

PFAS Legal Update

Spring Biosolids Symposium
March 17, 2026

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Federal Regulatory Developments

CERCLA Listing

- Trump Administration plans to defend PFOS and PFOA listing in court challenge

Biosolids Risk Assessment

- Draft published January 2025
- Comments accepted through August 2025
- Have heard further direction by end of March

NASEM PFAS Report – February

- Published February 2026
- RE PFAS in agricultural systems



Federal Regulatory Developments

RCRA Listing

- Trump Administration plans to finalize proposed rule listing PFOA, PFOS, PFBS and GenX as RCRA hazardous constituents

TRI Rulemaking

- Two rules: one to strengthen and expand PFAS reporting requirements and another to clarify when companies must notify a customer a product contains certain PFAS
- Both expected to be finalized late 2026

TSCA Reporting

- In 2023, requirements established under TSCA for manufacturers and producers to report PFAS use
- Proposed rule from 2025 aims to exempt de minimis PFAS concentrations from reporting

Federal Legislative Developments

Clean Water Standards for PFAS Act

- Reintroduced in late 2025
- Would impose EPA deadlines for developing PFAS water quality criteria and ELGs
- Includes funding provisions

CERCLA

- Potential amendment to CERCLA to include a “passive receivers” exemption



State Developments

SB 128/AB 131

- Establishes PFAS municipal grant program
- Establishes exemptions from spills law including for land application of biosolids containing PFAS
- Unanimously passed by the Assembly mid-February
- Anticipated to go before Senate in mid-March

SB 127/AB 130

- Appropriates money from PFAS trust fund to DNR including for implementation of municipal grant program
- Unanimously passed by the Assembly mid-February
- Anticipated to go before Senate in mid-March

State Developments

- **Groundwater Rules (DG-02-25)**
 - NRB proposed statement of scope in April 2025
 - Would establish groundwater enforcement standards for 6 PFAS compounds
- **Drinking water Rules (DG-01-24)**
 - Aligns Wisconsin with federal MCLs adopted under Biden administration
 - BUT Trump EPA plans to roll back all but PFOS and PFOA MCLs
 - 4 ppt for PFOS and PFOA; 10 ppt for PFHxS, PFNA, HFPO-DA
 - Approved by NRB at January 2026 meeting
 - Approved by the Governor

Biosolids Interim Guidance – new thresholds likely coming!

5.1	PFOA + PFOS >150 ppb (ug/kg): industrially impacted; notify DNR; find alternative to land application
5.2	PFOA + PFOS of 50-150 ppb (ug/kg): notify DNR; investigate sources; reduce overall loading to <1.5 dry tons per acre; notify landowner/farmer prior to application; track application rates
5.3	PFOA + PFOS of 20-50 ppb (ug/kg): investigate sources; notify landowner/farmer prior to application; track application rates
5.4	PFOA + PFOS of <20 ppb (ug/kg): land apply as normal consistent with NR 204

Current WPDES Permits

Effluent Monitoring

- PFOS and PFOA
- Typically monthly or every other month
- Submit final report on effluent data after 24 months of monitoring

PFAS PMP

- Submit request to DNR to evaluate need for PMP based on data collected
- If PMP is needed, permittee required to develop plan
- Permit will be modified to include PMP

Biosolids Monitoring

- Monitor for full DNR approved list of PFAS compounds

Thank you!

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