

DEQ Cleanup Program – Update on PFAS Regulations

Updated March 2025

Background

Per- and polyfluoroalkyl substances, commonly called PFAS, are human-made organic compounds that have been manufactured since the 1940s for a variety of uses. They are highly toxic, mobile, and persistent in the environment. The chemical properties that distinguish them from other chemicals of interest are a unique combination of increased solubility and mobility in water and high bioaccumulation rates in biological tissue and food webs.

PFAS are most commonly associated with fire training, prevention, and response activities through the use of firefighting foams. Examples of other facilities that may be sources of PFAS releases to the environment include bulk fuel storage sites, plating and metal finishers, paper mills and paper product manufacturers, electronics manufacturers, aviation manufacturers, and textile and leather processors.

The U.S. Environmental Protection Agency has completed rulemaking for some PFAS and DEQ has initiated its own rulemaking process. DEQ's Cleanup Program, identifies the most common and notable PFAS sources as "Tier 1" sites and include: [1]

- Airports, municipal fire training facilities, or other facilities with known or likely AFFF storage/use.
- Bulk fuel facilities/refineries.
- Manufacturers or businesses that are known or suspected to use PFAS in the vicinity of public water supplies with PFAS detections.
- Metal plating operations.

The Cleanup Program's initial efforts will include information and data collection at Tier 1 sites. The program may also request sampling at sites that are not on the Tier 1 list if a facility has known or highly suspected PFAS use or release, or if impacts to people or the environment is a concern.

DEQ will also consider sites beyond Tier 1 sites with high potential to release PFAS, including but not limited to semiconductor facilities, pulp and paper mills, and coatings manufacturers. Consistent with its historical practice, the Cleanup Program does not expect to pursue investigation of permitted facilities such as

[1] North American Industry Classification System (NAICS) codes related to PFAS industries and California State Water Resources Control Board administrative orders targeting specific industries.

wastewater treatment facilities and landfills undergoing active oversight by other DEQ or EPA programs. The Cleanup Program will identify users of PFAS that may have impacted public drinking water supply areas or groundwater or surface water resources in Oregon, including fish.

As with currently regulated contaminants (petroleum, metals, polychlorinated biphenyls, dioxins, pesticides, etc.), Cleanup Program activities will focus on: 1) contaminant release sites (sources) that may pose a higher risk to people and the environment (high or medium priority sites); or 2) lower-priority sites that voluntarily engage DEQ in pursuit of a No Further Action determination, Prospective Purchaser Agreement, or other administrative decision.

General Regulations

EPA designated two PFAS chemicals, PFOA and PFOS, as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act in 2024. EPA also issued enforceable drinking water standards, called maximum contaminant levels, or MCLs, for six PFAS chemicals, including PFOA, PFOS, PFHxS, PFNA, HFPO-DA or "GenX", and PFBS.

EPA has issued soil, water, and leaching Regional Screening Levels for many PFAS chemicals. EPA has issued final Recommended Aquatic Life Ambient Water Quality Criteria for PFOS and PFOA for the water column and fish and invertebrate tissue concentrations, and Aquatic Life Benchmarks for eight additional PFAS. EPA has also issued draft AWQC for the human ingestion of PFAS-contaminated surface water and organisms.

DEQ has initiated rulemaking to designate PFOS, PFOA, PFHxS, PFNA, HFPO-DA or GenX, and PFBS as Oregon hazardous substances.

Analytical Testing

EPA has approved analytical test methods for the most common PFAS chemicals. For drinking water, use EPA Method 533 and 537. For soil, sediment, water, and tissue, use EPA Method 1633.

Detection and reporting limits are generally below EPA MCLs and/or screening values. Multiple analytical laboratories are available for sample testing. Analytical costs for water analysis are in the range of $300-$400 per sample for EPA Method 1633. This method provides results for 40 chemicals, including all of those currently regulated by EPA and considered for regulation by DEQ.

PFAS and DEQ Cleanup Program

Sites Active in the Cleanup Program

Prior to completion of rulemaking, the Cleanup Program could not require PFAS testing at any site. The Cleanup Program has requested voluntary PFAS sampling at active Tier 1 sites where PFAS releases are either known or suspected, and groundwater or surface water resources may be impacted. DEQ may request sampling at other high concern sites on a case-by-case basis where environmental releases are known or suspected. The focus of this work will be on information gathering. If PFAS data are not generated for Tier 1 sites, administrative decision-making/closure by DEQ may be delayed, qualified, or withheld, and sampling will likely be required following final rulemaking.

After rulemaking is completed, the Cleanup Program will follow its typical process. This means DEQ will require PFAS testing at sites where an environmental release is a significant concern based on site history or past industrial practices and exposure risks. If responsible parties do not respond to DEQ requests for data, administrative decision-making/closure will likely be withheld. As with other regulated contaminants, DEQ may consider use of enforceable agreements, as needed, where parties are unresponsive and there is a known or suspected risk to people or the environment.

Closed cleanup sites

Prior to completion of rulemaking, DEQ will not request PFAS testing at closed cleanup sites unless special circumstances are present. After DEQ completes rulemaking, it will consider the need for PFAS testing at closed sites on a case-by-case basis. DEQ will prioritize sites with known or suspected PFAS releases to groundwater or surface water, or where impacts to people or the environment is a concern. In general, DEQ's Cleanup Program has not reopened sites unless there is a compelling risk concern. This will not change with the regulation of PFAS as hazardous substances.

Investigating new potential cleanup sites

Before completing rulemaking, DEQ will begin phased outreach to Tier 1 sites with no current or historical engagement with the Cleanup Program. DEQ will request information on historical PFAS use and releases and submission of any existing sampling results. If no testing has been completed, DEQ will request collection of reconnaissance-level soil and groundwater data to determine whether environmental releases have occurred. Work can be completed either independently or with the support of DEQ's Voluntary Cleanup Program.

After rulemaking is completed, DEQ may require PFAS testing. DEQ may consider use of enforceable agreements for Tier 1 or other high concern sites where there is a known or suspected risk to people or the environment and when the responsible party(ies) do not voluntarily collect PFAS data or enter into the Cleanup Program. A detailed plan for site investigation after rulemaking is currently under development.

For prospective or current property owners

If you are considering purchasing property where a PFAS release may have occurred, in particular in the Tier 1 category, DEQ recommends completing due diligence. If you own a property with potential PFAS concerns and would like to work with the Cleanup Program on a voluntary basis, please contact us at info.cleanup@deq.oregon.gov. The program can help you complete investigation using existing voluntary agreement tools.

Sites with known or suspected PFAS contamination are eligible for DEQ's Prospective Purchaser Agreement Program and will need to be evaluated for PFAS as appropriate. Phase I and Phase II Environmental Site Assessments should consider PFAS, if known or suspected to be present.

Program name and contacts

If you would like to join the Cleanup Program to investigate PFAS at your site or have questions, please contact us at info.cleanup@deq.oregon.gov. If you have other questions about PFAS and the Cleanup Program, please contact us at CleanupPFASWorkGroup@deq.oregon.gov. Further information on DEQ's Cleanup Program process and priorities can be found on DEQ's website.

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