

Senate Bill 538

By: Senators Hufstetler of the 52nd, Williams of the 25th, Kirkpatrick of the 32nd, Jackson of the 41st, Hodges of the 3rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,
2 relating to control of water pollution and surface-water use, so as to require publicly owned
3 treatment works to seek information from industrial users relating to the manufacture or use
4 of PFAS; to provide for definitions; to provide for legislative findings; to provide for a short
5 title; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Forever Chemicals Transparency Act."

9 **SECTION 2.**

10 Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to
11 control of water pollution and surface-water use, is amended by adding a new Code section
12 to read as follows:

13 "12-5-30.5.

14 (a)(1) The General Assembly finds that perfluoroalkyl and polyfluoroalkyl substances,
15 a type of 'forever chemicals' known as PFAS, are widely used, persist in the environment,

16 and are found in water, soil, air, fish, and wildlife. Studies have shown that many PFAS
17 are found in the blood of people all over the world and that exposure to certain levels of
18 PFAS may lead to an increased risk of some cancers, reduced ability of the body's
19 immune system to fight infections, decreased fertility, and developmental effects such as
20 low birth weight.

21 (2) The General Assembly further finds that the division has found PFAS in surface
22 waters and in public drinking water systems, including systems that use surface waters
23 and ground water as source water, throughout this state. In addition, PFAS are difficult
24 and expensive to remove from water, and ratepayers ultimately may bear the costs of
25 removing PFAS from public drinking water and waste-water systems. Therefore, the
26 General Assembly finds that the public has a right to know whether private industrial
27 users may be discharging PFAS into publicly owned treatment works. To that end, the
28 General Assembly finds that each publicly owned treatment works should determine
29 whether any industrial dischargers to the publicly owned treatment works may be a
30 source of PFAS.

31 (b) As used in this Code section, the term:

32 (1) 'Approved pretreatment program' means a program administered by a publicly owned
33 treatment works that meets criteria established by the division and which has been
34 approved by the division that establishes the procedures and practices to be followed
35 relating to the application for and the issuance or revocation of pretreatment permits for
36 the discharge of any pollutant into a publicly owned treatment works and then into the
37 waters of this state.

38 (2) 'Indirect discharge' means the introduction of pollutants into a publicly owned
39 treatment works from any nondomestic source regulated under Section 307(b), (c), or (d)
40 of the Federal Water Pollution Control Act, known as the Clean Water Act, as amended,
41 33 U.S.C. 1251, et seq.

42 (3) 'Industrial user' means any person that is a source of an indirect discharge or
43 proposed indirect discharge.

44 (4) 'PFAS' means perfluoroalkyl and polyfluoroalkyl substances, which is a group of
45 man-made fluorinated compounds, many of which are hydrophobic and lipophobic, that
46 are manufactured and used in a variety of industries globally. These compounds are
47 persistent in the environment as well as in the human body. Such term includes any
48 fluorinated substance that contains at least one fully fluorinated methyl or methylene
49 carbon atom, including any precursors of such substances. Examples of PFAS include,
50 but are not limited to, PFOA, PFOS, PFHxS, PFNA, HFPO-DA ,commonly known as
51 GenX chemicals, and other chemicals identified in United States Environmental
52 Protection Agency Method 1633.

53 (5) 'Pretreatment' means the reduction of the amount of pollutants, the elimination of
54 pollutants, or the alteration of the nature of pollutant properties in waste water prior to or
55 in lieu of discharging or otherwise introducing such pollutants into a publicly owned
56 treatment works.

57 (6) 'Pretreatment permit' means any permit issued by a publicly owned treatment works
58 with an approved pretreatment program to regulate the discharge of pollutants from any
59 industrial user into a publicly owned treatment works and the waters of this state.

60 (7) 'Publicly owned treatment works' means a treatment works as defined by Section 212
61 of the federal Clean Water Act, which is owned by this state or a municipality. Such term
62 includes any devices and systems used in the storage, treatment, recycling, and
63 reclamation of municipal sewage or industrial wastes of a liquid nature. Such term also
64 includes sewers, pipes, and other conveyances only if they convey waste water to a
65 publicly owned treatment works. Such term also means the municipality, as defined in
66 Section 502(4) of the federal Clean Water Act, which has jurisdiction over the indirect
67 discharges to, and the discharges from, such a treatment works.

68 (8) 'Significant industrial user' means:

- 69 (A) All industrial users subject to categorical pretreatment standards under 40 C.F.R.
70 Section 403.6 and 40 C.F.R. Chapter I, Subchapter N; and
71 (B) Any other industrial user that:
72 (i) Discharges an average of 25,000 gallons or more per day of process waste water
73 to a publicly owned treatment works, excluding sanitary, noncontact cooling, and
74 boiler blowdown waste water;
75 (ii) Contributes a process waste stream which makes up 5 percent or more of the
76 average dry weather hydraulic or organic capacity of the publicly owned treatment
77 works; or
78 (iii) Is designated as such by a control authority on the basis that the industrial user
79 has a reasonable potential for adversely affecting the publicly owned treatment works'
80 operation or for violating any pretreatment standard or requirement in accordance
81 with 40 C.F.R. Section 403.8(f)(6).
- 82 (c) Any industrial user or significant industrial user discharging or proposing to discharge
83 PFAS into a publicly owned treatment works shall have a duty to disclose the discharge or
84 proposed discharge of PFAS in accordance with this Code section.
- 85 (d) No later than December 31, 2026, each publicly owned treatment works shall request
86 the following information from each of its industrial users and significant industrial users:
87 (1) Whether the industrial user or significant industrial user:
88 (A) Manufactures one or more PFAS;
89 (B) Produces any products, by-products, wastes, or other materials known or
90 reasonably suspected to contain PFAS; and
91 (C) Uses in its industrial processes any raw materials, commercial products, or other
92 substances or materials known or reasonably suspected to contain PFAS; and
93 (2) If the industrial user or significant industrial user responds affirmatively to any
94 question posed in paragraph (1) of this subsection, then the industrial user or significant
95 industrial user shall:

96 (A) Identify the known or suspected PFAS and the products, by-products, wastes, raw
97 materials, commercial products, or other substances or materials known or suspected
98 to contain PFAS; and

99 (B) State whether the industrial user or significant industrial user has implemented or
100 proposes to implement best management practices to reduce or eliminate the discharge
101 of PFAS to the publicly owned treatment works and, if so, explain those best
102 management practices and how they will reduce or eliminate those discharges to the
103 publicly owned treatment works.

104 (e) No later than April 1, 2027, and on an annual basis thereafter, each industrial user and
105 significant industrial user shall provide the information requested in subsection (d) of this
106 Code section to the publicly owned treatment works to which it discharges and shall send
107 a copy of such information to the division.

108 (f) Beginning April 1, 2027, any industrial user seeking a pretreatment permit, or the
109 reissuance of a pretreatment permit, from a publicly owned treatment works with an
110 approved pretreatment program shall provide the information requested in subsection (d)
111 of this Code section in its pretreatment permit application and shall send a copy of such
112 information to the division.

113 (g) All information submitted to a publicly owned treatment works under this Code
114 section shall be certified in writing by a responsible corporate officer, general partner, or
115 sole proprietor, as applicable, or a representative of the applicable industrial user or
116 significant industrial user who is responsible for the overall operation of the facility from
117 which the discharge originates, such as a plant manager or superintendent. The person so
118 certifying the information shall state the following: 'I certify under penalty of law that the
119 information submitted with this certification is, to the best of my knowledge and belief,
120 true, accurate, and complete. I am aware that I may be subject to significant penalties for
121 submitting false information, including the possibility of fine and imprisonment for
122 knowing violations.'

123 (h) The Board of Natural Resources is authorized to adopt and enforce rules and
124 regulations as may be necessary to implement this Code section."

125

SECTION 3.

126 All laws and parts of laws in conflict with this Act are repealed.