

Environmental

Advocates

NY

# EANY SUPPORTS PFAS Discharge Disclosure Act



Memo #33

[S.227-A \(May, et al.\)](#)

[A.3296 \(Kelles\)](#)

## Explanation:

This bill expands testing for toxic PFAS chemicals in discharges into New York's lakes, rivers, and groundwater. It will provide greater transparency to the public and policymakers about the extent of PFAS pollution entering our water.

The US Environmental Protection Agency (EPA) has determined that there is no safe level of exposure to certain PFAS. Any discharge of these cancer-causing chemicals into the State's waters poses a risk to human health and the environment. New York has made strides in removing PFAS from drinking water, but the NYS Department of Environmental Conservation (DEC) has few, and no enforceable, requirements for facilities permitted to discharge into waterbodies to test for or limit the release of PFAS.

In December 2022, EPA released [guidance](#) urging states to require permitted industries, sewage treatment plants, and facilities sending liquid waste to sewage plants to test quarterly for 40 PFAS chemicals. This bill aligns New York State law with EPA guidance and also requires the above facilities to incorporate PFAS testing into new discharge permits and permit renewals.

Other states have begun taking action to address this issue, and it is time for New York to follow suit. [Massachusetts](#) and [New Jersey](#) are incorporating PFAS testing into permit modifications and renewals, and Michigan has required PFAS testing by [sewage treatment plants](#) and [facilities](#) sending waste to those plants.

The public has a right to know whether their water is being contaminated with PFAS, and occurrence data will also aid policymakers in developing future regulations to ultimately limit and eliminate these discharges. We need to turn off the tap on toxic PFAS.

## Summary:

This act amends the Environmental Conservation Law to expand PFAS testing by certain dischargers permitted under DEC's State Pollutant Discharge Elimination System (SPDES).