

118TH CONGRESS
2D SESSION

S. 4173

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

APRIL 18, 2024

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 Act of 2024”.

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

4 (a) DEFINITIONS.—In this section:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Environ-
7 mental Protection Agency.

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

12 (3) MEASURABLE.—The term “measurable”,
13 with respect to a perfluoroalkyl substance, a
14 polyfluoroalkyl substance, or a class of those sub-
15 stances, means that the substance or class of sub-
16 stances is capable of being measured using any test
17 method promulgated under part 136 of title 40,
18 Code of Federal Regulations (or successor regula-
19 tions).

20 (4) PERFLUOROALKYL SUBSTANCE.—The term
21 “perfluoroalkyl substance” means a chemical of
22 which all of the carbon atoms are fully fluorinated
23 carbon atoms.

24 (5) POLYFLUOROALKYL SUBSTANCE.—The
25 term “polyfluoroalkyl substance” means a chemical
26 containing at least 1 fully fluorinated carbon atom

1 and at least 1 carbon atom that is not a fully
2 fluorinated carbon atom.

3 (6) TREATMENT WORKS.—The term “treatment
4 works” has the meaning given the term in section
5 212 of the Federal Water Pollution Control Act (33
6 U.S.C. 1292).

7 (b) DEADLINES.—

8 (1) WATER QUALITY CRITERIA.—Not later than
9 3 years after the date of enactment of this Act, the
10 Administrator shall publish in the Federal Register
11 human health water quality criteria under section
12 304(a)(1) of the Federal Water Pollution Control
13 Act (33 U.S.C. 1314(a)(1)) to address each measur-
14 able perfluoroalkyl substance, polyfluoroalkyl sub-
15 stance, and class of those substances.

16 (2) EFFLUENT LIMITATIONS GUIDELINES AND
17 STANDARDS FOR PRIORITY INDUSTRY CAT-
18 EGORIES.—Not later than the following dates, the
19 Administrator shall take final action on a rule estab-
20 lishing effluent limitations guidelines and standards,
21 in accordance with the Federal Water Pollution Con-
22 trol Act (33 U.S.C. 1251 et seq.), for each of the
23 following industry categories for the discharge (in-
24 cluding a discharge into a publicly owned treatment
25 works) of each measurable perfluoroalkyl substance,

1 polyfluoroalkyl substance, or class of those sub-
2 stances:

3 (A) DURING CALENDAR YEAR 2025.—Not
4 later than June 30, 2025, for the following
5 point source categories:

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

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

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

16 (B) DURING CALENDAR YEAR 2026.—Not
17 later than June 30, 2026, for the following
18 point source categories:

19 (i) Textile mills, as identified in part
20 410 of title 40, Code of Federal Regula-
21 tions (or successor regulations).

22 (ii) Landfills, as identified in part 445
23 of title 40, Code of Federal Regulations (or
24 successor regulations).

1 (C) DURING CALENDAR YEAR 2027.—Not
2 later than June 30, 2027, for the following
3 point source categories:

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

8 (ii) Paint formulating, as identified in
9 part 446 of title 40, Code of Federal Regu-
10 lations (or successor regulations).

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

15 (c) MONITORING.—

16 (1) MONITORING REQUIREMENTS.—

17 (A) IN GENERAL.—Effective beginning on
18 the date of enactment of this Act, the Adminis-
19 trator shall require monitoring of the discharges
20 (including discharges into a publicly owned
21 treatment works) of each measurable
22 perfluoroalkyl substance, polyfluoroalkyl sub-
23 stance, and class of those substances for the
24 point source categories and entities described in

1 subparagraphs (A), (B), and (C) of subsection
2 (b)(2).

3 (B) CERTAIN MONITORING REQUIRED.—
4 Effective beginning on the date of enactment of
5 this Act, the Administrator shall require moni-
6 toring of the discharges (including discharges
7 into a publicly owned treatment works) of each
8 measurable perfluoroalkyl substance,
9 polyfluoroalkyl substance, and class of those
10 substances for the following point source cat-
11 egories and entities:

12 (i) Pulp, paper, and paperboard, as
13 identified in part 430 of title 40, Code of
14 Federal Regulations (or successor regula-
15 tions).

16 (ii) Airports (as defined in section
17 47102 of title 49, United States Code).

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

22 (2) DETERMINATION.—

23 (A) IN GENERAL.—Not later than Decem-
24 ber 31, 2025, the Administrator shall make a
25 determination—

1 (i) to commence developing effluent
2 limitations guidelines and standards for
3 the point source categories and entities
4 listed in paragraph (1)(B); or

5 (ii) to not commence developing efflu-
6 ent limitations guidelines and standards
7 for those point source categories and enti-
8 ties, including an explanation of the rea-
9 soning for this determination.

10 (B) REQUIREMENT.—Any effluent limita-
11 tions guidelines and standards for the point
12 source categories and entities listed in para-
13 graph (1)(B) shall be published in the Federal
14 Register by not later than December 31, 2027.

15 (d) METHOD PROMULGATION.—Subject to the re-
16 quirements of subchapter II of chapter 5 of title 5, United
17 States Code (commonly referred to as the “Administrative
18 Procedure Act”), not later than January 31, 2025, the
19 Administrator shall promulgate Method 1633, as de-
20 scribed in the document of the Environmental Protection
21 Agency entitled “Method 1633 Analysis of Per- and
22 Polyfluoroalkyl Substances (PFAS) in Aqueous, Solid,
23 Biosolids, and Tissue Samples by LC-MS/MS” and dated
24 January 2024 (or a successor method), under part 136

1 of title 40, Code of Federal Regulations (or successor reg-
2 ulations).

3 (e) NOTIFICATION.—The Administrator shall notify
4 the Committee on Transportation and Infrastructure of
5 the House of Representatives and the Committee on Envi-
6 ronment and Public Works of the Senate of each publica-
7 tion made under this section.

8 (f) PRETREATMENT PROGRAM.—

9 (1) IN GENERAL.—Subject to the availability of
10 appropriations, the Administrator shall award grants
11 to owners and operators of publicly owned treatment
12 works—

13 (A) to carry out pretreatment program ac-
14 tivities conducted in accordance with part 403
15 of title 40, Code of Federal Regulations (or suc-
16 cessor regulations), that address contamination
17 by perfluoroalkyl substances and polyfluoroalkyl
18 substances; and

19 (B) to further monitor, assess, or analyze
20 local sources of perfluoroalkyl substances and
21 polyfluoroalkyl substances that enter into the
22 treatment works.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to the Ad-
25 ministrator to carry out this subsection

1 \$200,000,000 for each of fiscal years 2024 through
2 2028, to remain available until expended.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Administrator to
5 carry out this section (except subsection (f)) \$12,000,000
6 for each of fiscal years 2024 to 2028, to remain available
7 until expended.

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