

Insights

NEW YORK ANNOUNCES ADDITIONAL STEPS TO ADDRESS PFAS

Dec 18, 2025

On December 11, 2025, the New York State Department of Environmental Conservation (DEC) announced several new initiatives regarding per- and polyfluoroalkyl substances (PFAS).

PRIOR NEW YORK ACTIONS

In 2015, the presence of PFAS was first confirmed in the drinking water of the village of Hoosick Falls, Rensselaer County. Subsequent sampling has confirmed the presence of PFAS in other drinking water supplies in the State. Prior to 2025, New York has taken the following steps at the state level to address the presence of PFAS in the environment:

- **Release Prohibition and Cleanup Liability.** In 2017, DEC amended its hazardous substances identification, release prohibition, and release reporting regulations to add perfluorooctanoic acid (PFOA), ammonium perfluorooctanoate (PFOA-salt), perfluorooctanesulfonic acid (PFOS), and perfluorooctane sulfonate (PFOS-salt) to its list of hazardous substances. As a result of this rulemaking, subject to a limited exception, releases of a reportable quantity of PFOA or PFOS are prohibited. If a release of PFOA or PFOS creates a significant threat to public health or the environment, DEC is authorized to pursue remediation of those materials under one of its remedial programs.
- **Drinking Water Standards.** In 2020, the State Department of Health promulgated enforceable drinking water quality regulations establishing a maximum contaminant level (MCL) of 10 micrograms per liter (µg/L) for PFOA and 10 µg/L for PFOS. These standards are less stringent than the federal MCL for PFOA and PFOS that EPA promulgated in 2024.
- **Ambient Water Quality Standards.** In 2023, DEC promulgated ambient water quality guidance values, which are used to set industrial discharge limits in a State Pollutant Discharge Elimination System (SPDES) permit. The values are 6.7 parts per trillion (ppt) for PFOA and 2.7 ppt for PFOS.
- **Firefighting Equipment.** Beginning in 2020, the State Legislature enacted laws restricting the sale and use of firefighting foam and equipment containing PFAS chemicals.

- **Food Packaging.** In 2020, the State Legislature enacting a law banning the sale of food packaging containing PFAS “as intentionally added chemicals.”
- **Apparel Ban.** In 2023, the State Legislature banned the sale of “new, not previously used, apparel containing PFAS as intentionally added chemicals” Proposed DEC regulations are expected in 2026, but portions of the law are already in effect.

INITIATIVES ANNOUNCED ON DECEMBER 11, 2025

The new initiatives announced by DEC on December 11, 2025, include the following:

- **POTW Testing.** DEC issued a new guidance document stating that its permitting staff – when reviewing a SPDES permit issued to publicly owned treatment works (POTW) – will require the POTW to test representative samples of its influent, effluent and biosolids for the 40 PFAS compounds tested through EPA’s Method 1633/1633A.
- **Industrial Pretreatment.** The same guidance document reminds POTW operators that they must use the authority provided by their sewer use law to control the discharge of industrial wastewater through Best Management Practices (BMPs) and pretreatment to minimize the need for additional treatment at the POTW. With respect to PFAS, the BMPs may include requests that industrial users disclose their use of products containing PFAS; wastewater sampling to determine the presence of PFAS; voluntary reductions of PFAS and/or equipment substitution; or establishment of local discharge limits.
- **PFAS Information Portal.** DEC has established a geospatial database to keep the public informed as to PFAS and 1,4-dioxane sampling in New York waterbodies and in the waste streams of SPDES-permitted facilities.
- **Draft Policy Requiring Sampling of PFAS in Biosolid Products.** DEC published a draft policy to require sampling and analysis of biosolid products. Within 90 days of the issuance of the final policy, facilities currently permitted to accept biosolids, as well as facilities with an approval to distribute biosolid products from out-of-state sources, must sample the biosolid product for PFAS compounds and provide the samples to a State-certified laboratory. The test results must be submitted to DEC upon receipt from the laboratory, and DEC will publish the data received.
- **Publication of Rural Background Study.** DEC recently completed a study of PFAS concentrations in rural soils. The PFAS background levels will be used as one consideration in setting soil remediation levels at certain sites.
- **Draft Guidance for Alternate Water Supply.** DEC proposed revisions to a guidance policy for offering and providing an alternate water supply when the presence of PFAS is identified in individual water supplies.

CONCLUSION

For additional information regarding the efforts in New York to address PFAS, please contact Phil Karmel, Erin Brooks, Christian Bromley, John Kindschuh, or any other member of our [PFAS Team](#) at BCLP.

RELATED CAPABILITIES

- PFAS

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