

ALERTS**Michigan DEQ Says Industrial Pretreatment Programs Must Address Emerging Contaminant PFAS**

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The Michigan Department of Environmental Quality (MDEQ) is conducting a series of [informational sessions](#) in March 2018 to discuss its recently announced Industrial Pretreatment Program requirements related to perfluoroalkyl and polyfluoroalkyl substances (PFAS) to be completed before the end of June 2018. PFAS are emerging contaminants of concern that have historically been used for their stain-resistant, waterproof, or non-stick properties. PFAS have now been found in drinking water sources at several locations throughout Michigan.

In its [February 2018 letter](#) to wastewater treatment plants (WWTPs) that have pretreatment programs, the MDEQ announced it is requiring all such WWTPs to evaluate potential PFAS sources, investigate probable sources, reduce or eliminate any sources found, and take other action as needed to protect surface water quality.

According to the MDEQ, these measures are required for pretreatment programs to ensure that WWTPs do not discharge any PFAS in quantities greater than applicable water quality standards. Although there are many chemicals within the PFAS family, two are governed by water quality standards in Michigan: 1) For PFOS (perfluorooctane sulfonate), the standard is 12 ng/l (nanograms per liter or parts per trillion) for streams that are not used for drinking water and 11 ng/l for those that are used as a drinking water source, and 2) For PFOA (perfluorooctanoic acid), the water quality standard is 12,000 ng/l for lakes and streams that are not used for drinking water and 420 ng/l for those used as a drinking water source.

Manufacturing facilities that could be potential sources could include industrial plating operations where PFAS were used as demisters for plating and etching baths; operations where leather and fabrics were treated (typically with water- or stain-resistant coatings); paper and packaging manufacturing where PFAS may have been used in coatings; and bearing and wire parts manufacturing where parts may have PTFE (a PFAS substance) coatings. Airports, including those that are or were military facilities, could also be potential sources due to PFAS contained in aqueous film forming foams (AFFF) used for fire suppression.

Other potential sources could include centralized wastewater systems and landfills that may have accepted waste from facilities using PFAS, and remediation groundwater from PFAS-contaminated sites.

WWTPs have until June 29, 2018, to submit an interim report on PFAS investigation, sampling, and source reduction efforts. For WWTPs with a large number of industrial dischargers, it may be difficult to complete all

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requirements within this aggressive timeline, due to the time and resources necessary to investigate historic operations that might contribute to PFAS discharges. MDEQ is allowing WWTPs until May 1, 2018, to submit extension requests if needed.

This effort by the MDEQ Water Resources Division is just one of many being conducted by multiple state agencies under the Governor's Michigan PFAS Action Response Team ([MPART](#)). Any facility that used or treats PFAS, including wastewater and drinking water utilities, should carefully follow these developing issues and understand how these and other new requirements might affect their operations.

For more information on this PFAS pretreatment initiative, contact the Barnes & Thornburg attorney with whom you work, or one of the following: Tammy Helminski at 616-742-3926 or tammy.helminski@btlaw.com; Charlie Denton at 616-742-3974 or charles.denton@btlaw.com; Erika Powers at 312-338-5904 or erika.powers@btlaw.com; Fred Andes at 312-214-8310 or fredric.andes@btlaw.com; or Jeff Longsworth at 202-408-6918 or jeffrey.longsworth@btlaw.com.

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