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Organic Chemicals, Plastics and Synthetic Fibers Point Source Category/Clean Water Act Effluent Limitation Guidelines: U.S. Environmental Protection Agency Advance Notice of Proposed Rulemaking

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The United States Environmental Protection Agency (“EPA”) published a March 17th advance notice of proposed rulemaking (“Notice”) related to Clean Water Act effluent limitations guidelines, pretreatment standards and new source performance standards applicable to the Organic Chemicals, Plastics and Synthetic Fibers (“OCPSF”) point source category. See 86 Fed. Reg. 14560.

The Notice addresses discharges from manufacturers of per- and polyfluoroalkyl substances (“PFAS”).

Section 301(b) of the Clean Water Act authorizes EPA to promulgate national categorical standards or limits to restrict discharges of specific pollutants on an industry-by-industry basis. The effluent limits are derived from research regarding the pollution control technology used in the industry. The analysis will include the degree of reduction of a pollutant that can be achieved through the use of various levels of technology. The applicable standard is dictated by the kind of pollutant discharged (i.e., toxic, conventional, or non-conventional) and whether a new or existing point source is involved.

EPA’s development of categorical effluent limits is an ongoing process. The federal agency continues to promulgate categorical standards and effluent limitations for facilities and/or pollutants that have not been addressed.

Existing categorical standards are also assessed to determine if revisions are warranted. The motivation for a change to an existing standard may be the need to incorporate technological developments in a given industry.

EPA states that the Notice is related to its effort to obtain further data along with analysis to support future Clean Water Act rulemaking for OCPSF point source discharges from manufacturers of PFAS. The federal agency states that it is considering revising the same for formulators of PFAS.

The Notice describes PFAS as:

. . . a group of man-made chemicals. Some PFAS compounds are persistent in the environment and in the human body. Analysis of animal studies and human epidemiological research suggest that exposure above certain levels to some PFAS may be associated with adverse human health effects.

EPA states it has identified several industries with facilities likely to discharge PFAS in their wastewater. These are stated to include OCPSF manufacturers and formulators.

The Notice is stated to be intended to provide for public review and comment on the information and data regarding PFAS manufacturers and formulators that EPA has collected to date. EPA is requesting public comment on the information and data presented in the Notice. It is also stated to be soliciting additional information and data regarding discharges of PFAS from such facilities. These are stated to be intended to inform future revisions to the wastewater discharge requirements that apply to the OCPSF category.

A copy of the Notice can be downloaded [here](#).