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SENATE BILL NO. 1319

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 28, 2025)

(Patron Prior to Substitute—Senator McPike)

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.

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 mill, tannery~~ tannery, 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 ~~laundries~~ *laundrer* 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. *As part of a pretreatment program, every publicly owned treatment works shall require the following new or existing industrial users to self-report use of PFAS:*

1. *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 mill, tannery, or leather, fabric, or carpet treaters using PFAS;*

2. *Any centralized waste treatment industrial facility;*

3. *Any industrial laundrer defined by NAICS 812332;*

4. *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*

5. *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.*

Every publicly owned treatment works receiving information documenting PFAS use pursuant to this section shall convey such information to the Department within 90 days of receipt.

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.

~~C.~~ D. For purposes of monitoring under subsection A, 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.

E. *The provisions of this section shall not be construed to limit the authority of the Department or the owner or operator of any publicly owned treatment works to which any user discharges wastewater to require monitoring or reporting or otherwise regulate the discharge of the PFAS target analytes or other pollutants under other applicable legal authority.*

60 2. That any industrial user required to self-report use of PFAS pursuant to subsection B of §
61 62.1-44.34:32 of the Code of Virginia, as amended by this act, shall commence such reporting within 30
62 days of the effective date of this act.