

Understanding the PFAS Regulatory Framework: What to Know and Watch For

June 4, 2026

Agenda



- **Welcome and Introductions**
- **Current and Evolving PFAS Regulations in Drinking Water**
- **NLC Resources on PFAS**
- **NACo Resources and Advocacy Efforts on PFAS**
- **Q&A**
- **Closing**



Current and Evolving PFAS Regulations in Drinking Water

Alexis Lan, Physical Scientist and Policy Analyst in the Office of Water, *Office of Ground Water and Drinking Water of the U.S. Environmental Protection Agency (EPA)*

- lan.alexis@epa.gov



NLC Resources on PFAS

Carolyn Berndt, Legislative Director for Sustainability on the Federal Advocacy team at the *National League of Cities (NLC)*

Understanding the PFAS Regulatory Framework: What to Know and What to Watch For

Carolyn Berndt
Legislative Director for Sustainability
National League of Cities



OUR MISSION

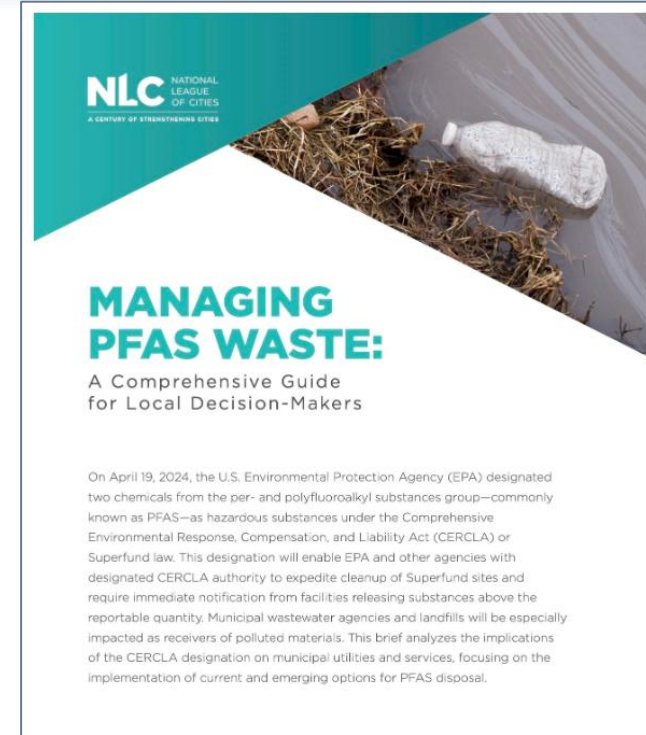
To relentlessly advocate for, and protect the interests of, cities, towns and villages by influencing federal policy, strengthening local leadership and driving innovative solutions.

NLC

NLC Resources on PFAS



[Evaluating PFAS Treatment Technologies: A Technical Framework to Meet the 2024 EPA Drinking Water Regulation](#)



[Managing PFAS Waste: A Comprehensive Guide for Local Decision-Makers](#)



NLC Resource for Meeting EPA National Primary Drinking Water Regulation for PFAS

Treatment Technologies

- Granular Activated Carbon
- Anion Exchange
- High-pressure Membrane

Advantages and Disadvantages; Customizations; Case Studies

Steps for Discerning and Implementing a Treatment Technology

- Identify technology, Pilot Testing, Implementation



NLC Resource for Managing PFAS Waste

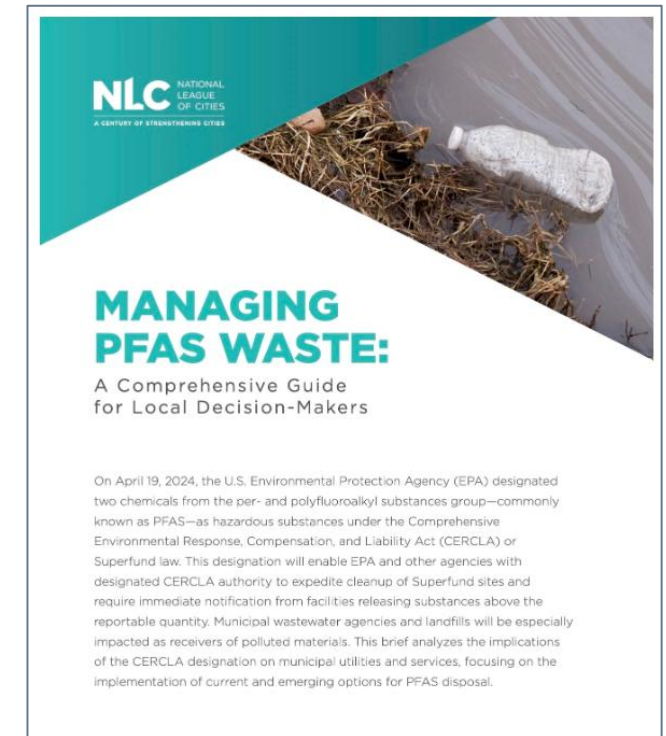
Disposal and Destruction Options

- Underground Injection Wells
- Landfills
- Thermal Treatment
- Land Application

Advantages and Disadvantages; Case Studies; PFAS Destruction Pilot Treatments

Steps for Determining How PFAS is Affecting Your Community

- Testing and identifying the primary sources of PFAS contamination
- Considering appropriate treatment and disposal options



Hazardous Substance Designation Under CERCLA

Does not require clean up; confers liability for the cost of clean up

- Current and past owners and operators of a facility
- Generators and parties that arrange for the disposal or transport of the hazardous substances

Subjects local governments to third party lawsuits and future liability

Impacts on municipal operations

- Drinking water, wastewater, stormwater utilities
- Landfills
- Airport/firefighting operations

Need Congressional Action – [Contact Your Members of Congress](#) to urge liability protection for local governments that did not cause or contribute to PFAS contamination

NLC supports H.R. 1267 – [Water Systems PFAS Liability Protection Act](#) sponsored by Reps. Gluesenkamp Perez (D-WA) and Maloy (R-UT)

Additional Resources – AWWA

[PFAS Treatment Evaluation: Framework for Approaching Permit/Plan Approval](#) – A guide for organizing and collecting data to support decision-making.

[Drinking Water Treatment for PFAS Selection Guide](#) – To assist water systems with drinking water treatment decisions for PFAS.

[Source Water Evaluation Guide for PFAS](#) – To help water systems evaluate their water supply for PFAS contamination and identify potential sources of PFAS contamination.

PFAS Legal Case Settlements

This information is not meant to provide legal advice. Local leaders should consult the city's legal counsel.

Source: NLC Partner Blog – [PFAS Settlement Deadlines Updated: How to Secure Your City's Share of Funding](#)

Upcoming Phase 2 PFAS Drinking Water Settlement Deadlines

Phase 2 Action Fund Claims (3M & DuPont) Deadline: July 31, 2026 – This is the primary claims submission deadline date by which all required documentation must be submitted.

Phase 2 Special Needs Fund Claims (3M and DuPont) Deadline: August 1, 2026 – Municipalities that have incurred or are planning to incur costs to manage PFAS before Aug. 1 can file a claim seeking to recover some of those unexpected costs. The Special Needs Fund can provide additional funding above and beyond primary “Action Fund” claims.

Questions? Get in touch.



Carolyn Berndt

Legislative Director for Sustainability
National League of Cities

Berndt@nlc.org

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NACo Resources and Advocacy Efforts on PFAS

- Charlotte Mitchell, Associate Legislative Director for Environment, Energy and Land Use policy at [National Association of Counties \(NACo\)](#)



Understanding the PFAS Regulatory Framework: What to Know and What to Watch For

Charlotte Mitchell Duyshart
Associate Legislative Director – Environment, Energy and Land Use
National Association of Counties



Stronger Counties. Stronger America.

Our Mission

Strengthen America's Counties

Our Vision

Healthy, safe and vibrant counties across America

NACo Resources on PFAS



PFAS Passive Receiver Protections for Counties

As owners, users and regulators of water infrastructure, counties are directly impacted by federal water quality regulations. On April 19, 2024, the U.S. Environmental Protection Agency (EPA) published a final rule designating two PFAS chemicals as hazardous under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

The rule could place a significant economic burden on counties, as PFAS is suspended in the environment which leads to accumulation in water systems, landfills and other facilities owned or operated by counties. Given the ubiquity of PFAS, county governments, water systems, landfills and airports could be subject to the rule's reporting and financial liability requirements.

perist in the environment for decades and can negatively affect human health. Exposure can occur in a variety of ways, including by breathing air containing PFAS, drinking water contaminated with PFAS and swallowing soil or dust contaminated with PFAS.

Who are Passive Receivers?

Passive receivers include drinking water systems; wastewater treatment facilities and biosolids management; municipal solid waste landfills and composting facilities. Counties and other local governments are passive receivers as many own water infrastructure facilities and landfills.

What are PFAS?

PFAS, per- and poly-fluoroalkyl substances, are a group of synthetic chemicals that are used in a wide variety of household, commercial and industrial applications. Commonly referred to as "forever chemicals," PFAS can

Given the ubiquity of PFAS, county governments, water systems, landfills, and airports could be subject to the rule's reporting and financial liability requirements.

Why are Passive Receiver Protections Needed?

The 2024 CERCLA rule authorizes EPA to investigate releases of hazardous PFAS chemicals into the environment and compel responsible parties, including owners and operators of facilities and vessels, to clean up contaminated sites or to reimburse EPA for the cost of cleanup. Responsible parties are also able to sue other parties they believe to be responsible for contamination, such as county governments, to recover cleanup costs.

EPA issued an Enforcement Discretion Policy alongside the CERCLA rule stating that they would focus enforcement actions on manufacturers of PFAS and do not intend to hold passive receivers liable. However, the policy does not provide explicit protections for passive receivers as it does not prevent other responsible parties from suing county governments to recover cleanup costs. Additionally, it is not legally binding and nothing included in the policy prevents a future administration from revoking it.

What can Counties do?

Counties urge Congress to provide passive receivers with the necessary liability relief. If not granted an exemption, counties could be forced to pay for the cleanup of substances in which they had no role in the creation or distribution – shifting the "polluter pays" principle of the law to a "community pays" model, placing the burden of compliance and cleanup onto ratepayers and residents.

NACo will continue to advocate for legislation that ensures local governments are explicitly recognized as passive receivers of PFAS and are provided a narrow exemption from liability under CERCLA.

PFAS Contamination Cycle



PRIMARY SOURCES
Electronics
Fast Food Packaging
Fire Fighting Foams
Non-Stick Cookware
Stain-Resistant Products
Waterproofing

SECONDARY SOURCES
Airports
Department of Defense Bases
Industrial Sites
Municipal Solid Waste
Private Treatment Systems
Septic Systems

PFAS EXPOSURE PATHWAYS

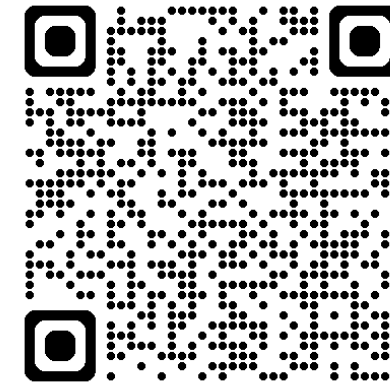
WASTE HAULERS & TRANSIT PATHWAYS
Groundwater Infiltration
Runoff to Receiving Streams
Landfills
Wastewater Treatment Plants

PFAS MIGRATION & TRANSPORT PATHWAYS
Airborne
Wastewater Effluent and Biosolids
Water Treatment Plants

PFAS EXPOSURE PATHWAYS
Food Sources
Drinking Water

PFAS IN HUMANS
Users of Primary Sources

 660 North Capitol Street, NW • Suite 400 • Washington, D.C. 20001 • 202.393.6226 • www.naco.org



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NACo's PFAS Hub

Recent Congressional Action

2023

EPW releases draft PFAS bill – no passive receive protections included
Sen. Lummis bills (R-WY) – suite of 5 passive receiver protection bills

2024

Curtis(R-UT)/Gluskamp Perez (D-WA) - *Water Systems PFAS Liability Protection Act*

2025

Maloy (R-UT)/ Gluskamp Perez (D-WA) - *Water Systems PFAS Liability Protection Act*

Advocacy ask: Urge your members of Congress to pass liability protection for passive receivers of PFAS



Thank you!

Charlotte Mitchell Duyshart

Associate Legislative Director – Environment, Energy and Land Use
National Association of Counties

cmitchell@naco.org



Questions?



Thank You