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SENATE BILL NO. 1319

Offered January 9, 2025

Prefiled January 9, 2025

A *BILL to amend and reenact § 62.1-44.34:32 of the Code of Virginia, relating to Department of Environmental Quality; industrial wastewater; publicly owned treatment works; PFAS monitoring.*

Patrons—McPike; Delegate: Thomas

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 62.1-44.34:32 of the Code of Virginia is amended and reenacted as follows:****§ 62.1-44.34:32. Monitoring of PFAS sources for PFAS assessments.**

A. For the purpose of PFAS assessments required pursuant to § 62.1-44.34:30, the Department shall require, after three months' advance notice, the owner or operator of any of the following facilities, if deemed by the Department to be a potentially significant source of PFAS in the public water system's raw water source, to perform and promptly report the results as received of representative quarterly discharge monitoring for an initial characterization period of one year, provided, however, that the Department may discontinue remaining quarterly monitoring by a facility with proper monitoring results that are below the method detection level for the first two quarters:

1. Any facility subject to self-reporting pursuant to § 62.1-44.34:31;

2. Any facility manufacturing PFAS, any electroplating or metal finishing facility using PFAS, any semiconductor or circuit board facility using PFAS, any paper or packaging manufacturing facility using PFAS, and any textile mills, tanneries, or leather, fabric, or carpet treaters using PFAS;

3. Any other facility that the Department has a reasonable basis to believe may use or manufacture PFAS based on the facility or activity type;

4. Any centralized waste treatment industrial facility;

5. Any industrial launderers defined by NAICS 812332;

6. Any facility discharging groundwater remediation wastewaters pursuant to the VPDES General Permit Regulation for Discharges from Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests; and

7. Any airport, air base, air station, fire training facility, landfill, or other facility or site that the Department has a reasonable basis to believe has significant soil or groundwater PFAS contamination significantly impacting finished water levels.

B. *For every industrial wastewater source that discharges pollutants into a publicly owned treatment works, the Department shall require monitoring of such source for PFAS using the applicable laboratory test method quarterly for one year.*

1. *Any owner or operator of such industrial wastewater source shall submit the results of such monitoring quarterly to the publicly owned treatment works and the Department.*

2. *If an industrial wastewater source that discharges pollutants into a publicly owned treatment works detects PFAS in any amount in its quarterly monitoring, such industrial wastewater source owner or operator shall continue to monitor for PFAS using the applicable laboratory test method on a quarterly basis and submit the results of such monitoring to the publicly owned treatment works and the Department. The Department may reduce the frequency of required monitoring to annually for any industrial wastewater source in which PFAS is detected within the initial year of testing but subsequently submits at least two consecutive quarters of test results with all analyzed PFAS below the method detection level.*

3. *For any new industrial wastewater source that discharges pollutants into a publicly owned treatment works, the Department shall require monitoring of discharges from each outfall for PFAS using the applicable laboratory test method and submission of the results of such monitoring within 90 days of the commencement of such discharges to the publicly owned treatment works and the Department.*

C. For purposes of this section, using or use of PFAS (i) means intentionally using or use of PFAS or PFAS-containing substances as a product ingredient or as a production process aid or additive, such as wetting agents, fume suppressants, photoresists, etchants, cleaners, coatings, surfactants, or flame retardants, and (ii) does not mean using or use of manufacturing equipment that contains PFAS.

D. For purposes of monitoring under subsections A and B, the applicable laboratory test method is Method 1633 or such other method approved by the EPA that may be allowed by the Department. Monitoring reports shall include all PFAS analytes measured by the test method. For purposes of this section, the Department shall not require, and the facility and its laboratory shall be exempt from, environmental laboratory certification or accreditation requirements specifically for use of Method 1633.

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59 *E. The provisions of this section shall not be construed to limit the authority of the Department or the*
60 *owner or operator of any publicly owned treatment works to which any user discharges wastewater to*
61 *require monitoring or reporting or otherwise regulate the discharge of the PFAS target analytes or other*
62 *pollutants under other applicable legal authority.*
63 **2. That any owner or operator of an industrial wastewater source that discharges pollutants into a**
64 **publicly owned treatment works shall submit the initial quarterly monitoring results for PFAS**
65 **pursuant to subsection B of § 62.1-44.34:32 of the Code of Virginia, as amended by this act, within 30**
66 **days of the effective date of this act.**