

AEA PFAS Settlement Discussion

**Annual Meeting & Conference
Monday Nov. 17 & Tuesday Nov. 18, 2025
Caesars Atlantic City**

Presented by:

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NEW JERSEY DEP

**Division of Water Monitoring,
Standards & Pesticide Control**

Anticipated Amendments to the Surface Water Quality Standards (SWQS) at N.J.A.C. 7:9B

- *Updated definitions, new significant figures policy, revision to site-specific criteria language*
- *New freshwater criterion for 1,4-dioxane, based on drinking water exposure*
- *Updated human health criteria for 94 toxic substances*
- *New freshwater and saline water criteria for PFNA, PFOA, and PFOS*

Department of Environmental Protection

Division of Water Monitoring, Standards and Pesticide Control

Bureau of Environmental Analysis, Restoration and Standards

Revisions Since 2023 Stakeholder Meeting: New Fresh and Saline Criteria for PFNA, PFOA, PFOS

Parameter	NJDEP Freshwater Criteria Anticipated for Proposal (ng/L)	NJDEP Saline Water Criteria Anticipated for Proposal (ng/L)
Perfluorononanoic acid (PFNA)	5	2
Perfluorooctanoic acid (PFOA)	0.00057	0.00079
Perfluorooctane sulfonate (PFOS)	0.032	0.14

Pursuant to the National Primary Drinking Water Regulations (NPDWR), USEPA established legally enforceable levels, called Maximum Contaminant Levels (MCLs), for six PFAS in drinking water: PFOA, PFOS, PFHxS, PFNA, and HFPO-DA as contaminants with individual MCLs, and PFAS mixtures containing at least two or more of PFHxS, PFNA, HFPO-DA, and PFBS using a Hazard Index MCL to account for the combined and co-occurring levels of these PFAS in drinking water. USEPA also finalized health-based, non-enforceable Maximum Contaminant Level Goals (MCLGs) for these PFAS. Compliance with MCLs is determined by running annual averages at the sampling point.

Compound	Final MCLG	Final MCL (enforceable levels)
PFOA	Zero	4.0 parts per trillion (ppt) (also expressed as ng/L)
PFOS	Zero	4.0 ppt
PFHxS	10 ppt	10 ppt
PFNA	10 ppt	10 ppt
HFPO-DA (commonly known as GenX Chemicals)	10 ppt	10 ppt
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1 (unitless) Hazard Index	1 (unitless) Hazard Index

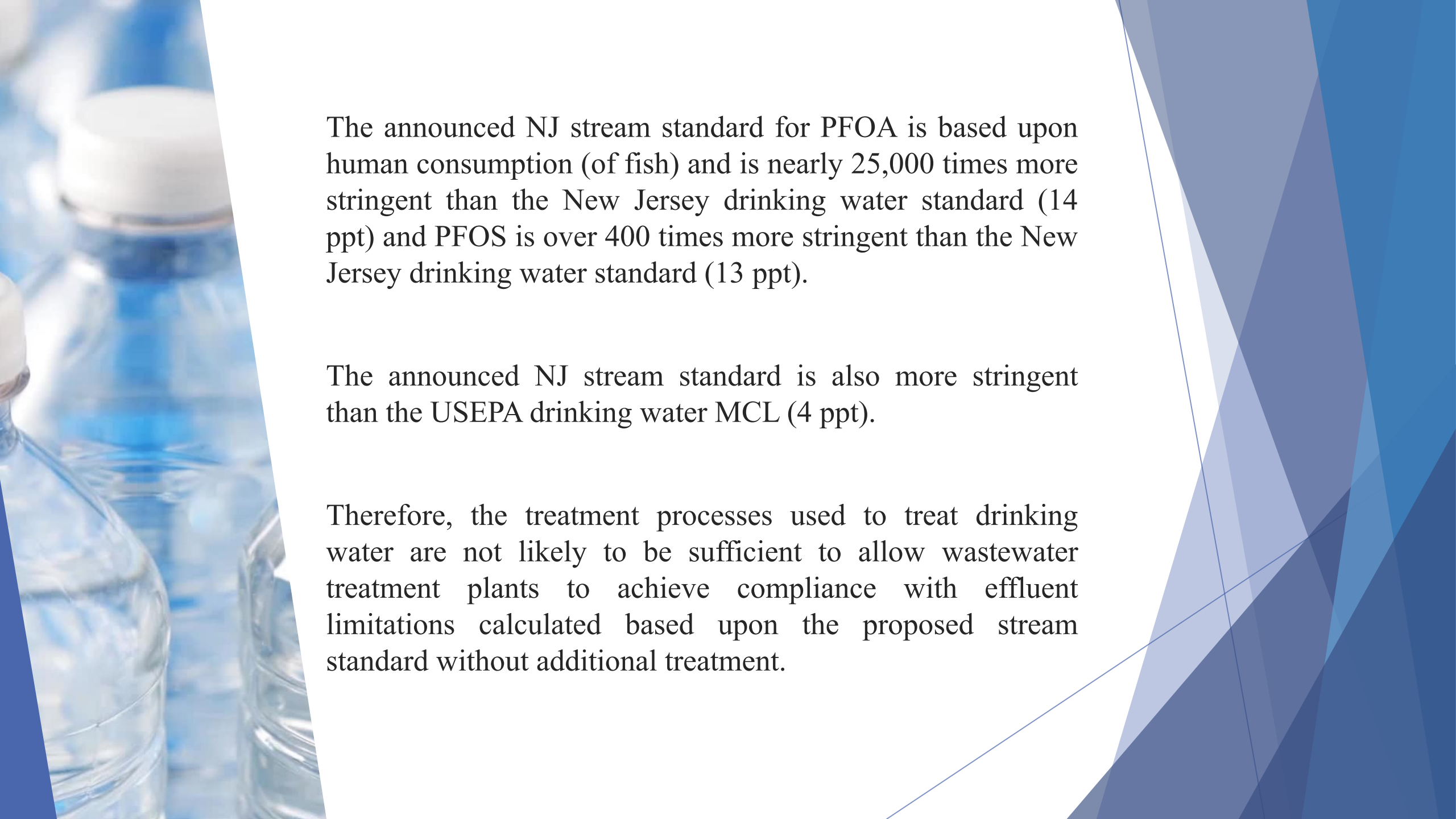
Status of Proposed Standards

NJDEP Stream Criteria:

NJDEP has not yet finalized these proposed standards through a formal rulemaking process.

USEPA final rule:

On May 14, 2025, USEPA announced that the agency will keep the current regulations in place for PFOA and PFOS. USEPA also announced its intent to extend the PFOA and PFOS Maximum Contaminant Level compliance deadlines and establish a federal exemption framework. Additionally, EPA announced its intent to rescind the regulations and reconsider the regulatory determinations for PFHxS, PFNA, HFPO-DA (commonly known as GenX), and the Hazard Index mixture of these three PFAS plus PFBS to ensure the determinations and any resulting drinking water regulation follow the Safe Drinking Water Act process. EPA plans to issue a proposed rule this fall and finalize this rule in the Spring of 2026, including a proposal to extend the compliance date to 2031.



The announced NJ stream standard for PFOA is based upon human consumption (of fish) and is nearly 25,000 times more stringent than the New Jersey drinking water standard (14 ppt) and PFOS is over 400 times more stringent than the New Jersey drinking water standard (13 ppt).

The announced NJ stream standard is also more stringent than the USEPA drinking water MCL (4 ppt).

Therefore, the treatment processes used to treat drinking water are not likely to be sufficient to allow wastewater treatment plants to achieve compliance with effluent limitations calculated based upon the proposed stream standard without additional treatment.

When the Department determines that a discharge causes, has the reasonable potential to cause, or contributes to an excursion above a Surface Water Quality Standard, a water quality-based effluent limitation for that pollutant must be calculated such that compliance with the Surface Water Quality Standard is ensured. When a stream is considered impaired for a particular pollutant, the resulting NJPDES effluent limitation can be very restrictive and can even be set at non-detect.



Table ES-1 Select capital and O&M cost ranges for highest-ranking alternatives

Waste Stream	Facility Size	Highest-Ranking Alternatives	Capital Cost Range (by facility)	Annual O&M Cost Range (by facility)	Relative Confidence in Ability to Reliably Meet PFAS Targets ^[1]
Municipal WRRF effluent	10 million gallons per day (MGD) (6,940 gpm) (similar to Mankato or Moorhead with a population of 45,000)	GAC with reactivation (Alt 1a) ^[1]	\$41M–\$88M	\$4.5M–\$9.6M	Medium-high (breakthrough of short-chain PFAS may limit reliability)
		GAC, single-use AIX with GAC reactivation and AIX high-temperature incineration (Alt 6a) ^[1]	\$80M–\$170M	\$6.1M–\$13M	High (two processes provide more controlled breakthrough)
Municipal WRRF biosolids	10 dry tons per day (estimated for 10 MGD WRRF)	SCWO ^[1]	\$40M–\$85M	\$0.47M–\$0.99M	Medium-high (limited testing at full-scale)
		Pyrolysis or gasification with thermal oxidation of pyrogas ^[1,3]	\$53M–\$110M	\$0.55M–\$1.2M	Medium-high high (limited testing at full scale)
Mixed MSW landfill leachate	0.014 MGD (10 gpm)	GAC with high-temperature incineration (Alt 1a) ^[1]	\$0.30M–\$0.60M	\$0.23M–\$0.48M	Medium (breakthrough of short-chain PFAS may limit reliability)
		Foam fractionation with high-temperature incineration of foamate (Alt 8a)	\$5.0M–\$11M	\$0.20M–\$0.42M	Low (limited removal of short-chain PFAS)
Compost contact water	0.014 MGD (10 gpm)	GAC with high-temperature incineration (Alt 1a) ^[1]	\$0.30M–\$0.60M	\$0.21M–\$0.44M	Medium (breakthrough of short-chain PFAS may limit reliability)
		Foam fractionation with high-temperature incineration of foamate (Alt 8a)	\$5.0M–\$11M	\$0.20M–\$0.42M	Low (limited removal of short-chain PFAS)

[1] Alternatives indicated likely need pretreatment processes to operate PFAS separation and destruction technologies. Pretreatment costs are not included in this table but are discussed in report sections for each waste stream.

Anticipated Costs of Compliance

- ▶ The capital cost to achieve compliance with these stream criteria is estimated to be in the hundreds of millions of dollars for larger authorities and in the tens of millions of dollars for smaller authorities, with annual operating costs expected to increase the operating budget of all authorities by many millions of dollars each year.
- ▶ These estimates do not include the cost of land acquisition to accommodate the treatment plant upgrade, if land application is even viable given the location of the facility. Additionally, significant costs will also be incurred for the disposal of spent media from the PFAS treatment process, and the cost of sludge treatment and disposal has not yet been estimated due to questions regarding the availability of treatment and disposal options.
- ▶ All of these costs will be higher if the Authority determines through treatability studies that it is necessary to implement a reverse osmosis process to achieve consistent compliance.

Cost Comments

- ▶ Each facility is unique with regard to potential costs of compliance.
- ▶ Evaluation of Current Alternatives and Estimated Cost Curves for PFAS Removal and Destruction from Municipal Wastewater, Biosolids, Landfill Leachate, and Compost Contact Water Prepared for Minnesota Pollution Control Agency (Minnesota Study)
- ▶ <https://www.pca.state.mn.us/sites/default/files/c-pfc1-26.pdf>
- ▶ <https://www.pca.state.mn.us/air-water-land-climate/pfas-studies-and-reports>

Pending in the United States District Court for the District of New Jersey is a proposed Judicial Consent Order between Plaintiffs, NJDEP, NJDEP Commissioner, the Administrator of the New Jersey Spill Compensation Fund as to Defendant 3M Company

There is also a proposed Judicial Consent Order between the Plaintiffs as to Defendants E.I. Dupont de Nemours and Company; The Chemours Company; The Chemours Company FC, LLC; Dupont Specialty Products USA, LLC; Corteva, Inc.; and Dupont de Nemours, Inc. (collectively “Dupont”)

3M Company Settlement – NJDEP Statement

- ▶ The key features of the payment schedule include:
- ▶ Payments of \$275 million to \$325 million in the years 2026-2034, including payments in the first year of \$43.45 million for natural resource damages (NRD) at the Chambers Works site and \$16.55 million for PFAS abatement projects related to contamination at and from that site.
- ▶ Additional payments in 2026-2034 for statewide NRD and abatement of statewide PFAS contamination.
- ▶ Payments of an additional \$125 million in 2035-2050, primarily for statewide NRD and PFAS abatement.
- ▶ Payment in the first year of \$40 million to cover legal and other costs and fees and punitive damages.
- ▶ Payment of between \$50 million and \$100 million in 2027-2029 to recognize to acknowledge and recognize New Jersey's unique role as a national leader in PFAS abatement and Remediation efforts and specifically as the first state in the country to conduct statewide occurrence studies of PFAS in drinking water supplies, the first state in the country to establish a maximum contaminant level for any PFAS substance, and the first state in the country to enter into this type of comprehensive PFAS settlement.
- ▶ The funds to be provided under the proposed settlement with 3M are over and above funds already slated to be received by New Jersey public water systems under 3M's nationwide public water system settlement, announced in the AFFF litigation mentioned above in 2023. That settlement is anticipated to provide **approximately \$300 to \$500 million** directly to New Jersey public water systems.
<https://dep.nj.gov/3m/>

3M Settlement - Release

The Releasors forever release all Released Entities from all **Released Claims** and fully discharge all Released Claims against all Released Entities.

Released Claims are any and all claims that directly or indirectly in any way, arose from, were based on, involved, or were caused by **Covered Conduct** or Covered Harm.

Covered Conduct includes any transport, treatment, storage, disposal or arrangement for transportation, treatment, storage, or disposal, or use of PFAS-containing sludge or PFAS-containing Wastewater (from any site, facility, or location).

The DuPont/Chemours Settlement – NJDEP Statement

- ▶ The key features of the settlement include:
- ▶ \$225 million for natural resources damages;
- ▶ \$525 million for abatement of environmental impacts;
- ▶ Approximately \$125 million to cover legal and other costs, penalties and punitive damages;
- ▶ A commitment on the part of the settling defendants to remediate all contamination found at or which has emanated from each of the four industrial sites in accordance with New Jersey statutes and regulations;
- ▶ A multi-layered financial guarantee to ensure that the settling defendants' remediation obligations are met;
- ▶ Transfer to the State of ownership of approximately 73 acres of land located near Ramapo State Forest;
- ▶ Permanent preservation, via conservation easements, of three other parcels of land, covering a total of almost 1,400 acres.
- ▶ <https://dep.nj.gov/dupont/>

STATEWIDE PFAS RELEASE AND COVENANT NOT TO SUE DUPONT

The Statewide PFAS Releasers forever release and Released Entities from all **Released Statewide PFAS Claims**.

Released Statewide PFAS Claims are all PFAS Claims that directly or indirectly, in any way, arose from, were based on, involved, or were caused by **Covered PFAS Conduct** or Covered PFAS Harm occurring at least in part prior to the JCO entry date.

Covered PFAS Conduct includes any transport, treatment, storage or disposal or use of PFAS-containing sludge or PFAS-containing Wastewater (from any site, facility, or location).

Potential Impacts and Other Costs

- ▶ The JCO will prevent local agencies from participating in multistate litigation intended to recover costs incurred as a result of PFAS treatment and disposal
- ▶ The Settlement includes a waiver of Contribution claims under CERCLA and lacks protection against contribution claims brought by Released Parties
- ▶ Regulators are considering PFAS air quality standards. The proposed JCO would prevent all claims against the Released Entities for the cost of compliance with such anticipated conditions.

JCOs Need to be Amended

- ▶ Request that the proposed JCO be amended to explicitly **exclude** Wastewater Treatment Plants and Treatment Works from the following provisions:
 - 1) All definitions, including but not limited to: “Covered PFAS Conduct,” “Covered PFAS Harm,” “Released Claims,” “Released Statewide PFAS Claims,” “Releasers,” “Political Subdivision,” “Person,” and “Governmental Entity”;
 - 2) The “Release” provisions;
 - 3) The “Statewide PFAS Release and Covenant Not to Sue” provision; and
 - 4) Any other sections or clauses that would otherwise restrict or eliminate the ability of Wastewater Treatment Plants and Treatment Works to assert claims against the Released Entities for PFAS contamination that has entered the environment at any point in time.

Scheduling Order

- ▶ Plaintiffs are to file their motion to approve the JCOs by Friday, November 21, 2025
- ▶ 3M and the DuPont Defendants may each file a brief in support of Plaintiffs' Motion by Monday, December 1, 2025;
- ▶ Any opposition to a Motion shall be filed by Friday, December 12, 2025;
- ▶ Plaintiffs, 3M, and the DuPont Defendants may each file a reply by Monday, December 22, 2025;
- ▶ The Court will hold a hearing on the Motions and JCOs on Wednesday, January 7, 2026, at 9am in Courtroom 3D of the Mitchell H. Cohen Building & U.S. Courthouse, 4th and Cooper Streets, Camden, New Jersey 08101.

THANK YOU

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