Impacts of Federal Water Policy Actions on Pretreatment

2026 New England Pretreatment Coordinators Workshop

National Association of Clean Water Agencies

October 21, 2026| Nashua, NH

A Clear Commitment to Our Nation's Waters

- National trade association for public wastewater & stormwater utilities
- Represent over 360 public utilities of all sizes from around the country
- Leader in legislative, regulatory, legal and communications advocacy on the full spectrum of clean water issues

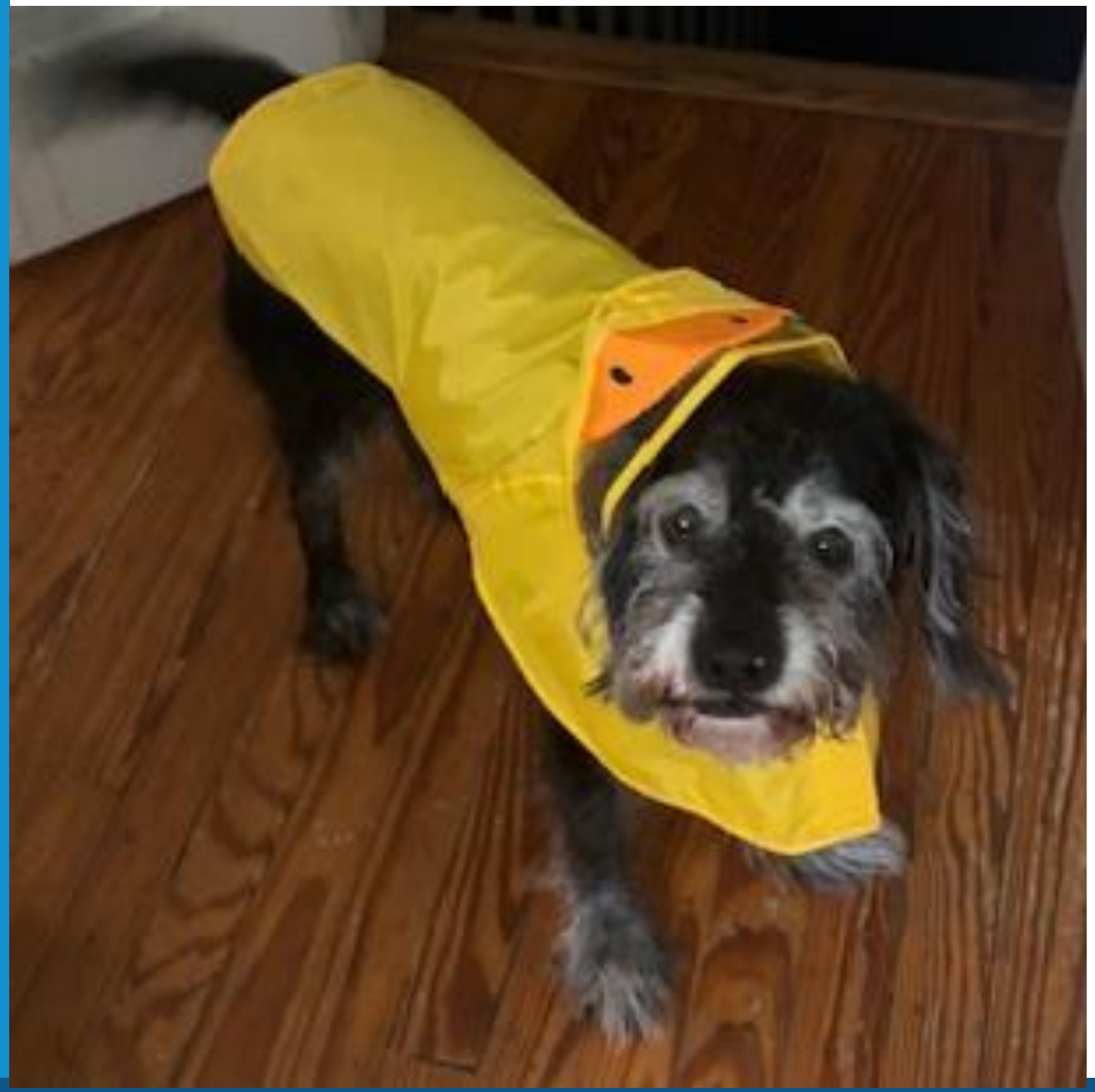






D.C. Policy Forecast – *Approaching Cat 5 Levels*





PFAS

Safe Drinking Water Act (SDWA)

EPA National Primary Drinking Water Standards			
PFAS		Maximum Contaminant Level Goal	Maximum Contaminant Level
PFOA		0	4.0 ppt
PFOS		0	4.0 ppt
PFNA		10 ppt	10 ppt
PFHxS		10 ppt	10 ppt
GenX		10 ppt	10 ppt
Mixture of 2 or more	PFNA	1 (unitless) Hazard Index	1 (unitless) Hazard Index
	PFHxS		
	GenX		
	PFBS		

- **National Primary Drinking Water Regulation for Six PFAS (effective June 25, 2024)**
  - Establishes Maximum Contaminant Levels (MCLs) for individual PFAS as well as Hazard Index MCL for mixtures
  - Public water systems have:
    - 3 years to complete initial monitoring
    - 5 years (by 2029) to come into compliance with MCLs
- **Proposed Rule Changes (published May 20, 2026)**
  - Extend compliance deadline for PFOA and PFOS to 2031 and establish federal exemption framework
  - Rescind and reconsider MCLs for PFHxS, PFNA, GenX and Hazard Index for PFAS
- **Ongoing Litigation**
  - Drinking water utilities and industry challenging EPA's underlying science and economic analysis
  - EPA defending PFOA and PFOS

Clean Water Act (CWA)



Draft Recommended Human Health Water Quality Criteria for PFAS

- Proposed December 2024
- Incredibly low values:
  - PFOA – 0.0009 ppt
  - PFOS – 0.06 ppt
  - PFBS – 400 ppt
- Values dependent on problematic reference doses and cancer slope factors established in National Primary Drinking Water Regulations/MCLs
- NACWA filed comments outlining concerns with underlying science as well as failure to consider technical feasibility and costs
- On indefinite hold (as is Method 1633A)

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

PFOA and PFOS Hazardous Substance Designations (May 8, 2024)

- First ever use of CERCLA Section 102(a) to designate hazardous substances
- EPA simultaneously issued PFAS Enforcement Discretion and Settlement Policy Under CERCLA
  - Agency does not intend to seek PFAS cleanup costs from POTWs, MS4s, publicly owned or operated municipal solid waste landfills, farms where biosolids are land-applied, or community water systems.
- Sept. 2025 – EPA announced intention to continue to defend designations but for first time acknowledged that Congress must pass statutory exemption to fully protect "passive receivers" from liability
- Aug. 2026 – U.S. Court of Appeals upheld hazardous substance designation for PFOA and PFOS

Legislative Efforts

- Water Coalition Against PFAS – continues strong advocacy for "passive receivers" PFAS CERCLA exemption for drinking water, wastewater, and stormwater utilities
- Water Systems PFAS Liability Protection Act

EPA's Draft Sewage Sludge Risk Assessment for PFOA and PFOS



- Released at end of Biden Administration but didn't follow normal procedure
- Modeled biosolids containing 1 ppb of either PFOA or PFOS and estimated risk to an atypical "farm family"
  - Includes modeling scenarios for land application and surface disposal of biosolids as well as qualitative analysis for biosolids incineration
  - Found elevated risk for both cancer and non-cancer health effects
- Major concerns raised by clean water community, ag, and others
  - Compounded conservatism, with unrealistic biosolids application and exposure scenarios
  - No consideration of relative or comparative risks
  - 1 ppb arbitrarily chosen
  - Problematic underlying data & assumptions, including cancer slope factor
- Public comments were due on August 14, 2025

Draft Guidance on Draft Risk Assessment

“Draft Guidance for Reducing Risk from PFOA and PFOS in Biosolids”

- Published on July 1, 2026
  - Guidance for how states and the public can appropriately contextualize the information in the Draft Biosolids Risk Assessment
  - Affirms EPA’s continued support for land application as a viable management option for biosolids
  - Provides context that biosolids are applied to less than 1 percent of America’s farmland annually and that land application only occurs after sewage sludge treatment and in accordance specific requirements
  - Clarifies that the 1 ppb of PFOA or PFOS referenced in the Draft Biosolids Risk Assessment as a threshold where adverse health effects could occur should not be construed as a “safe level”
  - Lacks information on comparative risk of other potential sources of PFAS, noting that landowners should be aware of other potential sources of PFAS without any further details to help assess riaks
- NACWA submitted comments on October 6, 2026

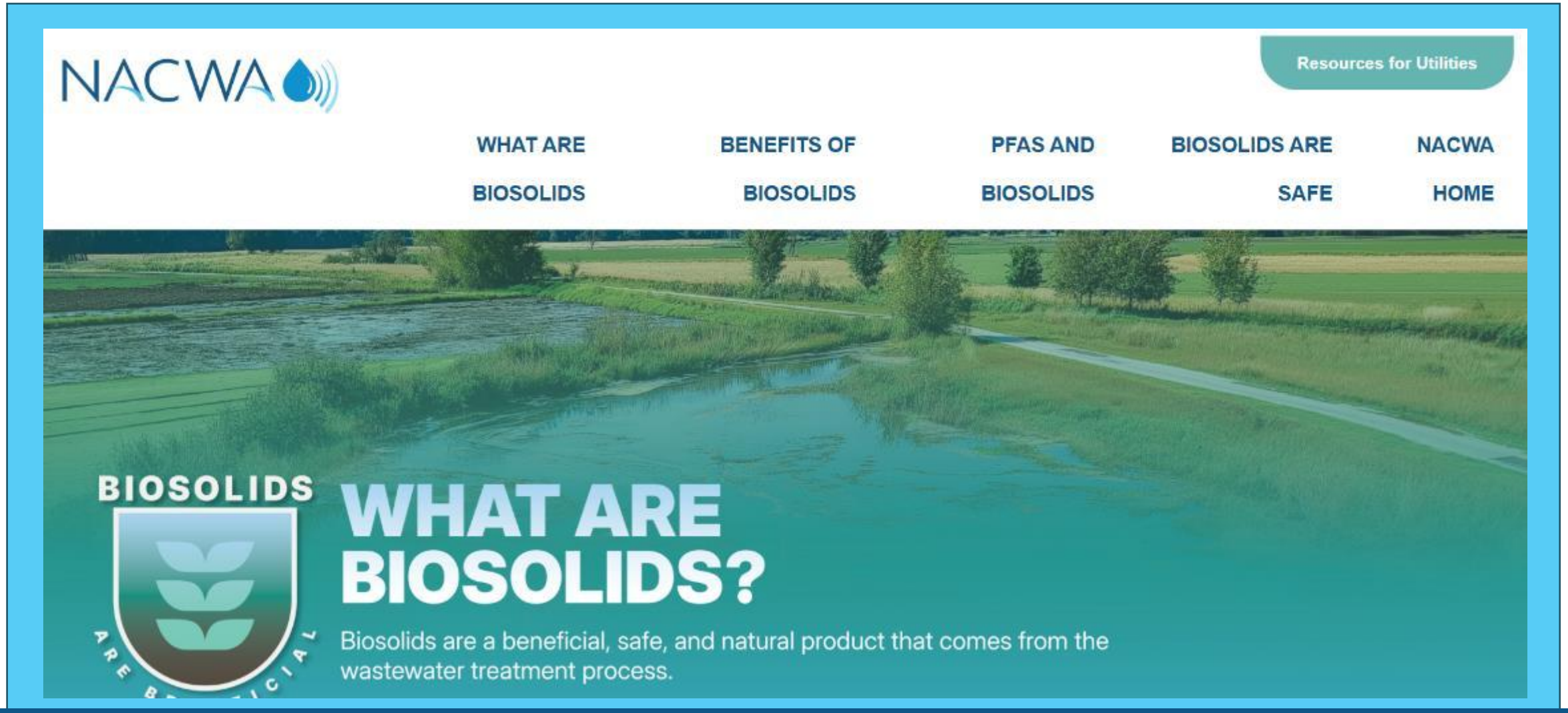
Biosolids Regulation Litigation



James Farmer et. al. v. EPA and NACWA

- Public Employees for Environmental Responsibility (PEER) appeal of October 2025 water sector win in the D.C. District Court
- Issue: Whether, under CWA sec. 405(d), EPA has a non-discretionary duty to, every two years, identify and regulate pollutants in biosolids (in this case, certain PFAS) that may have adverse effects on human health or the environment
- PEER's opening brief: perhaps recognizing strength of DOJ and NACWA's statutory claims, focused on policy arguments (alleged dangers of PFAS and EPA's lack of updates to 503 regs)
- Amicus support: two groups filed briefs in support of PEER – (1) environmental orgs; and (2) three towns in PA and NY
- Next steps: oral arguments scheduled for December 18

Biosolids Rescources: biosolidsexplained.org

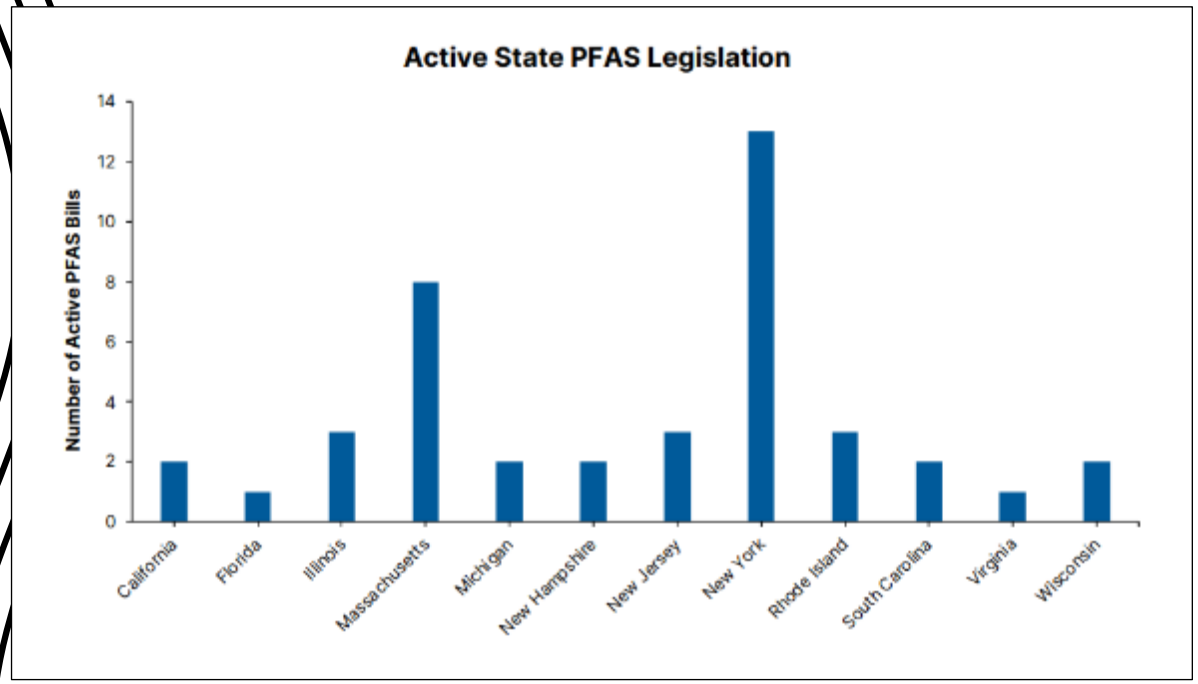


State Biosolids Actions

- **Maine**
  - State law prohibits land application of biosolids and the sale of compost materials containing sludge and septage due to PFAS concerns
- **Oklahoma**
  - Introduced bill that would establish 3-year research program on how nutrients, pathogens, and PFAS affect crops
  - Research report will "indicate that land application is considered to be safe and cost-effective" or if not, "land application will be prohibited after December 1, 2029."
- **Michigan approach (also followed by Maryland and Virginia)**
  - No land application for PFOA or PFOS > 100 ug/kg, plus effluent sampling and source reduction plan
  - Reduced land application rate for PFOA or PFOS > 20 ug/kg but < 100 ug/kg, plus effluent sampling and source reduction plan
  - Land application allowed with no additional requirements for PFOA and PFOA < 20 ug/kg

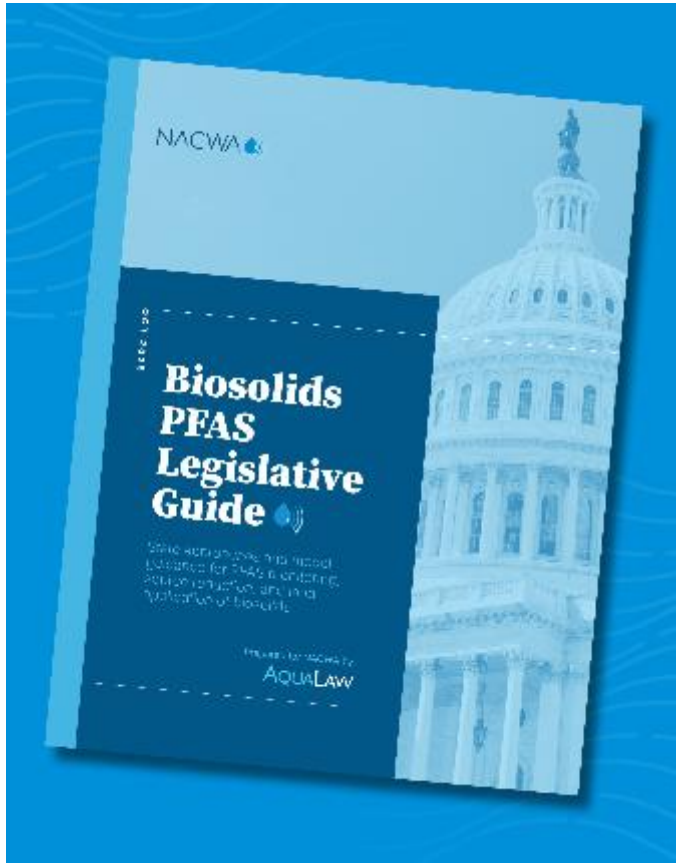
NACWA State PFAS Legislation Tracker

NACWA maintains a monthly State PFAS Legislation Tracker reflecting continued efforts to regulate PFAS in wastewater, drinking water, biosolids, and consumer products.



Bill	Focus Area	Status	Summary
CALIFORNIA			
CA SB 1313: Drinking water: perfluoroalkyl and polyfluoroalkyl substances.	Drinking water	Introduced	The bill expands the allowable uses of funds from the Safe Drinking Water State Revolving Fund and its special accounts to include projects that address perfluoroalkyl and PFAS in drinking water. It authorizes the addition of provisions to the fund's policy handbook to facilitate the expenditure of funds for PFAS-related projects, explicitly permitting these projects without the need for rulemaking. The change replaces existing provisions to explicitly specify that funds may be expended for projects targeting PFAS contamination in drinking water, and it clarifies that the policy updates are authorized to be implemented through updates to the handbook. Definitions for PFAS are noted as needed for implementation, but no specific effective date is provided.
CA SB 1010: Solid waste: Refrigerant Stewardship and Recovery Act.	Products (other)	Passed First Chamber	This legislation establishes a comprehensive statewide extended producer responsibility program for managing refrigerant-containing household appliances, such as refrigerators, air conditioners, and dehumidifiers. It requires producers to form and join approved PROs that oversee the collection, transportation, recycling, reclamation, and proper disposal of end-of-life appliances. The program aims to reduce environmental and public health impacts by ensuring hazardous materials, including high global warming potential refrigerants, are managed responsibly.

State Legislative Efforts



Biosolids PFAS Legislative Guide

- Biosolids PFAS Legislative Guide and companion Model Legislation Template – developed for NACWA by AquaLaw to help guide members navigating state and local biosolids management concerns.
- Legislative Guide – outlines efforts states are taking to address PFAS concerns in municipal biosolids and provides considerations for the clean water community.
- Model Legislation Template – designed to help utilities and state legislators focus on practical, science-based approaches (e.g., developing comprehensive biosolids sampling and monitoring, policy based on local and site-specific data and information, etc.) instead of broad prohibitions on the sale or land application of biosolids.

EPA Rescission Memo

- August 11, 2026, memo rescinds several guidance documents relevant to the public clean water sector:
  - “Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs” (2022 PFAS Memo)
  - “Climate Change Considerations When Prioritizing, Developing, and Implementing Total Maximum Daily Loads”
  - “Applying the Supreme Court’s County of Maui v. Hawaii Wildlife Fund Decision in the Clean Water Act Section 402 NPDES Permit Program to Discharges through Groundwater.”
  - Fact sheet on “Implementing Case-by-Case Technology-Based Effluent Limitations in NPDES Permits for Pollutants of Emerging Concern,”

Effluent Guidelines/Pretreatment Standards



Planned PFAS Rules in Preliminary Effluent Guidelines Program Plan 16

- Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Category
  - Preliminary Plan 16: Proposed rule was expected Fall 2024
  - Proposed rule withdrawn from White House Office of Management & Budget (OMB) on January 21, 2025
- Landfills Category
  - Preliminary Plan 16: Proposed rule expected 2027

Metal Finishing Category – PFAS Pretreatment



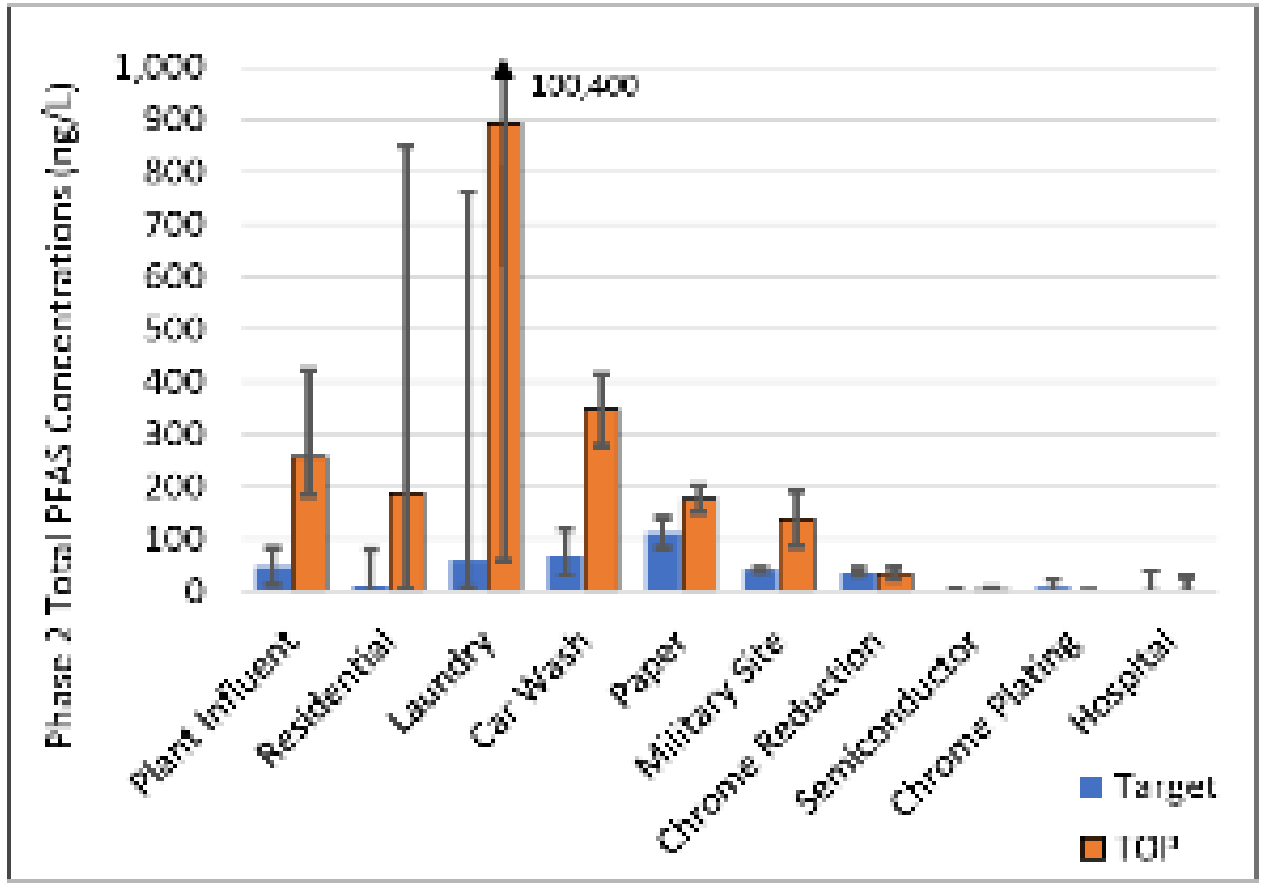
- Proposed rule expected 2026 per ELG Preliminary Plan 16
- EPA recommended PFOS fume suppressants to reduce hexavalent chromium air emissions
  - Reduced emissions from 173 tons/yr to 100 lbs/yr
- Industry asked EPA in 2008 for federal ban on PFOS in surface finishing
  - Nationwide ban took effect in 2012
- Industry working with automotive manufacturers on non-hexavalent chromium coatings
- What should pretreatment standards look like for this category? NACWA and National Association of Surface Finishers (NASF) met with EPA in October 2026 to communicate mutual preference for no pretreatment standards or BMP-type standards

NACWA PFAS Data Collection Project



- EPA's POTWS PFAS Influent Study and National Sewage Sludge Survey have not moved out of White House Office of Management & Budget (OMB)
- NACWA is planning a similar project to collect data from POTWs on PFAS:
  - Industrial users
  - Biosolids
  - Domestic
- Data will be submitted voluntarily and presented anonymously

Bay Area Clean Water Agencies (BACWA) Study



"At most Bay Area treatment plants, more than 95% of flows are from residential and commercial customers. Phase 2 results indicate that residential areas may contribute PFAS at concentrations similar to plant influent, which means that residential users may be the dominant source of PFAS to many treatment facilities. . . This source of PFAS can only be controlled by removing or reducing the amount of PFAS found in consumer products." (Study summary)

Sustainable Products Initiative



- PFAS compounds have been used for decades without a clear understanding of their human health and environmental risks
  - Only a few PFAS compounds have had their use curtailed due to these risks
  - Thousands of other PFAS compounds are still used today with no restrictions
- The most effective way to remove these chemicals from the environment is to keep them from entering the stream of commerce in the first place
- NACWA and WateReuse will be developing an advocacy strategy to ensure that consumer products are safe for human health and the environment
  - Address existing chemicals that are problematic
  - Screen new chemicals before they are widely used in products



NOT PFAS

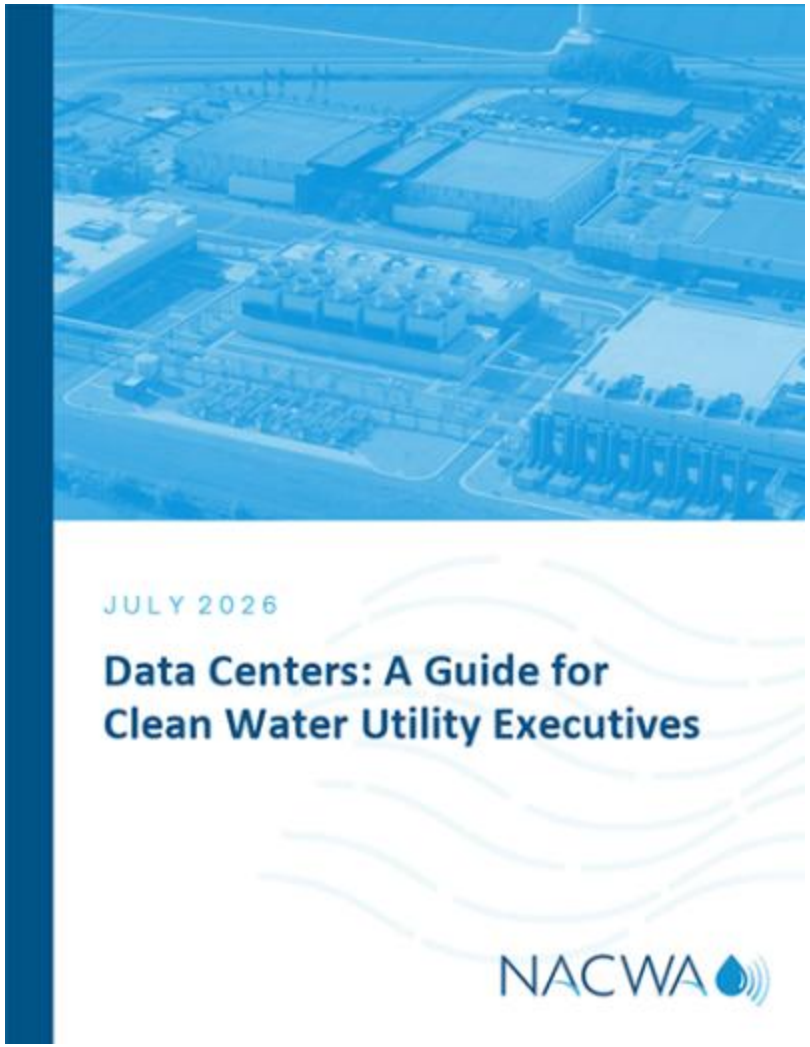
Meat & Poultry Products Category



- January 23, 2024 – EPA proposed effluent limitation guidelines (ELGs) and pretreatment standards for BOD, TSS, and oil & grease
  - Currently no pretreatment standards for MPP Category
  - EPA suggested that "POTWs that perform denitrification may want to waive BOD limits for their MPP industrial users so they can receive more carbon…"
  - EPA presented options for nutrient pretreatment standards, but not as the preferred option
- EPA announced on August 30, 2025, that it would withdraw proposal, citing information in public comments and the Administration's priorities of "protecting food supply and mitigating inflationary prices for American consumers."
- **Ten environmental groups filed a lawsuit on September 15, 2025, challenging EPA's decision**

Data Centers

- NACWA member resource, Data Centers: A Guide for Clean Water Executives.
  - Provides a high-level overview of clean water utility considerations for serving data center development
  - Highlights interests that leaders may wish to evaluate from a utility perspective, secure by advance policymaking, or negotiate during the development process.
- Data Center Water and Energy Transparency Act
  - March 2026: Sen. Dick Durbin (D - Ill.) introduced S. 4213, which would require federal and state agencies to collect and report information on data centers' water and energy use as communities across the country grapple with the infrastructure and environmental impacts of rapid data center development



Flushable Wipes





Wastewater Infrastructure Pollution Prevention and Environmental Safety (WIPPES) Act – S.1092/H.R. 2269

- Sets federal "Do Not Flush" labeling standards for non-flushable wipes and provides a consistent national labeling landscape. Closely modeled after state laws and would preempt state wipes labeling laws
- Supported by NACWA, WEF, CASA, and the Association of the Nonwoven Fabrics Industry (INDA)
- Bill progress:
  - Passed House on June 23, 2025 with strong bipartisan support
  - In major win for utilities, passed by unanimous consent in Senate on March 22, 2026
  - Because Senate made modifications, must now go back to House for final consideration before can be signed into law



Pharmaceutical Disposal

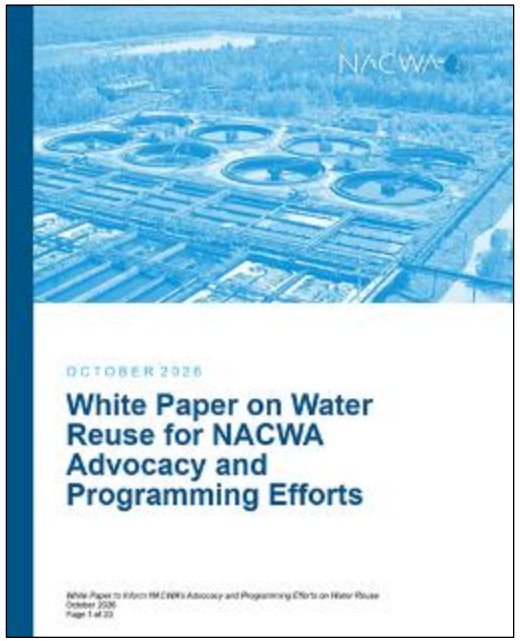


- **NACWA supports take-back programs for unused pharmaceuticals, with pharmaceutical destruction through incineration**
  - Drop-off locations, such as pharamcies and take-back events
  - Mail-back envelopes
- Since wastewater treatment plants are not designed to remove pharmaceuticals, flushing and disposal in trash are not protective of the aquatic environment
  - Pharmaceuticals are found in landfill leachate, which is often conveyed to POTWs
  - In-home disposal systems may prevent illicit drug use, but are still placed in the trash
- Food & Drug Administration (FDA) considering whether in-home disposal systems can mitigate abuse or overdose of opioids
  - In April 6, 2026 comments, NACWA asked FDA to consider environmental impacts of in-home disposal systems

Water Reuse

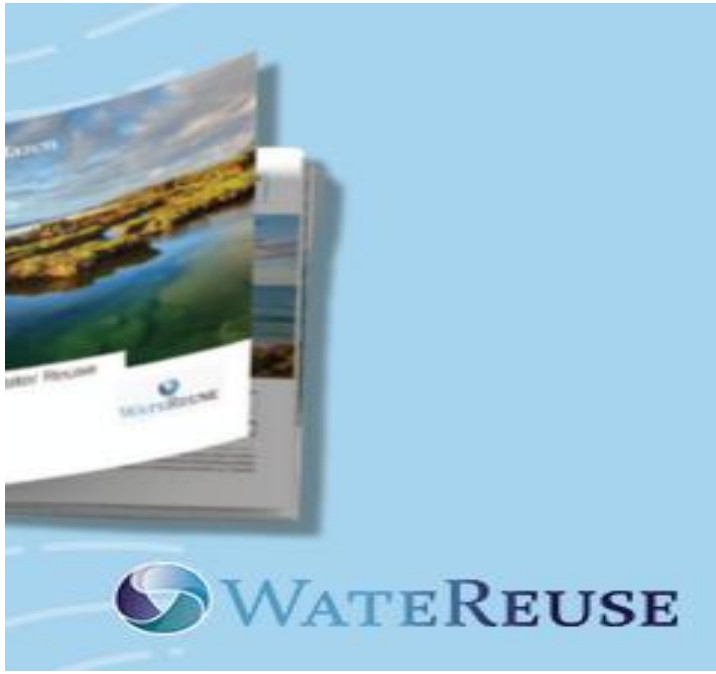
White Paper on Water Reuse for NACWA Advocacy and Programming Efforts

Outlines the federal policy and funding landscape for water reuse and establishes a framework for NACWA's engagement on this increasingly important issue.



Developing Water Reuse Regulations: A State-Level Guide

Roadmap for NACWA and utilities to engage with state agencies and help shape the policies needed to support broader reuse opportunities.



NACWA…The Real ROI Is Community

A network of peers who understand your challenges, share your mission and are committed to advancing clean water.

Knowledgeable, dedicated staff advocating on your behalf – strengthening your ability to serve your customers and protect the environment.

Because the greatest value of NACWA membership is knowing you're never facing challenges alone.



Water is the Cornerstone of Every Community.

NACWA is the Power Behind It! Every Utility Belongs Here.

nacwa.org/join

Explore NACWA's 2026 Annual Report;

You Transform Water. NACWA Powers What's Possible.

Discover NACWA's impact, accomplishments, and progress over the past year through an interactive digital report highlighting our work to advance clean water and strengthen the water sector.

Explore NACWA's Year in Review at **NACWAreport.org.**





Water is the Cornerstone of Every Community…NACWA is the Power Behind it! Every Utility Belongs Here!

Upcoming Events

2026 Pretreatment Virtual Workshop

December 8-9, 1:00-5:00 pm ET



2027 Pretreatment Workshop + Training

May 5-8, Kansas City, MO



Questions?

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