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BLOGS

Environmental Protection Agency (EPA); National Pollutant Discharge Elimination System (NPDES)

EPA Seeks Comment on Developing Effluent Limitations Guidelines for PFAS Manufacturers and Formulators

On March 17, 2021, the United States Environmental Protection Agency (EPA) published an [advance notice of proposed rulemaking](#) (ANPRM) seeking data concerning discharges of per- and polyfluoroalkyl substances (PFAS) from manufacturers regulated in the Organic Chemicals, Plastics and Synthetic Fibers (OCPSF) point source category to inform potential future revisions to the category's wastewater discharge requirements, fulfilling a pledge made in in the [Final Effluent Guidelines Program Plan 14](#) issued earlier this year.

EPA's ANPRM suggests EPA is considering developing Effluent Limitation Guidelines and Standards (ELGs) or other controls for PFAS, which may be then be incorporated into National Pollutant Discharge Elimination System (NPDES) permits of dischargers in the OCPSF category. Notably, as part of its data request, the ANPRM solicits information on how best to identify existing manufacturers and formulators of PFAS.

More than 1,000 chemical facilities are regulated under the OCPSF category, which together produce thousands of different chemical products. Despite the volume of facilities covered by this category, EPA believes only a small subset of the facilities regulated under the OCPSF ELGs manufacture or formulate PFAS. Existing ELGs do not establish effluent limitations or pretreatment standards for any type of PFAS compounds, but EPA intends that future revisions to the OCPSF ELGs would address discharges from PFAS manufacturers and formulators.

In the ANPRM, EPA seeks additional data about 11 topics relevant to PFAS manufacturing facilities. Among these is a request for information regarding the "[t]he identity of or suggestions for how to identify any other facilities in the United States currently manufacturing PFAS." The remaining topics address other facility-specific and general information needs, including wastewater treatment and management practices, planned process changes, and treatment technologies.

EPA also outlined 17 topics involving PFAS formulators, which are facilities that use PFAS to produce commercial or consumer goods, such as weather-proof caulking, or as intermediary products for use in the manufacture of commercial goods, such as grease-proof coating for a pizza box. As with manufacturers, EPA is seeking "[i]dentification of all known PFAS formulators in the United States", as

Related Services

[PFAS \(per- and polyfluoroalkyl substances\)](#)



well as other information regarding current monitoring requirements, importation of PFAS, and facility process diagrams.

In addition to the request for data from the OCPSF category, the ANPRM invites comment on the PFAS manufacturer data it has collected to date. Partially driving the ANPRM is a continued effort to gather information about industrial PFAS use, treatment and discharges to surface water known as the PFAS Multi-Industry Study. Originally outlined in the [PFAS Action Plan](#) and [Preliminary Effluent Guidelines Program Plan 14](#), EPA is currently examining available data to identify industrial sources discharging PFAS into the environment, with a focus on five industrial sectors: PFAS manufacturers, pulp and paper manufacturers, textile and carpet manufacturers, airports, and metal finishers. EPA notes that further study of the remaining four categories besides manufactures is needed before initiating rulemaking to address PFAS discharges from these categories.

For the OCPSF manufacturers, EPA reviewed numerous data sources and identified six PFAS manufacturers and ten likely PFAS formulators. However, EPA remarked that "it is not sure that the ten facilities that it identified as likely PFAS formulators are actually PFAS formulators due to limited data available at this time."

In the future, expect future action from EPA to further investigate and address PFAS discharges from airports, paper and paperboard manufacturers, textiles and carpet manufacturers, and metal finishers as it continues the PFAS Multi-Industry Study for these industries.

Public comments to the ANPRM must be submitted before May 17, 2021.