

116TH CONGRESS  
1ST SESSION

# H. R. 5539

To require the Administrator of the Environmental Protection Agency to review and develop effluent standards, pretreatment standards, and water quality criteria for PFAS under the Federal Water Pollution Control Act, to provide Federal grants to publicly owned treatment works to implement standards, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2020

Mr. PAPPAS (for himself, Mr. DELGADO, Mr. ROUDA, Mr. DEFazio, Mrs. NAPOLITANO, Mr. FITZPATRICK, Mr. KILDEE, Mr. LOWENTHAL, Mr. LYNCH, Mr. NEAL, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. SLOTKIN, Mrs. LAWRENCE, and Ms. KUSTER of New Hampshire) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To require the Administrator of the Environmental Protection Agency to review and develop effluent standards, pretreatment standards, and water quality criteria for PFAS under the Federal Water Pollution Control Act, to provide Federal grants to publicly owned treatment works to implement standards, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Clean Water Standards  
3 for PFAS Act of 2020”.

4 **SEC. 2. CLEAN WATER ACT EFFLUENT STANDARDS,**  
5                   **PRETREATMENT STANDARDS, AND WATER**  
6                   **QUALITY CRITERIA FOR PFAS.**

7       (a) REVIEW AND REGULATION OF SUBSTANCES AND  
8 SOURCES.—

9           (1) REVIEW.—

10                   (A) IN GENERAL.—As soon as practicable,  
11                   but not later than September 30, 2021, and bi-  
12                   ennially thereafter, the Administrator shall pub-  
13                   lish in the Federal Register a plan under sub-  
14                   section (m) of section 304 of the Federal Water  
15                   Pollution Control Act (33 U.S.C. 1314) that  
16                   contains the results of a review, conducted in  
17                   accordance with such section, of the introduc-  
18                   tion or discharge of perfluoroalkyl and  
19                   polyfluoroalkyl substances from classes and cat-  
20                   egories of point sources (other than publicly  
21                   owned treatment works).

22                   (B) INCLUSIONS.—The Administrator shall  
23                   include in each plan published pursuant to sub-  
24                   paragraph (A)—

1 (i) information on potential introduc-  
2 tion or discharges of perfluoroalkyl and  
3 polyfluoroalkyl substances;

4 (ii) any information gaps on such in-  
5 troduction or discharges and the process  
6 by which the Administrator will address  
7 such gaps;

8 (iii) for each measurable  
9 perfluoroalkyl and polyfluoroalkyl sub-  
10 stance that is not on the list of toxic pol-  
11 lutants described in section 307(a) of the  
12 Federal Water Pollution Control Act, a de-  
13 termination, in accordance with the re-  
14 quirements of such section, whether or not  
15 to add the substance to such list; and

16 (iv) a determination, in accordance  
17 with the requirements of the Federal  
18 Water Pollution Control Act, whether or  
19 not to establish effluent limitations and  
20 pretreatment standards for the introduc-  
21 tion or discharge of each substance de-  
22 scribed in clause (iii) that the Adminis-  
23 trator determines under such clause not to  
24 add to such list and for which the Admin-

1           istrator has not developed such limitations  
2           or standards.

3           (2) REGULATION.—Based on the results of  
4           each review conducted under paragraph (1) and in  
5           accordance with the requirements of the Federal  
6           Water Pollution Control Act, the Administrator  
7           shall—

8                   (A) in accordance with the plan published  
9                   under paragraph (1), as soon as practicable—

10                           (i) for each measurable perfluoroalkyl  
11                           and polyfluoroalkyl substance that the Ad-  
12                           ministrators determines under paragraph  
13                           (1)(B)(iii) to add to the list of toxic pollut-  
14                           ants described in section 307(a) of such  
15                           Act, initiate the process for adding the  
16                           substance to such list; and

17                           (ii) for each measurable perfluoroalkyl  
18                           and polyfluoroalkyl substance that the Ad-  
19                           ministrators determines under paragraph  
20                           (1)(B)(iv) to establish effluent limitations  
21                           and pretreatment standards, establish such  
22                           effluent limitations and pretreatment  
23                           standards (which limitations and standards  
24                           may be established by substance or by  
25                           class or category of substances); and

1 (B) not later than 1 year after the date on  
2 which each plan is published under paragraph  
3 (1), publish human health water quality criteria  
4 for measurable perfluoroalkyl and  
5 polyfluoroalkyl substances and classes and cat-  
6 egories of perfluoroalkyl and polyfluoroalkyl  
7 substances for which the Administrator has not  
8 published such criteria.

9 (b) DEADLINES FOR COVERED PERFLUOROALKYL  
10 SUBSTANCES.—

11 (1) WATER QUALITY CRITERIA.—Not later than  
12 2 years after the date of enactment of this section,  
13 the Administrator shall publish in the Federal Reg-  
14 ister human health water quality criteria for each  
15 covered perfluoroalkyl substance.

16 (2) EFFLUENT LIMITATIONS AND  
17 PRETREATMENT STANDARDS FOR PRIORITY INDUS-  
18 TRY CATEGORIES.—As soon as practicable, but not  
19 later than 4 years after the date of enactment of  
20 this section, the Administrator shall publish in the  
21 Federal Register a final rule establishing, for each  
22 priority industry category, effluent limitations and  
23 pretreatment standards for the introduction or dis-  
24 charge of each covered perfluoroalkyl substance.

1 (c) NOTIFICATION.—The Administrator shall notify  
2 the Committee on Transportation and Infrastructure of  
3 the House of Representatives and the Committee on Envi-  
4 ronment and Public Works of the Senate of each publica-  
5 tion made under this section.

6 (d) IMPLEMENTATION ASSISTANCE FOR PUBLICLY  
7 OWNED TREATMENT WORKS.—

8 (1) IN GENERAL.—The Administrator shall  
9 award grants, in amounts not to exceed \$100,000,  
10 to owners and operators of publicly owned treatment  
11 works, to be used for the implementation of a  
12 pretreatment standard developed by the Adminis-  
13 trator for a perfluoroalkyl or polyfluoroalkyl sub-  
14 stance.

15 (2) AUTHORIZATION OF APPROPRIATIONS.—  
16 There is authorized to be appropriated to the Ad-  
17 ministrator to carry out this subsection  
18 \$100,000,000 for each of fiscal years 2021 through  
19 2025, to remain available until expended.

20 (e) DEFINITIONS.—In this section:

21 (1) ADMINISTRATOR.—The term “Adminis-  
22 trator” means the Administrator of the Environ-  
23 mental Protection Agency.

24 (2) COVERED PERFLUOROALKYL SUBSTANCE.—  
25 The term “covered perfluoroalkyl substance” means

1 perfluorooctanoic acid, perfluorooctane sulfonic acid,  
2 or a salt associated with perfluorooctanoic acid or  
3 perfluorooctane sulfonic acid.

4 (3) EFFLUENT LIMITATION.—The term “efflu-  
5 ent limitation” means an effluent limitation under  
6 section 301(b) of the Federal Water Pollution Con-  
7 trol Act (33 U.S.C. 1311).

8 (4) INTRODUCTION.—The term “introduction”  
9 means the introduction of pollutants into treatment  
10 works, as described in section 307(b) of the Federal  
11 Water Pollution Control Act (33 U.S.C. 1317).

12 (5) MEASURABLE.—The term “measurable”  
13 means, with respect to a chemical substance or class  
14 or category of chemical substances, capable of being  
15 measured using—

16 (A) test procedures established under sec-  
17 tion 304(h) of the Federal Water Pollution  
18 Control Act (33 U.S.C. 1314); or

19 (B) any other analytical method developed  
20 by the Administrator.

21 (6) PRETREATMENT STANDARD.—The term  
22 “pretreatment standard” means a pretreatment  
23 standard under section 307(b) of the Federal Water  
24 Pollution Control Act (33 U.S.C. 1317).

1           (7) PRIORITY INDUSTRY CATEGORY.—The term  
2           “priority industry category” means the following  
3           point source categories:

4                   (A) Organic chemicals, plastics, and syn-  
5                   thetic fibers, as identified in part 414 of title  
6                   40, Code of Federal Regulations.

7                   (B) Pulp, paper, and paperboard, as iden-  
8                   tified in part 430 of title 40, Code of Federal  
9                   Regulations.

10                  (C) Textile mills, as identified in part 410  
11                  of title 40, Code of Federal Regulations.

12           (8) TREATMENT WORKS.—The term “treatment  
13           works” has the meaning given that term in section  
14           212 of the Federal Water Pollution Control Act (33  
15           U.S.C. 1292).

16           (9) WATER QUALITY CRITERIA.—The term  
17           “water quality criteria” means criteria for water  
18           quality under section 304(a)(1) of the Federal  
19           Water Pollution Control Act (33 U.S.C. 1314).

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