Clean Water Act Effluent Limitations Guidelines/Standards for PFAS Manufacturers Under the Organic Chemicals, Plastics and Synthetic Fibers Point Source Category: Office of Management and Budget Withdraws EPA's Proposed Rule



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The federal Office of Management and Budget ("OMB") announced on January 21st that it was withdrawing the United States Environmental Protection Agency's ("EPA") proposed rule, titled:

Clean Water Act Effluent Limitations Guidelines and Standards for PFAS Manufacturers Under the Organic Chemicals, Plastics and Synthetic Fibers Point Source Category ("Rule").

See RIN: 2040-AG10.

The OMB's basis for the withdrawal was the Trump Administration's Executive Order for a regulatory freeze pending review since the Rule had not been finalized.

Section 301(b) of the Clean Water Act authorizes EPA to promulgate national categorical standards or limits to restrict discharges of specific pollutants on an industry-by-industry basis. These effluent limits are incorporated into a point source discharger's National Pollutant Discharge Elimination System Permit as a baseline minimum requirement.

EPA's development of categorical limits is an ongoing process. The federal agency continues to promulgate categorical standards for facilities or pollutants that have not been addressed. Existing categorical standards are also assessed and determined if revisions are warranted. The motivation for a change to an existing standard will often be the need to incorporate evolving technology developments or advancements in science.

A copy of the OMB Withdrawal Notice can be found here.