Working with community wastewater treatment and stormwater management agencies across the state to protect Oregon's water quality since 1987.

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February 19, 2025

Senator Sollman, Chair
Committee Members
Senate Committee on Energy, and Environment

Subject: Testimony in support of Senate Bill 91 as introduced—A bill that would prohibit sale, use, and disposal of firefighting foams that intentionally contain PFAS and that would provide a process for Oregon Department of Environmental Quality (DEQ) approval of safe disposal practices and locations

Chair Sollman and Members of the Committee:

The Oregon Association of Clean Water Agencies (ACWA) appreciates the opportunity to submit testimony in support of SB 91, as introduced. This bill would prohibit the sale, use, and disposal (except in approved locations) of firefighting foams that intentionally contain perfluoroalkyl or poly fluoroalkyl substances (PFAS). ACWA is a private, not-for-profit professional organization of Oregon's wastewater treatment and stormwater management agencies and associated professional consulting firms, which are dedicated to protecting and enhancing Oregon's water quality. Our members provide wastewater and stormwater services to over 3.5 million Oregonians, serving over 75% of Oregon's homes and businesses. ACWA is dedicated to protecting and enhancing Oregon's water environment through the development of effective environmental policies and programs, education and outreach, and the collaborative management of water resources.

Why do Oregon's Public Wastewater Utilities Care about PFAS Firefighting Foam?
Oregon's public clean water utilities closely follow emerging contaminant-related issues because our mission is to protect human health and the environment, and because we know we will be called upon to help address them. Regarding PFAS, Oregon ACWA began to tackle this group of chemical compounds over five years ago because growing scientific evidence pointed to the facts that PFAS do not readily break down with time or treatment, they are toxic at low levels, and they are ubiquitous in society.

Public wastewater and stormwater agencies are passive receivers of PFAS contamination, meaning we do not produce or manufacture these chemicals or use them in the treatment process. Utilities simply receive PFAS in the raw influent that arrives at the treatment plant. The influent includes a mixture of wastewater streams from domestic, commercial, and industrial sources, all of which can contain PFAS in varying amounts.

Utilities are required to treat wastewater to meet discharge limits set by the US Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ). EPA is in the process of developing regulations for PFAS discharges based on scientific assessments of human and aquatic health risk. PFAS present significant treatment challenges by their very design as "forever chemicals," with current wastewater treatment technologies unable to destroy the strong carbon-fluorine bond. Wastewater treatment facilities were not designed to treat PFAS, and currently, there are no practicable cost-effective technologies available to treat or remove PFAS from the volume of wastewater managed daily by clean water utilities. ***Therefore, the only way wastewater utilities can address PFAS pollutants is by intervening upstream and preventing PFAS from reaching the treatment plants through source reduction outreach efforts.***

ACWA supports SB 91 as introduced for the following reasons…

Effective PFAS-Free Firefighting Foams are Available
ACWA strongly supports approaches that will eliminate or minimize PFAS use in products for which suitable alternative products exist. With respect to PFAS firefighting foams, performance testing of alternative non-fluorinated firefighting foams has been undertaken at the federal level for several years, and PFAS-free firefighting foams have been determined by the Federal Aviation Administration to be safe, effective, and authorized for use at airports.

Remaining PFAS Firefighting Foam Stocks Must be Safely Disposed of
As local fire departments, airports, and military installations phase out the use of PFAS containing firefighting foams, remaining stocks should not be disposed of in public landfills or in any other manner that merely transfers the problem from one place to another. PFAS leaches through landfills and ends up in the leachate, which is either piped or trucked to landfills. Landfill leachate is a significant source of PFAS to municipal wastewater treatment facilities, and disposal of PFAS firefighting foams to landfills will only serve to exacerbate this problem. In 2024, ACWA completed a PFAS Monitoring Data Findings Report, combining PFAS sampling analytical data for 21 public wastewater treatment facilities. Wastewater influent, effluent, biosolids and targeted industries were analyzed for 40 PFAS compounds. Analytical results from sampling several industrial categories show that landfill leachate discharges more total PFAS than all other industrial categories evaluated combined.

SB 91 Will Create a Path for Safe Collection, Transport, and Disposal of PFAS Firefighting Foam
SB 91 would require DEQ, in coordination with the Department of the State Fire Marshal, to establish by rule a program to ensure the safe collection and disposal of PFAS firefighting foam. This aspect of the bill would ensure that local government fire agencies, airports, and military establishments have readily available disposal sites, and well thought out, safe procedures to follow to discard legacy stores of PFAS firefighting foam. Since PFAS chemicals do not break down over time and will persist wherever the materials are discarded, safe permanent containment of PFAS firefighting foams is critical.

ACWA recommends a -2 amendment to provide fire departments more transition time…
Section 2(3) of SB 91, as introduced, prohibits any person from using PFAS firefighting foam, and Section 5(1) makes Section 2 operative on January 1, 2026. In the interest of providing fire departments sufficient time to make the transition to replacement products, ACWA recommends a -2 amendment that would extend the date to July 1, 2026.

Respectfully submitted,

Jerry

Jerry Linder
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