

PFAS “PHASED INVESTIGATION PLAN” IN PROGRESS

Mon Apr 29th, 2019 | Categories: *Environmental Law* |

On March 6, 2019, the California State Water Resources Control Board (“State Board”) State Board rolled out its “Phased Investigation Plan” for Perfluoroalkyl Substances (“PFAS”) in California. The three-phase plan was created to investigate the areas with potential PFAS contamination — more than 1,000 California facilities will go under inspection. -In the United States Environmental Protection Agency’s third Unregulated Contaminant Monitoring Rule reports published in 2013-2015, PFAS was detected in 133 California public water systems. As a result, the State Board took this regulatory action.

To initiate the first phase of the “Phased Investigation Plan,” recent orders were sent to 31 airports and 252 landfills. In addition to these sites, the State Board is targeting 900 drinking water wells near those areas and roughly 400 drinking water wells near areas where PFAS was detected in the 2013-2015 reports – covering over 30 counties. The plan specifies that samples are to be collected quarterly each year.

The second and third phase is scheduled to start the Summer and Fall of 2019. The second phase will primarily focus on screening refineries, bulk terminals, and non-airport fire training facilities. This phase will also examine primary manufacturers of PFAS; however, it has been verified that there are none in the state of California. On the other hand, urban wildfire areas may be of interest. With over 700 acres of land this year, the question is: who will be responsible for the cost of these investigations? Once reports are made, response action plans will be required. The cost will continue to grow, but it is not clear who will take responsibility.

Finally, the third phase will include source investigation at secondary manufacturing sites where PFAS-containing materials have been discharged. This would include manufacturers that produce everyday items, such as rugs, clothing, and cookware. Wastewater treatment plants and domestic wells will also be examined during this phase of the investigation. As the PFAS “ Phased Investigation Plan” moves forward, the State Board will analyze the data and determine what steps are necessary to respond to the PFAS contamination identified.

The California Environmental Attorneys at Bick Law LLP will continue to monitor the progress of the PFAS “Phased Investigation Plan.”