an application for a new  
36 SPDES permit shall submit as part of such application the projected or  
37 estimated results of PFAS monitoring.

38 3. All new SPDES permits issued to industrial dischargers or POTWs  
39 shall require such facilities to conduct PFAS monitoring at least quar-  
40 terly for one year and submit the first results of such monitoring to  
41 the department within ninety days of the commencement of the discharge.  
42 If any PFAS are detected during the PFAS monitoring, the department  
43 shall modify the SPDES permit of the industrial discharger or POTW to  
44 require quarterly PFAS monitoring for the duration of the permit term.

45 4. Every industrial discharger or POTW seeking to renew a SPDES permit  
46 shall, as part of its renewal application, submit PFAS monitoring  
47 results to the department not less than one hundred eighty days prior to  
48 the expiration of the existing SPDES permit. If any PFAS are detected  
49 during the PFAS monitoring, the department shall modify the facility's  
50 SPDES permit to require quarterly PFAS monitoring for the duration of  
51 the permit term.

52 5. Any industrial discharger or POTW that is lawfully operating under  
53 an expired or administratively renewed SPDES permit shall submit PFAS  
54 monitoring results to the department within six months of the effective  
55 date of this section and at least once every five years thereafter.

1 6. A POTW shall require any new industrial source seeking to introduce  
2 industrial wastewater into the POTW to conduct PFAS monitoring and  
3 submit the results of such monitoring to the POTW and the department  
4 prior to receiving authorization to introduce industrial wastewater to  
5 the POTW.

6 7. Every industrial source with an existing authorization to introduce  
7 industrial wastewater to a POTW shall conduct PFAS monitoring quarterly  
8 for one year. Such industrial sources shall submit the results of PFAS  
9 monitoring quarterly to the POTW and the department and shall submit  
10 their first monitoring results within ninety days of the effective date  
11 of this section. Any industrial source that detects any PFAS shall  
12 continue to conduct quarterly PFAS monitoring and submit such results to  
13 the POTW and the department.

14 8. All PFAS monitoring shall be conducted using a PFAS testing method  
15 or methods authorized by the department, including but not limited to  
16 the federal environmental protection agency's method 1633. The depart-  
17 ment shall authorize additional methods that detect more PFAS or PFAS at  
18 lower levels as appropriate.

19 9. The department shall make publicly available on the department's  
20 website all PFAS monitoring results submitted to the department by  
21 industrial dischargers, industrial sources, and POTWs, including any  
22 results submitted by such facilities within six years prior to the  
23 effective date of this section. The website shall be updated at least  
24 annually with all new monitoring results received.

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