



Featured Technical Topic Summary **FGI Monthly Members Meeting** **Friday, February 2, 2024**



TOPIC: Update PFAS and PFOS Regulations & Compliance

Each month Tim Stark introduces a new technical topic for discussion and possible action. This month's topic is: **"Update PFAS and PFOS Regulations & Compliance"**. This topic generated significant discussion with the main "take-aways" being listed below:

PFAS Regulations

- No regulations promulgated yet so no compliance activities yet
- Proposed PFAS/PFOS rules released on 1/31/2024 – see excerpts below and full document at: [prepublication version of definition of hazardous waste proposal.pdf \(epa.gov\)](https://www.epa.gov/prepublication-version-of-definition-of-hazardous-waste-proposal.pdf)
- Proposed rules released on 1/31/2024 do not classify PFAS/PFOS as a hazardous waste for disposal so they can be disposed in a Subtitle D facility (see pasted text below)
- See recent article on PFAS/PFOS regulations [HERE](#).
- New drinking water standard lowers allowable level of PFAS/PFOS to 4 parts per trillion, which is hard to detect
- Kerry Rowe's testing at Queens University shows many geomembranes exhibit good chemical resistance to PFAS/PFOS compounds (see FGI webinar that Kerry Rowe gave at this [LINK](#)).
- However, Kerry Rowe's testing shows lower concentrations of PFOS exhibit higher diffusion rates than higher concentrations of PFAS through the geomembranes that he has tested
- Need long-term testing of geomembranes chemical resistance to PFAS/PFOS chemicals
- PFAS/PFOS somewhat new and predate geomembranes so PFAS/PFOS may be in prior chemical resistance testing that used actual leachate instead of synthetic leachate
- Some water agencies are asking if any geomembrane component is extractable PFAS/PFOS material over the service life of the geomembrane
- Manufacturers are being asked if PFAS/PFOS chemicals were used in geomembrane manufacturing? Manufacturers are reviewing their supply chain to confirm no traces of PFAS/PFOS due to requests of customers and regulators – manufacturers are issuing "to the best of our knowledge" letters about no PFAS/PFOS components
- National Sanitation Foundation (NSF) is pursuing extractable constituents and may include PFAS/PFOS – NSF 61
- NSF 61 is having training class in Michigan on April 24, 2024, which my address PFAS/PFOS
- Would be good to investigate water standards in Europe and Australia and how they are handling PFAS/PFOS
- Would be good to investigate municipal solid waste standards and compare them to water standards
- Military will be exempt from PFAS/PFOS regulations initially
- Any changes in geomembrane formulations to deal with PFAS/PFOS, none available yet
- Lots of litigation over PFAS/PFOS are underway
- Health impacts of PFAS/PFOS are starting to become understood
- No new placement restrictions at Subtitle D facilities for PFAS/PFOS compounds but a lot of Not In My Backyard (NIMBY) opinions because leachate will go to local treatment facility
- It is believed that PFAS/PFOS could have a large impact on waste and water industries

Relevant excerpts from proposed rules released on 1/31/2024 – full document at:
[prepublication version of definition of hazardous waste proposal.pdf \(epa.gov\)](#)

The agency released two pre-publication rules Thursday: [One would list](#) nine PFAS as "hazardous constituents" under the Resource Conservation and Recovery Act, an action that could lead to facility cleanups. [The other would clarify](#) RCRA's definition of "hazardous wastes" so that states and EPA could require cleanup of facilities contaminated by those nine PFAS, or per- and polyfluoroalkyl substances.

The draft rule would not require facilities to clean up sites contaminated by PFOA, PFOS, PFBS, GenX, PFNA, PFHxS, PFDA, PFHxA and PFBA. Instead, it would direct agencies to consider those nine PFAS when cleaning up facilities, most likely military sites or treatment and disposal facilities already handling PFAS.

"Listing these PFAS as RCRA hazardous constituents does not make them, or the wastes containing them, RCRA hazardous wastes," the draft rule says. "A hazardous constituent listing is a step toward a potential hazardous waste listing."

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