

PFAS Monitoring Requirements for Bulk Storage Terminals/Refineries: California Water Resources Control Board Order



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

04/06/2021

The State of California State Water Resources Control Board (“Board”) entered Order No. WQ 2021-0006-DWQ titled:

Water Code Sections 13267 and 13383 Order for the Determination of the Presence of Per- and Polyfluoroalkyl Substances at Bulk Fuel Storage Terminals and Refineries (“Order”)

The *Order* requires the referenced facilities to monitor for per- and polyfluoroalkyl (“PFAS”) substances.

The Board states that the *Order* is issued pursuant to Water Code Section 13267(b) which provides that:

. . . a regional board may require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region . . . or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of water within its region shall furnish, under penalty of perjury, technical or monitoring reports which the regional board requires . . .

The *Order* states that the release of PFAS, which may be found in aqueous film-forming foams and/or other materials used at bulk fuel storage terminals and refineries, into the environment or the disposal of waste containing PFAS other than to a permitted facility constitutes a discharge of waste as defined in referenced sections of the water code.

PFAS consists of a large group of man-made chemicals. Their properties include resistance to heat, water, and oil. They have been described as persistent in the environment and resist degradation.

Potential human exposure to PFAS includes pathways through drinking water, air or food.

The *Order* requires that the referenced facilities:

- identify the PFAS-containing materials in the facility;
- identify the areas where PFAS-containing materials are stored, used, and/or disposed;
- detail the various potential pathways (current and historic) for discharge of PFAS from the facility and the nature of potential PFAS contamination in the surface and subsurface soil, groundwater, stormwater, and if the facility operates an onsite wastewater treatment plant, the plant influent and effluent; and
- describe a proposed sampling plan for the environmental matrices.

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