New NYSDEC PFAS Website Centralizes Guidance, Rules, and Updates

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January 27, 2026 | **PRESS RELEASES**

The New York State Department of Environmental Conservation (NYSDEC) has launched a dedicated website consolidating most of its resources on per- and polyfluoroalkyl substances (PFAS) into one location: https://dec.ny.gov/environmental-protection/per-and-polyfluoroalkyl-substances-pfas.

By centralizing information that was previously spread across multiple program pages, NYSDEC has made it easier for the regulated community to locate and review applicable guidance, rules, and technical materials. This streamlined access will be particularly valuable for facilities and municipalities navigating multi-media obligations and evolving PFAS standards.

At its core, the website provides overviews of PFAS across key regulatory and program areas, including drinking water, consumer products, and firefighting foam, as well as site investigation and cleanups. It also addresses PFAS considerations for landfills and biosolids, and summarizes media-specific information for water and air, along with implications for fish and wildlife. The structure supports coordinated compliance planning by enabling readers to

evaluate intersecting requirements and policy positions across programs.

NYSDEC also paired the website launch with the release of several new and updated guidance documents, alongside the long-awaited Rural Soil Background Study. These materials appear as "Latest Updates" on the website. Entities with ongoing investigations, remedial programs, waste management operations, or product-related responsibilities should review these updates and consider whether current strategies warrant adjustments.

The Rural Soil Background Study—Key Findings and Regulatory Implications

The Rural Soil Background Study, in particular, may influence how regulators decide whether a property is contaminated and what cleanup is required. The study analyzed nearly 550 soil samples from over 100 rural properties across the state, with all sampling locations situated at least half a mile from factories, landfills, or other obvious pollution sources. The samples, which were analyzed for 40 PFAS chemicals, fell into three categories—samples from areas where people commonly come into contact with soil, such as yards and trails; samples from remote areas away from regular human activity; and samples taken close to a roadway or driveway.

The data revealed that PFAS was widespread even in these seemingly untouched areas: PFOS, one of the most common PFAS chemicals, was detected in over 97% of surface soil samples, while PFOA, another widely studied PFAS chemical, was detected in about three-quarters of samples. These high detection frequencies occurred without any apparent pattern, with results matching those from similar northeastern state surveys. This confirms that PFAS contamination is spread broadly throughout the environment.

Based on this study, NYSDEC proposes to establish PFOA background concentrations of 1.5 parts per billion for surface soils and 1.2 parts per billion for subsurface soils, and PFOS background concentrations of 3.0 parts per billion for surface soils and 0.801 parts per billion for subsurface soils. NYSDEC will consider these values in developing soil cleanup standards for PFOA and PFOS.

Stakeholders should note that these proposed background values significantly exceed the current "protection of groundwater" soil guidance values established by NYSDEC and the New York State Department of Health in April 2023, which are set at 0.8 parts per billion for PFOA and 1.0 parts per billion for PFOS. Moreover, applying the agencies' own calculations suggests that soils at these proposed background concentrations would result in groundwater concentrations of 13 parts per trillion for PFOA and 8.1 parts per trillion for PFOS, which exceed the current groundwater standards of 6.7 parts per trillion for PFOA and 2.7 parts per trillion for PFOS by nearly two and three times, respectively. The Rural Soil Background Study findings, therefore, carry implications not only for soil cleanup objectives but also for how PFAS contamination is evaluated and addressed more broadly in New York State.

Further Updates

The consolidated website and coordinated guidance rollout underscore NYSDEC's continued focus on PFAS. Taken together, these developments are likely to shape enforcement priorities, permitting conditions, and remedial expectations in the near term. Lippes Mathias LLP will be releasing further alerts evaluating the new and updated guidance and their particular impacts in the coming weeks, so stakeholders can better understand practical compliance implications and strategic options. Please contact Lipes Mathias Environment and Energy practice team members Amy L. Reichhart (areichhart@lippes.com) or Berj K. Parseghian (bparseghian@lippes.com)

for questions related to the content of this client alert.