

# S.4574-B (May)/A.5832-B (Kelles)

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<p><b>BILL</b></p> <p>S.4574-B (May)/A.5832-B (Kelles)</p>
<p><b>SUBJECT</b></p> <p>PFAS Monitoring for Water Discharges</p>
<p><b>DATE</b></p> <p>February 03, 2026</p>
<p><b>OPPOSE</b></p>

The Business Council opposes this legislation that would impose broad PFAS monitoring requirements on direct and indirect wastewater sources. As result, this would impose additional monitoring costs on hundreds of New York manufacturers, including small businesses.

Most important, the Department of Environmental Conservation already has policies in place to address wastewater dischargers know or suspected to be discharging PFAS and related substances. These include:

- Technical and Operational Guidance Series (TOGS) 1.3.13, which addresses the inclusion of guidance values for PFOA, PFOS, and 1,4-Dioxane into State Pollutant Discharge Elimination System (SPDES) industrial discharge permits (i.e., direct discharges), and
- TOGS, which addresses application of the same guidance values for SPDES permits for publicly owned treatment works. This guidance prioritizes POTWs that discharge into the watershed of a drinking water supply, as well as POTW permits that are being actively reviewed by DEC for any other permit issue. As part of these efforts, DEC is requiring the POTW to provide information on industrial sources they are servicing and require sampling of both their effluent and influent to identify potential sources of contaminants.

Under both TOGS, the DEC is focusing attention on discharges from facilities in with SIC Codes considered as potential primary sources of PFOA/PFOS in wastewater stream, and lists more than fifty-four-digit SIC codes as priority sectors (an approach comparable to the DEC’s designation of “covered industrial dischargers” proposed in S 4574-B/A.5832-B.

As such, the DEC is taking a prioritized, stepwise approach to expanding its regulation of PFAS is wastewater discharges. Moreover, the Department has broad authority to review and impose additional conditions, including monitoring requirements, on the permits for facilities of concern.

While we recognize that the scope and mandates of S.4574-B/A.5832-B have been scaled back from its initial version, we still have concerns about expansive and costly monitoring mandates that will provide little additional environmental protections.

For example, the bill would capture multisector general stormwater permits. While the bill seems to limit this provision to limited to MSGPs located at a “covered industry” as defined by DEC, the permit still covers a wide range of activities including access roads and rail lines used by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; and shipping and receiving areas, among others. As such, they will capture significant volumes of stormwater which may have di minimis levels of PFAS from precipitation rather than on-site sources.

As a final point, we are still hearing that the wastewater industry is struggling with an insufficient number of qualified laboratories to complete PFAS analytical protocols including inadequate capacity and lengthy turnaround times that fail to satisfy regulatory agency deadlines. This situation would be exacerbated by an overly-broad monitoring mandate.

We appreciate the need to focus on reducing PFAS compounds in the environment, including actions on the state and national level to eliminate new sources and continuing uses of these persistent contaminants, and efforts to reduce public exposure to PFAS in drinking water and through other exposures.

However, we do not believe that the broad PFAS monitoring program proposed in this legislation would be an effective, or efficient, approach to reducing PFAS levels in the environment.

For these reasons, we oppose adoption of S.4574-B/A.5832-B.