

CLIENT ALERTS

EGLE Adopts New WQVs for PFAS Chemicals

Client Alert

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On July 27, 2020, the Michigan Department of Environment Great Lakes and Energy (EGLE) released its newly established Rule 57 Water Quality Value (WQV) for perfluorobutane sulfonic acid (PFBS) and revised WQV for perfluorooctanoic acid (PFOA). The WQVs for PFOA have been significantly reduced with prior values going from 420 ppt for surface water protected as a drinking water source to 66 ppt and from 12,000 ppt for non-drinking water sources to 170 ppt. EGLE indicated in its press release that the lower values for PFOA were the result of its review of unspecified “new science”.

What does this mean for the regulated community? By law, Rule 57 Water Quality Values automatically become the generic Groundwater-Surface Water Interface (GSI) cleanup criteria under Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. As to surface water discharge permits, these values will apply to all regulated discharges to surface waters as well as groundwater venting to surface waters. Wastewater Treatment Plants, or Public Owned Treatment Works (POTWs), must meet these WQVs in discharging to receiving surface water bodies and must consider their ability to achieve these limits in setting local limits for industrial dischargers. In other words, companies that discharge into a public sewer system may be facing more strict discharge limits in the future.

Despite citing a “standardized, transparent process” in setting these WQVs, the Rule 57 process for setting WQVs does not require, nor has it involved public participation or input. As such, little is known about the “science” or EGLE’s technical basis for these values.

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