U.S. EPA Requests Comment on Adding Quarterly PFAS Monitoring and Reporting Requirements in 2026 NPDES Multi-Sector General Permit

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Authors:

Lindsey A. Bryant
Chris Kim Kahn
Kevin N. McMurray

On December 13, 2024, the United States Environmental Protection Agency (U.S. EPA) published a notice requesting public comment for the 2026 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges associated with industrial activity, also referred to as the 2026 Multi-Sector General Permit (MSGP). *See* 89 Fed. Reg. 101000.

Once finalized, the proposed permit will replace the existing MSGP that expires on February 28, 2026. The permit will be issued for a period of five years.

A notable update to the proposed 2026 MSGP is that it includes a provision that would require certain industrial sectors to conduct quarterly "report-only" indicator sampling and analytical monitoring for 40 different compounds with per- and polyfluoroalkyl substances (PFAS). Although no regulatory thresholds are set forth in the current proposed permit, U.S. EPA has requested comment regarding whether some or all of the industrial sectors should be subject to PFAS-related benchmark monitoring, which could trigger inspection and corrective action obligations under the MSGP. U.S. EPA has also requested comment on considering the recently published aquatic life criteria for PFOA and PFOS, as well as the Clean Water Act Aquatic Life Benchmarks for PFAS (89 Fed. Reg. 81077), as benchmark monitoring threshold(s).

The proposed permit covers stormwater discharges from industrial facilities in 30 industrial sectors (23 of these industrial sectors will be subject to quarterly PFAS monitoring). Although the MSGP will be issued only to facilities located in areas where U.S. EPA is the NPDES permitting authority, many states model their NPDES stormwater general permits after the MSGP, and similar requirements are expected to be adopted for state permits.

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How Do I Comment?

U.S. EPA is soliciting comment on all aspects of the proposed general permit, but specifically noted interest in receiving comment regarding the proposed requirement for specified industries to conduct PFAS indicator sampling and analysis using Method 1621—Determination of Adsorbable Organic Fluorine (AOF) in Aqueous Matrices by Combustion Ion Chromatography (CIC)—in addition to Method 1633. U.S. EPA also specifically noted interest in receiving comment on whether PFAS-related benchmark monitoring should be applied to some, or all, of the sectors identified for PFAS indicator monitoring.

This is a continuation of U.S. EPA's actions to collect data on PFAS usage and releases into the environment as part of implementing its PFAS Strategic Roadmap. Please see our prior PFAS updates for additional information on these and other actions. Comments must be received on or before February 11, 2025.

If you have any questions about the MSGP or its potential impacts on your business, please contact the authors or any member of Frost Brown Todd's Environmental Practice Group.

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