

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD ANNOUNCES “PFAS PHASED INVESTIGATION PLAN”

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On March 6, 2019, the California State Water Resources Control Board announced a “[Phased Investigation Plan](#)” for Per- and Polyfluoroalkyl Substances (PFAS). Two different kinds of PFAS, Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS), are commonly used in various consumer products ranging from carpet to cookware items. Although PFOA and PFOS give these consumer products ideal waterproof and stain-resistant characteristics, these chemicals do not break down in the environment, often seep into drinking water, and can lead to adverse health effects.-

In May 2016, the Environmental Protection Agency (EPA) established drinking water health advisories for PFAS. These health advisories require that the public is notified if there are chemical discharge levels “over 70 parts per trillion in community water supplies.” Since then, EPA has sought to learn more about the new PFAS chemicals entering commerce and create plans to hold parties accountable for releasing these chemicals, including by listing PFOA and PFOS as CERCLA hazardous substances. There are a number of ongoing action plans to better understand, detect, and regulate PFAS.

While EPA continues its work on implementing these new action plans, the California State Water Control Board is rolling out its “[PFAS Phased Investigation Plan](#)”—a three-phase plan to help identify PFAS in drinking water across California. The first phase is scheduled to start in March 2019 will “involve over 1,500 airports, landfills, and drinking water wells across the state.” Under this first phase, the Water Resources Control Board may order dischargers to submit detailed reports on chemicals released from their facilities pursuant to California Water Code section 13267, and may issue orders under the Health and Safety Code section 116400 to require that “public water systems conduct periodic water analysis in accordance with conditions specified by the Department.”

The second and third phases, scheduled to start in Fall 2019, will seek to identify chemical discharges from other potential sources. The second phase will cover “refineries, bulk terminals, non-airport fire training areas, urban fire areas,” while the third phase will monitor “secondary manufacturers, waste water treatment plans, and domestic wells.” The “[PFAS Phased Investigation Plan](#)” can be found in its entirety [here](#). Like the California State Water Resources Control Board’s action plan related to PFAS, EPA also published their [PFAS Action Plan](#) in February 2019, [available here](#).

The California Environmental Attorneys at Bick Law LLP will continue to monitor PFAS action plans created by the Environmental Protection Agency and the California State Water Resources Board.