

PFAS Legal Update

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Federal Developments

CERCLA Listing

- Trump Administration plans to defend PFOS and PFOA listing in court challenge
- Potential amendment to CERCLA to include a “passive receivers” exemption

ELG Program Plan 16

- Published December 2024
- EPA proceeding with ELGs for PFAS in certain categories including landfills
- EPA also still planning to proceed with POTW influent study



Federal Developments

RCRA Listing

- Trump Administration plans to finalize proposed rule listing PFOA, PFOS, PFBS and GenX as RCRA hazardous constituents

TRI Rulemaking

- Two rules: one to strengthen and expand PFAS reporting requirements and another to clarify when companies must notify a customer a product contains certain PFAS
- Both expected to be finalized late 2026

TSCA Reporting

- In 2023, requirements established under TSCA for manufacturers and producers to report PFAS use
- Proposed rule from 2025 aims to exempt de minimis PFAS concentrations from reporting

Federal Developments

Clean Water Standards for PFAS Act

- Reintroduced in late 2025
- Would impose EPA deadlines for developing PFAS water quality criteria and ELGs
- Includes funding provisions

New Jersey PFAS Settlements

- Proposed settlements for cases in NJ against 3M and Dupont
- Would bind clean water utilities and other entities
- 3M would pay \$450 million and DuPont would pay \$875 million
- Federal court receptive to clean water utility objections that funds would be insufficient to cover legal liabilities
- Court ordered additional evidence regarding potential costs

State Developments



SB 128/AB 131

- Establishes PFAS municipal grant program
- Establishes exemptions from spills law including for land application of biosolids containing PFAS
- Substitute amendment introduced in late January and hearing held January 21

SB 127/AB 130

- Substitute amendment introduced in late January
- Appropriates money from PFAS trust fund to DNR including for implementation of municipal grant program

State Developments

- **Groundwater Rules (DG-02-25)**
 - NRB proposed statement of scope in April 2025
 - Would establish groundwater enforcement standards for 6 PFAS compounds
- **Drinking water Rules (DG-01-24)**
 - Aligns Wisconsin with federal MCLs adopted under Biden administration
 - BUT Trump EPA plans to roll back all but PFOS and PFOA MCLs
 - 4 ppt for PFOS and PFOA
 - 10 ppt for PFHxS, PFNA, HFPO-DA
 - Hazard index of 1
 - Approved by NRB at January 2026 meeting
 - Now move on to the Legislature

Current WPDES Permits

Effluent Monitoring

- PFOS and PFOA
- Typically monthly or every other month
- Submit final report on effluent data after 24 months of monitoring

PFAS PMP

- Submit request to DNR to evaluate need for PMP based on data collected
- If PMP is needed, permittee required to develop plan
- Permit will be modified to include PMP

Biosolids Monitoring

- Annual requirement
- Monitor for full DNR approved list of PFAS compounds

Options for Wastewater Utilities

Local Limits?

- Probably too early
- Local limits as BMPs

Ordinance language

- Limitations on pass through and interference, including with reuse or disposal of biosolids

Sampling work

- First step is to know what amount of PFAS is in your influent and where its coming from

Thank you!

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