

The County Perspective
PFAS Contamination and Management

Comments submitted by the
New York State Association of Counties



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

to the

Assembly Committee on Environmental Conservation

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Hon. Benjamin Boykin II, Westchester County

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Introduction

Thank you Chairwoman Glick and members of the Assembly Standing Committee on Environmental Conservation for the opportunity to provide testimony on perfluoroalkyl and polyfluoroalkyl substances (PFAS) contamination. The New York State Association of Counties (NYSAC) represents New York's 62 counties, including the City of New York, before federal, state and local officials on matters germane to county government. Our comments address the interconnected challenges of PFAS contamination: the urgent need for source reduction through product bans, the complex challenges of managing PFAS in our waste stream, the impacts on biosolids and organics management, the strain on local health departments' monitoring capabilities, and the overwhelming financial burden placed on local governments.

Eliminating PFAS from Consumer Products

Counties recognize the importance of managing PFAS in the environment due to their widespread presence in consumer products and the serious public health risks they pose. While we commend the Assembly Environmental Conservation Committee for taking significant steps to restrict PFAS usage in specific products like apparel, carpets, and food packaging, more comprehensive action is needed.

PFAS continue to be widely used in numerous consumer products, including furniture and cookware, despite clear links between exposure and increased health risks. The ubiquity of these chemicals in consumer products inevitably leads to their presence in our waste stream and water resources.

We strongly urge the Legislature to enact comprehensive legislation banning PFAS in consumer products. This approach must focus on prevention at the source, rather than solely managing these "forever chemicals" after they enter our waste stream. Front-end prevention is far more effective and less costly than back-end treatment and remediation.

Critical Concerns Regarding Landfill Leachate

Counties are particularly concerned about the challenges posed by PFAS-contaminated leachate from landfills. Even relatively small landfills can generate 80,000 to 100,000 gallons of leachate daily. With an estimated 500 million gallons of leachate generated annually in New York State, the scale of this challenge cannot be overstated.

While various treatment technologies exist for PFAS, they are not a panacea for this crisis. Advanced treatment options require substantial investment in both capital infrastructure and ongoing operations. For New York's local governments, particularly our smaller and rural communities, these costs could prove prohibitive without significant state support.

The Department of Environmental Conservation (DEC)'s recent proposals regarding on-site leachate management have raised serious concerns among county solid waste professionals about both technical feasibility and cost implications. A prohibition on

discharging treated effluent from landfills would have profound implications for waste management practices and could result in substantial rate increases for residents and commercial customers. Additionally, leachate solidification would significantly impact landfill capacity, which is already limited. Current projections indicate only 16-20 years of remaining landfill capacity in New York State, and proposed leachate management requirements could reduce this capacity by as much as two-thirds. This presents a critical infrastructure and planning challenge for local governments.

Biosolids and Organics Management Challenges

The complexity of PFAS management extends beyond leachate concerns. Recent regulatory proposals create a cascade of interconnected challenges that require careful consideration. DEC's Program Policy 7 (DMM7), which established interim PFOS and PFOA criteria for recycled biosolids, could have unintended consequences, potentially resulting in increased landfill disposal and exacerbating issues for landfills already struggling with PFAS-contaminated leachate. Furthermore, New York State's promotion and expansion of organics recycling raises additional concerns about PFAS management that have not been adequately considered. As we push forward with important organic waste diversion initiatives, we must ensure that PFAS contamination does not undermine these environmental efforts or create new pathways for contamination.

These challenges highlight a fundamental issue with the current regulatory approach: an overemphasis on end-of-life treatment facilities rather than source reduction and prevention. While treatment is necessary, focusing primarily on managing PFAS after it enters our waste stream is both less effective and more costly than preventing its introduction in the first place. We need a stronger stance on preventing PFAS from entering landfills and waste management facilities entirely.

This situation exemplifies why we need a truly comprehensive approach to PFAS regulation that prioritizes source reduction over end-of-line treatment, considers the full lifecycle of PFAS-containing materials, accounts for interactions between different waste management strategies, ensures new environmental initiatives do not inadvertently worsen PFAS contamination, and promotes a fair distribution of responsibilities and costs associated with PFAS management.

Remediation Costs and Financial Impacts for Local Governments

Perhaps the most pressing concern for counties is the substantial cost associated with PFAS remediation and treatment. Recent studies paint an alarming picture of the financial burden facing local governments and utilities. According to the American Water Works Association's 2024 analysis, drinking water treatment for PFAS alone will require more than \$40 billion in capital improvements over the next five years. When combined with operations and maintenance costs, this represents an annualized cost of \$2.7 to \$3.5 billion – roughly twice the Environmental Protection Agency (EPA)'s original estimate.

Local governments and public water utilities have already made significant investments to upgrade their sewer lines and water treatment facilities to address PFAS contamination. These investments have placed considerable strain on local budgets and ratepayers. For example, in some communities, the management of post-landfill leachate contributes significantly to municipal sewer operating costs, and new requirements could force substantial rate increases for residents and commercial customers.

We strongly believe that the manufacturers of PFAS-containing products should bear responsibility for the costs associated with treating these chemicals in our water and waste systems. The current approach places an unfair burden on local governments and taxpayers to address contamination from products they neither manufactured nor profited from. Passing these costs on to households and families effectively creates a “public pays” principle rather than a “polluter pays” principle.

Counties and utilities already face significant resource constraints due to the 2% property tax cap and other fiscal pressures. Adding these extraordinary PFAS remediation costs without additional funding support or manufacturer accountability will create an untenable situation for local governments and the communities they serve.

Regulatory Coordination and Compliance

The PFAS challenge cannot be viewed in isolation. Local governments are currently managing multiple regulatory initiatives that impact waste management and water quality, including the Lead and Copper Rule Improvements, new federal Maximum Contaminant Levels (MCLs) of 4 ppt for PFOA and 4 ppt for PFOS, and interim PFOS and PFOA criteria for biosolids that are recycled and used for land applications.

This regulatory complexity underscores the need for a coordinated, well-planned approach to PFAS management. Counties are concerned that the current piecemeal approach to regulation could lead to unintended consequences and potentially conflicting requirements.

Public Health Monitoring and Oversight

A crucial but often overlooked aspect of PFAS management is the vital role that local health departments (LHDs) play in protecting our drinking water. Of the 58 local health departments in New York State, 36 provide environmental health services in their communities, conducting essential oversight and monitoring activities to ensure public water supply operations achieve and maintain compliance with all state and federal laws and regulations. These environmental health staff are on the front lines of ensuring drinking water quality, routinely facing emerging issues that pose significant threats to water quality, including PFAS.

Local health departments must ensure public water systems are monitoring for over 100 contaminants, provide public notification of exceedances, and develop action plans and

timetables to reduce contaminants below maximum levels. The identification and addition of new maximum contaminant levels (MCLs) for PFAS and other emerging contaminants have increased the strain on already limited resources.

While New York State has made significant fiscal and programmatic enhancements to assist municipalities in protecting drinking water through the Clean Water Infrastructure Act, the same cannot be said for support for the county role of monitoring and regulating drinking water supplies. Of particular concern is the stagnation of Drinking Water Enhancement Grants. These grants were originally funded at \$6 million; however, between SFY 2009-10 and SFY 2013-14, they were cut by a cumulative 16% and have not increased since 2013-14 despite growing public health needs and mandates. Currently, the annual investment for Drinking Water Enhancement Grants represents only 1% of the entire appropriation for Clean Water Infrastructure and Water Quality Protection.

This funding constraint, coupled with the 2% property tax cap and increasing regulatory requirements, has left LHDs struggling to maintain current programs, much less enhance their ability to respond to emerging threats like PFAS contamination. We implore the Legislature to recognize the impact of funding constraints on state and local agencies responsible for ensuring water quality and increase Drinking Water Enhancement Grant funding to reflect current needs.

Recommendations

Based on these concerns, NYSAC respectfully recommends the following actions:

1. Enact comprehensive legislation to ban PFAS in consumer products, moving beyond the current product-by-product approach to regulation.
2. Establish mechanisms to hold manufacturers accountable for PFAS use and treatment costs, ensuring that the financial burden of remediation does not fall solely on local governments and taxpayers.
3. Provide additional state funding and technical assistance to help counties implement effective PFAS treatment technologies and manage leachate responsibly.
4. Develop a comprehensive state strategy for maintaining adequate waste disposal capacity while addressing PFAS contamination concerns.
5. Expand funding to support local governments in upgrading water and wastewater infrastructure to address PFAS contamination.
6. Develop a coordinated timeline for implementing various waste management and water quality regulations to ensure feasible compliance schedules.
7. Analyze the economic impact of proposed legislation and regulations on local governments prior to adoption.
8. Adopt policies to strengthen partnerships across state agencies and between state and local government entities that share primary responsibility for ensuring access to safe drinking water.

9. Create sustainable funding mechanisms that reflect the true cost of modern water quality monitoring and oversight, including increasing Drinking Water Enhancement Grant funding to reflect current needs.

Conclusion

The pervasive nature of PFAS – in our products, our water, our soil, and even our bodies – represents an unprecedented environmental and public health challenge. We cannot afford to underestimate the scale of this crisis. Counties urge New York State to lead the nation in developing a truly comprehensive approach that protects our environment and our communities from the devastating impacts of these forever chemicals while ensuring those who profited from creating this crisis bear their fair share of the cleanup costs.

We stand ready to partner with the State to address PFAS contamination in the environment. However, local governments need appropriate resources, realistic timelines, and regulatory flexibility to respond effectively. We urge state lawmakers and regulators to consider not just environmental protection but also economic feasibility and practical implementation challenges in responding to the PFAS crisis.

Thank you for the opportunity to provide these comments. We look forward to working with the Legislature to develop effective solutions to this critical environmental and public health challenge.