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SENATE BILL NO. 1319**FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by Senator McPike

on January 31, 2025)

(Patron Prior to Substitute—Senator McPike)

A BILL to amend and reenact § 62.1-44.34:31 of the Code of Virginia, relating to self-reporting of PFAS manufacture and use for PFAS assessment; Department of Environmental Quality; industrial wastewater; publicly owned treatment works.

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.34:31 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.34:31. Self-reporting of PFAS manufacture and use for PFAS assessment.

A. For purposes of a PFAS assessment following notification to the Department pursuant to subsection B of § 62.1-44.34:30, the Department shall require any facility, if deemed by the Department to be a potential source of PFAS in the public water system's raw water source, that discharges to a surface water under a VPDES permit or that discharges to a publicly owned treatment works under an industrial pretreatment program permit to report to the Department, within 90 days after being directed by the Department, its manufacture or use of PFAS as provided in this section on a form provided by the Department. Such report shall include the chemical name and the Chemical Abstracts Service (CAS) number, if known or reasonably ascertainable, the amount manufactured or used in the preceding 12 months, and any additional information reasonably required by the Department to ascertain sources and quantities of PFAS manufactured or used.

B. For every facility that reports the use or manufacture of one or more PFAS in accordance with subsection A and that discharges to a publicly owned treatment works, the Department shall forward the information provided by the facility to such publicly owned treatment works within 30 days of receipt. Such reporting requirement shall not change the duty or discharge permits of a publicly owned treatment works.

C. *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 treater using PFAS;*

2. *Any centralized waste treatment industrial facility;*

3. *Any industrial launderer 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.*

Every publicly owned treatment works receiving a self-report from an industrial user documenting PFAS use pursuant to this section shall convey such information to the Department within 90 days of receipt.

D. Any portion of a report submitted to the Department *or the owner or operator of a publicly owned treatment works* pursuant to this section may be claimed as confidential by the submitter pursuant to § 62.1-44.21, except claims of confidentiality for the name, address, and location of the facility. Any such claim must be asserted at the time of submission in the manner prescribed on the reporting form or instructions. *A claim of confidentiality shall not limit the transfer of information between the Department and the publicly owned treatment works.* If no claim is made at the time of submission, the Department *or publicly owned treatment works* may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in § 62.1-44.21.

~~D.~~ E. For purposes of this section, use of PFAS (i) means intentional 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 use of *surface water or groundwater supply or manufacturing equipment that contains PFAS.*

F. *Nothing in this section shall 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.*

2. That any industrial user required to self-report use of PFAS pursuant to subsection B of § 62.1-44.34:31 of the Code of Virginia, as amended by this act, shall submit such report within 30 days of notification from the publicly owned treatment works of this reporting requirement. Publicly owned treatment works shall notify relevant industrial users of the requirement to self-report use of PFAS pursuant to subsection B of § 62.1-44.34:31 of the Code of Virginia, as amended by this act, within 90

60 days of notification from the Department to make such notification. The Department shall notify
61 publicly owned treatment works of the industrial user self-reporting requirements within 30 days of
62 the effective date of this act.
63 3. That the PFAS Expert Advisory Committee created pursuant to § 62.1-44.34:33 of the Code of
64 Virginia shall include in its 2025 annual report recommendations on the development of an inventory
65 of PFAS testing methodologies and control technologies for industrial sources.