

115TH CONGRESS  
2D SESSION

# S. 3381

To encourage Federal agencies to expeditiously enter into or amend cooperative agreements with States for removal and remedial actions to address PFAS contamination in drinking, surface, and ground water and land surface and subsurface strata, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 23, 2018

Ms. STABENOW (for herself, Mr. RUBIO, Mr. NELSON, Mr. CARPER, Mr. PETERS, Ms. CANTWELL, Ms. HASSAN, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To encourage Federal agencies to expeditiously enter into or amend cooperative agreements with States for removal and remedial actions to address PFAS contamination in drinking, surface, and ground water and land surface and subsurface strata, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “PFAS Accountability  
5 Act of 2018”.

1 **SEC. 2. COOPERATIVE AGREEMENTS WITH STATES FOR RE-**  
2 **MOVAL AND REMEDIAL ACTIONS TO AD-**  
3 **DRESS DRINKING, SURFACE, AND GROUND**  
4 **WATER AND SOIL CONTAMINATION FROM**  
5 **PFAS.**

6 (a) DEFINITIONS.—In this section:

7 (1) FEDERAL FACILITY.—

8 (A) IN GENERAL.—The term “Federal fa-  
9 cility” means a facility (as defined in section  
10 101 of the Comprehensive Environmental Re-  
11 sponse, Compensation, and Liability Act of  
12 1980 (42 U.S.C. 9601)) that is owned or oper-  
13 ated by the Federal Government.

14 (B) INCLUSION.—The term “Federal facil-  
15 ity” includes—

- 16 (i) an active military installation; and  
17 (ii) a National Guard facility.

18 (2) FORMER FEDERAL FACILITY.—

19 (A) IN GENERAL.—The term “former Fed-  
20 eral facility” means a facility (as defined in sec-  
21 tion 101 of the Comprehensive Environmental  
22 Response, Compensation, and Liability Act of  
23 1980 (42 U.S.C. 9601)) that has been, but is  
24 no longer, owned or operated by the Federal  
25 Government.

1 (B) INCLUSION.—The term “former Fed-  
2 eral facility” includes—

3 (i) a decommissioned military installa-  
4 tion; and

5 (ii) a former National Guard facility.

6 (3) FULLY FLUORINATED CARBON ATOM.—The  
7 term “fully fluorinated carbon atom” means a car-  
8 bon atom on which all the hydrogen substituents  
9 have been replaced by fluorine.

10 (4) PERFLUORINATED COMPOUND.—The term  
11 “perfluorinated compound” means a perfluoroalkyl  
12 substance or a polyfluoroalkyl substance (or  
13 “PFAS”) that is manmade with at least 1 fully  
14 fluorinated carbon atom.

15 (5) STATE.—The term “State” has the mean-  
16 ing given the term in section 101 of the Comprehen-  
17 sive Environmental Response, Compensation, and  
18 Liability Act of 1980 (42 U.S.C. 9601).

19 (b) COOPERATIVE AGREEMENT.—

20 (1) IN GENERAL.—On request by the Governor  
21 or chief executive of a State, a Federal department  
22 or agency shall work expeditiously to finalize a coop-  
23 erative agreement for, or to amend an existing coop-  
24 erative agreement to address, testing, monitoring,  
25 removal, and remedial actions to address contamina-

1       tion or suspected contamination of drinking water,  
2       surface water, or groundwater or land surface or  
3       subsurface strata from a perfluorinated compound—

4               (A) originating from a Federal facility; or

5               (B) that was released during the period in  
6       which a former Federal facility was owned or  
7       operated by the Federal Government.

8       (2)   MINIMUM STANDARDS.—A cooperative  
9       agreement finalized or amended under paragraph  
10       (1) shall require the area subject to the cooperative  
11       agreement to meet or exceed the most stringent of  
12       the following standards for perfluorinated com-  
13       pounds in any environmental media:

14              (A) An enforceable State standard, in ef-  
15       fect in that State, for drinking water, surface  
16       water, or groundwater or land surface or sub-  
17       surface strata, as required under section 121(d)  
18       of the Comprehensive Environmental Response,  
19       Compensation, and Liability Act of 1980 (42  
20       U.S.C. 9621(d)).

21              (B) A health advisory under section  
22       1412(b)(1)(F) of the Safe Drinking Water Act  
23       (42 U.S.C. 300g-1(b)(1)(F)).

1 (C) Any Federal standard, requirement,  
2 criterion, or limit, including a standard, re-  
3 quirement, criterion, or limit issued under—

4 (i) the Toxic Substances Control Act  
5 (15 U.S.C. 2601 et seq.);

6 (ii) the Safe Drinking Water Act (42  
7 U.S.C. 300f et seq.);

8 (iii) the Clean Air Act (42 U.S.C.  
9 7401 et seq.);

10 (iv) the Federal Water Pollution Con-  
11 trol Act (33 U.S.C. 1251 et seq.);

12 (v) the Marine Protection, Research,  
13 and Sanctuaries Act of 1972 (commonly  
14 known as the “Ocean Dumping Act”) (33  
15 U.S.C. 1401 et seq.); or

16 (vi) the Solid Waste Disposal Act (42  
17 U.S.C. 6901 et seq.).

18 (c) NOTIFICATION REQUIREMENT.—

19 (1) DEFINITION OF APPROPRIATE CONGRES-  
20 SIONAL COMMITTEES.—In this subsection, the term  
21 “appropriate congressional committees” means—

22 (A) the Committee on Environment and  
23 Public Works of the Senate; and

24 (B) the Committee on Energy and Com-  
25 merce of the House of Representatives.

1 (2) REPORT.—

2 (A) IN GENERAL.—If a cooperative agree-  
3 ment is not finalized or amended under sub-  
4 section (b) by the date that is 1 year after the  
5 date on which a request by the Governor or  
6 chief executive of a State was made, the Presi-  
7 dent shall submit a report described in subpara-  
8 graph (B) to—

9 (i) the appropriate congressional com-  
10 mittees;

11 (ii) each Senator from the State af-  
12 fected by the perfluorinated compound con-  
13 tamination; and

14 (iii) each member of Congress that  
15 represents a district affected by the  
16 perfluorinated compound contamination.

17 (B) REPORT DESCRIBED.—The report re-  
18 ferred to in subparagraph (A) shall include—

19 (i) a detailed explanation of why a co-  
20 operative agreement has not been finalized  
21 or amended, as applicable; and

22 (ii) a projected timeline for finalizing  
23 or amending a cooperative agreement, as  
24 applicable.

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