

# PFAS Standards In Pennsylvania Now Set

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On November, 2021, Pennsylvania officially publishes [PFAS soil standards](#) for cleanup processes in the state. It is important to note that the soil concentrations would not create liability standards, at least not explicitly. Instead, the standards aim to be guidelines by which site remediators can gauge PFAS removal steps in instances of soil pollution. Nevertheless, the steps by Pennsylvania represent a new step forward in PFAS regulatory action that other states are exploring, but have yet to affirmatively propose standards at this time. As other states follow suit, though, it is likely that other states will begin setting PFAS soil standards that include both a remediation guideline and liability purpose. Companies are well-advised to closely follow developments at the state level with respect to PFAS soil standards.

## **PFAS Soil Standards In Pennsylvania**

The Pennsylvania Department of Environmental Protection's (PADEP) first published its proposed [revision](#) to the state's Act 2 Chapter 250 regulations for PFAS soil standards in February of 2020. New attention is being given to these proposals due to the fact that the state has since cleared two of its regulatory amendment process hurdles before the proposed PFAS soil standards can be finalized.

Under the proposal, Pennsylvania set Medium Specific Concentrations (MSC) for PFOA, PFOS and PFBS in soil, as follows:

- PFOA: 4.4 mg/kg (residential); 64 mg/kg (non-residential)
- PFOS: 4.4 mg/kg (residential); 64 mg/kg (non-residential)
- PFBS: 66 mg/kg (residential); 960 mg/kg (non-residential)

The state notes in the regulations that the PFOA and PFOS values are for individual or total combined purposes.

## **Impact on Pennsylvania Businesses**

As noted above, the PFAS soil standards do not create liability if soil is discovered to contain levels of PFAS above the noted limits. Instead, the regulations provide guidance to site remediators, to provide clarity as to the extent and scope of PFAS remediation necessary from contaminated sites. Nevertheless, companies in Pennsylvania are advised to use the limits in the regulations as guidelines when determining whether or not sites owned by the businesses or sites that companies may inadvertently be polluting with PFAS have elevated levels of PFAS such that future liability concerns may arise.

Businesses outside of Pennsylvania must be aware of the Pennsylvania regulations and closely follow legislation and regulatory action in discussion with respect to PFAS soil standards. While drinking water and wastewater have certainly received the most attention from a PFAS regulatory perspective, efforts are being made in several states to collect data with respect to PFAS soil contamination, with the long-term goal of enacting science based PFAS soil standards.

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