

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 4207

(SENATE AUTHORS: HAWJ)

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Introduction and first reading
Referred to Environment, Climate, and Legacy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to environment; requiring identification and reporting on priority PFAS;
1.3 requiring PFAS management protocol; requiring rulemaking; amending Minnesota
1.4 Statutes 2024, section 115.03, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2024, section 115.03, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 12. Identification and reporting of priority PFAS. The commissioner of the
1.9 Pollution Control Agency must identify emerging perfluoroalkyl and polyfluoroalkyl
1.10 substances (PFAS) measured in Minnesota influent, effluent, sewage sludge, surface water,
1.11 aquatic sediments, or freshwater fish that, on the basis of available information on their
1.12 occurrence, toxicity, persistence, bioaccumulation potential, and mobility, may be present
1.13 at concentrations that may adversely affect human health or ecological functions. The
1.14 commissioner must submit a report to the chairs and ranking minority members of the
1.15 legislative committees with jurisdiction over environment and natural resources finance
1.16 and policy that contains a list of the PFAS identified, a summary of the available data used
1.17 to identify the PFAS, and the process used to identify potential risks to human health or
1.18 ecological functions. The report must be updated and submitted every three years, coinciding
1.19 with the agency's triennial review of existing water quality standards required under Code
1.20 of Federal Regulations, title 40, section 131.20.

1.21 Sec. 2. PROTOCOL FOR PFAS MANAGEMENT.

1.22 (a) By January 1, 2028, the commissioner of the Pollution Control Agency must develop
1.23 a protocol for determining whether perfluoroalkyl and polyfluoroalkyl substances (PFAS)

2.1 identified under Minnesota Statutes, section 115.03, subdivision 12, will be managed through
2.2 the development of site-specific water quality criteria for the purposes of Minnesota Rules,
2.3 part 7050.0217, statewide water quality standards, effluent limitations, or other regulatory
2.4 actions. The protocol must consider the geographic distribution of the pollutant in Minnesota,
2.5 the specificity of the pollutant to a given industrial sector, and the risk management approach
2.6 that would place the costs of pollutant control directly with the originator of the pollution.
2.7 The protocol must identify a timeline to implement regulatory actions for priority PFAS
2.8 that pose a risk to aquatic systems.

2.9 (b) The commissioner of the Pollution Control Agency must post a draft protocol to the
2.10 Pollution Control Agency's website for 60 days for public review and comment, hold one
2.11 or more public informational meetings on the draft protocol, and consider comments
2.12 submitted during the public comment period before posting the final protocol to the agency's
2.13 website.

2.14 **Sec. 3. PFAS WATER QUALITY STANDARDS.**

2.15 (a) The commissioner of the Pollution Control Agency must adopt rules establishing
2.16 water quality standards for:

- 2.17 (1) perfluorooctanoic acid (PFOA); and
2.18 (2) perfluorooctane sulfonic acid (PFOS).

2.19 (b) Water quality standards adopted under this section must include water quality
2.20 standards that apply to class 2 waters as described under Minnesota Rules, part 7050.0140,
2.21 subpart 3.

2.22 (c) The rules adopted under this section must be adopted by January 1, 2028, and the
2.23 18-month time limit under Minnesota Statutes, section 14.125, does not apply.