

New York Finalizes PFAS and 1,4-Dioxane Permit Strategy for POTWs, Putting Industrial Dischargers on Notice



By [Amy L. Reichhart](#)

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Key Takeaways

- The New York State Department of Environmental Conservation finalized TOGS 1.3.14 in December 2025, establishing how PFOA, PFOS, and 1,4-Dioxane guidance values will be applied to SPDES permits for publicly owned treatment works.
- POTWs in drinking water supply watersheds and those recycling biosolids are being prioritized in 2026 compliance obligations, and will be required to implement quarterly monitoring for PFAS and 1,4-Dioxanes.
- Industrial users of POTWs should expect source track-down programs, information requests, and potential permit modifications requiring reduction or elimination of PFAS and 1,4-Dioxane discharges.

In December 2025, the New York State Department of Environmental Conservation (NYSDEC) Division of Water issued the final Technical and Operational Guidance Series (TOGS) 1.3.14: "Publicly Owned Treatment Works (POTWs) Permitting Strategy for Implementing Guidance Values for PFOA, PFOS, and 1,4-Dioxane." The guidance

establishes how water quality guidance values for perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), and 1,4-Dioxane will be applied to State Pollutant Discharge Elimination System (SPDES) permits for POTWs. NYSDEC first proposed the draft on January 9, 2024, and following a 60-day public comment period, determined that no substantive edits were necessary to address the comments received.

The final TOGS 1.3.14 builds upon several previously finalized guidance documents, including TOGS 1.1.1, which established ambient water quality guidance values for PFOA, PFOS, and 1,4-Dioxane; TOGS 1.3.7, which addresses analytical testing methods for emerging contaminants; and TOGS 1.3.13, which establishes the permitting strategy for industrial SPDES permits. While TOGS 1.3.13 addresses direct industrial SPDES permits, TOGS 1.3.14 addresses these same contaminants as they pass through POTWs.

Under the December 2025 guidance, NYSDEC's initial implementation efforts in 2026 will focus on POTWs located within drinking water supply watersheds and those that recycle biosolids. These POTWs will receive a Request for Information (RFI), which will require influent and effluent sampling for the 40-compound per- and polyfluoroalkyl substances (PFAS) suite and 1,4-dioxane quarterly for a 12-month period. Where this sampling identifies a POTW that requires "additional investigation," NYSDEC will adjust its Environmental Benefit Permit Strategy score, which will likely trigger a modification to its SPDES permit. The permit modification may include additional monitoring, PFOA, PFOS, and/or 1,4-Dioxane action levels, and of most significance to industrial dischargers to the POTW, a track-down program aimed at identifying and minimizing or eliminating these constituents at their sources. Industrial users should anticipate that, as POTWs are required to comply with NYSDEC's RFIs, they will receive information requests regarding their own use and discharge of PFOA, PFOS, and 1,4-Dioxane. Where POTW influent contains these contaminants and sources are identified through the track-down process, industrial users can expect requirements to reduce or eliminate these materials through best management practices, treatment technologies, or reduction and elimination of the substances in their production processes.

Because the guidance also requires POTWs to disclose information related to their industrial users in future permit applications and, as part of regularly required pollutant scans, conduct effluent sampling for the 40-compound PFAS suite and 1,4-Dioxane, industrial users outside of POTW systems included in the initial effort should expect to eventually face the same track-down process. In addition, because POTWs are also required to provide adequate notice to NYSDEC if there is a substantial change in the volume or character of pollutants introduced by industrial users, and given the extremely low guidance values for PFAS, the guidance document states explicitly that introduction of any detectable amount of these contaminants constitutes a substantial change that requires notice to NYSDEC.

Because it is not feasible for a POTW to remove community-wide sources of PFOA, PFOS, and 1,4-Dioxane from its influent, industrial users should anticipate being the focus of source elimination efforts by POTWs as TOGS 1.3.14 is implemented in the future.

Industrial facilities discharging to POTWs should evaluate their use and discharge of PFOA, PFOS, and 1,4-Dioxane now, before NYSDEC's track-down process begins. Contact Lippes Mathias environment and energy team member Amy L. Reichhart (areichhart@lippes.com) to assess your compliance exposure and develop a proactive response strategy.

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