



Memorandum of Support

S.227-A (May)/A.3296 (Kelles)

Purpose: The “PFAS Surface Water Discharge Disclosure Act” would require testing and disclosure by publicly owned treatment works (POTWs) and other facilities discharging waste into the waters of New York State in order to identify sources of per- and polyfluoroalkyl substances (PFAS), a class of widely used chemicals which seriously affect public health.

Statement of Support: Thousands of communities across the country and New York State have detected toxic PFAS chemicals in their drinking water. This class of over 12,000 chemicals are widely used in common consumer products and are found in the blood of 99% of Americans.¹ PFAS are associated with serious health problems, such as thyroid disease, kidney and testicular cancer, reduced immune response, reduced fertility, and developmental problems in children. The U.S. Environmental Protection Agency (EPA) has found that some of these “forever chemicals,” so-called because they do not degrade easily, are toxic over lifetime exposures at even the lowest detectable levels, making clear the need to stop using these chemicals and to clean them up where they are found.

However, filtering PFAS out of our drinking water is expensive, and while the state is developing policies to clean them up, there are currently no limits to their discharge into surface waters. Worse yet, there is a lack of information about the amounts and types of PFAS entering state waterways, since there is no requirement for facilities with permits under the State Pollutant Discharge Elimination System (SPDES) or industries which introduce pollutants into a POTW to disclose whether their discharges contain PFAS. In December, 2022, EPA recommended procedures to monitor discharges using the most current testing means to identify sources of PFAS, in order to reduce levels entering wastewater and stormwater systems.²

S.227-A/A.3296 would bring NYS law in line with these EPA recommendations by requiring SPDES permittees to monitor PFAS and report quarterly for one year. If any PFAS is detected, the permittee must continue to monitor quarterly for the life of the permit. New and renewal permit applicants must test prior to commencement of discharging or expiration of the old permit. Similar provisions apply for industrial users introducing pollutants into POTWs. All testing must use EPA method 1633, which will test for 40 PFAS chemicals, and the Department of Environmental Conservation must make the monitoring reports available on its website.

While this bill only requires testing and disclosure, not remediation, knowing whether PFAS is being discharged into surface water or sent to POTWs should help the state develop policies to control such discharges in the future. It can help POTWs to identify upstream sources of PFAS and potentially reduce the levels before they reach surface water. Sierra Club Atlantic Chapter supports S.227-A/A.3296 as part of the larger effort to stop the exposure of humans and wildlife to these toxic “forever chemicals.” Ridding our environment of these ubiquitous toxins will improve public health and reduce the costs of healthcare and expensive filtration of drinking water. Identifying the sources of this pollution is one important step towards this goal.

The Sierra Club Atlantic Chapter Urges Your Support of S.227-A/A.3296

1 <https://www.ewg.org/areas-focus/toxic-chemicals/pfas-chemicals>

2 <https://www.epa.gov/newsreleases/epa-issues-guidance-states-reduce-harmful-pfas-pollution>