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INTRODUCED

HB938

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4 A BILL to amend and reenact § 62.1-44.34:31 of the Code of Virginia, relating to self-reporting of PFAS  
5 manufacture and use for PFAS assessment; Department of Environmental Quality; industrial wastewater;  
6 publicly owned treatment works.  
7

8 Patron—Clark  
9  
10 Committee Referral Pending

11 Be it enacted by the General Assembly of Virginia:

12 1. That § 62.1-44.34:31 of the Code of Virginia is amended and reenacted as follows:  
13     § 62.1-44.34:31. Self-reporting of PFAS manufacture and use for PFAS assessment.

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

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

27     C. As part of a pretreatment program, every publicly owned treatment works shall require the following  
28 new or existing industrial users to self-report use of PFAS:

29       1. Any facility manufacturing PFAS, any electroplating or metal finishing facility using PFAS, any  
30 semiconductor or circuit board facility using PFAS, any paper or packaging manufacturing facility using  
31 PFAS, and any textile mill, tannery, or leather, fabric, or carpet treater using PFAS;

32       2. Any centralized waste treatment industrial facility;

33       3. Any industrial launderer defined by North American Industry Classification System code number  
34 812332;

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

38       5. Any airport, air base, air station, fire training facility, landfill, or other facility or site that the  
39 Department has a reasonable basis to believe has significant soil or groundwater PFAS contamination.

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

42       D. Any portion of a report submitted to the Department or the owner or operator of a publicly owned  
43 treatment works pursuant to this section may be claimed as confidential by the submitter pursuant to  
44 § 62.1-44.21, except claims of confidentiality for the name, address, and location of the facility. Any such  
45 claim must be asserted at the time of submission in the manner prescribed on the reporting form or  
46 instructions. A claim of confidentiality shall not limit the transfer of information between the Department and  
47 the publicly owned treatment works. If no claim is made at the time of submission, the Department or  
48 publicly owned treatment works may make the information available to the public without further notice. If a  
49 claim is asserted, the information will be treated in accordance with the procedures in § 62.1-44.21.

50       D. E. For purposes of this section, use of PFAS (i) means intentional use of PFAS or PFAS-containing  
51 substances as a product ingredient or as a production process aid or additive, such as wetting agents, fume  
52 suppressants, photoresists, etchants, cleaners, coatings, surfactants, or flame retardants, and (ii) does not  
53 mean use of surface water or groundwater supply or manufacturing equipment that contains PFAS.

54       F. Nothing in this section shall be construed to limit the authority of the Department, or the owner or  
55 operator of any publicly owned treatment works to which any user discharges wastewater, to require  
56 monitoring or reporting or otherwise regulate the discharge of the PFAS target analytes or other pollutants  
57 under other applicable legal authority.

58 2. That any industrial user required to self-report use of PFAS pursuant to subsection C of

59     § 62.1-44.34:31 of the Code of Virginia, as amended by this act, shall submit such report within 90 days  
60     of notification from the publicly owned treatment works of this reporting requirement. Publicly owned  
61     treatment works shall notify relevant industrial users of the requirement to self-report use of PFAS  
62     pursuant to subsection C of § 62.1-44.34:31 of the Code of Virginia, as amended by this act, within 90  
63     days of notification from the Department of Environmental Quality to make such notification. The  
64     Department of Environmental Quality shall notify publicly owned treatment works of the industrial  
65     user self-reporting requirements within 30 days of the effective date of this act.  
66     3. That the PFAS Expert Advisory Committee created pursuant to § 62.1-44.34:33 of the Code of  
67     Virginia shall include in its 2026 annual report recommendations on the development of an inventory  
68     of PFAS testing methodologies and control technologies for industrial sources.