Addressing PFAS in Environmental Due Diligence

AECOM is a recognized industry leader on PFAS with worldwide, multi-country experience since 2001 in all aspects of PFAS investigation and risk assessment.

Areas of Expertise

- Transactional Due Diligence
- Historical Site Research
- EHS Compliance Reviews and Audit Program Development
- Liability Estimating
- Preliminary Assessment
- Remedial Investigations/Feasibility Studies/Records of Decision
- Tracking Continuing Research and Development
- Regulatory Tracking and Client Alerts

Overview

The ever changing requirements for per- and polyfluoroalkyl substances (PFAS) present increased risks associated with acquisitions and divestitures. Documentation of PFAS-contaminated sites and facilities that manufacture/store/use PFAS is limited but will become more available with regulatory requirements. How PFAS are regulated varies from country to country, and within the U.S., state by state. In April 2023, the US EPA issued an Advance Notice of Proposed Rulemaking asking the public for input regarding potential future hazardous substance designations of PFAS under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as “Superfund”. The EPA’s formal adoption of E1527-21 puts entities in the deal process on notice as to the “standard of care” that will be expected under due diligence processes with respect to PFAS when the rule goes into effect on December 15, 2023. As part of their due diligence or risk assessment process, one must begin to ask whether the assessments voluntarily considered PFAS issues. Notably, E 1527-21 does include a reference to PFAS. While the ASTM PFAS changes may not go as far as some wished, the change nevertheless signals to anyone in the Phase I Environmental Site Assessment process that they should begin conducting PFAS assessments voluntarily.

Since 2001, AECOM has worked at over over 500 PFAS sites for 300 clients globally. Our teams have direct experience successfully executing PFAS site characterization and contamination investigations at commercial, industrial, and military sites. Combined with our deep understanding and in-depth knowledge of local/federal regulatory compliance practices and Environmental, Health & Safety (EHS) requirements, our teams provide clients with a fully integrated approach to offer practical business advice in an ever-changing regulatory landscape concerning PFAS. AECOM works with clients to tailor assessments in addressing their PFAS-related concerns, remaining at the forefront of PFAS regulatory requirements.

Our Approach

AECOM’s PFAS and Environmental Due Diligence practitioners work as a team in conducting all appropriate inquires guided by the ASTM 1527 Standard. Our teams closely track PFAS regulatory developments. We’ve established global and regional leaders that support PFAS projects and understand how to work closely with local teams.

AECOM’s Technical Practice Groups enable staff to share knowledge, lessons learned, and best practices with respect to regulatory compliance, scientific research advancements, strategies for solving complex waste management, PFAS chemistry/environmental behavior, site characterization and PFAS source identification, and local/federal regulations. Our due diligence practitioners benefit from this expertise and have a deep knowledge base of CERCLA requirements, which means we are able to provide expert consultation to our clients in addressing potential environmental liability.

AECOM has developed a systematic approach to evaluate potential liabilities associated with property transactions, placing risks in perspective for clients to make informed business decisions. Likewise, our teams have developed a fundamental approach to PFAS management and have become trusted partners with our clients, executing streamlined regulatory and scientifically defensible investigative approaches and focused technological solutions, diminishing our clients’ risks.

Our teams are well placed to guide clients through the identification, evaluation, management and, if warranted, remediation of PFAS. We have worked with multi-national oil clients, the Department of Defense, chemical industry, commercial airports, private wastewater treatment plants, and other commercial/industrial clients, providing informed advice around the impact of state, federal and international legislation associated with the use, storage and disposal of PFAS-containing materials. The regulatory landscape around the storage, use and remediation of PFAS is changing rapidly and through its evolution, AECOM has the capabilities to address environmental liability as outlined by USEPA and individual states.

Areas of Expertise

- **Transactional due diligence** including Phase I ESAs and mergers and acquisitions
- **Historical site research** to understand ownership and property history addressing potential liability and prospective purchaser limitations
- **EHS compliance reviews and audit program development** supporting compliance assurance to reduce regulatory liability implemented through a global practice standard
- **Liability estimating** including Monte Carlo analysis
- **Preliminary Assessment** to identify potential sources of PFAS and assess risks associated with storage of Aqueous Film Forming Foam and other PFAS-containing materials
- **Remedial Investigations/Feasibility Study/Record of Decision** support for addressing PFAS contamination and developing clean-up approaches
- **Forensics Analysis** of complex PFAS datasets to identify sources, provide a roadmap for further investigation, and provide robust conclusions and solutions

More Information: AskEnvironment@aecom.com

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Key Reference Materials

- On April 13, 2023 EPA issued an Advance Notice of Proposed Rulemaking (ANPRM) asking the public for input regarding potential future hazardous substance designations of per- and polyfluoroalkyl substances (PFAS) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as "Superfund."
- On March 14, 2023, EPA announced the proposed National Primary Drinking Water Regulation (NPDWR) for six PFAS. The NPDWR will establish legally enforceable levels, called Maximum Contaminant Levels (MCLs), for six PFAS in drinking water. The proposed PFAS NPDWR does not require any actions until it is finalized. EPA anticipates finalizing the regulation by the end of 2023.
- On March 14, 2022, the EPA adopted the ASTM PFAS standard in the Federal Register. E 1527-21 does include a reference to PFAS that Phase I Environmental Site Assessment process should begin conducting PFAS assessments voluntarily.
- Updates on Implementation include for Reporting Year 2022 (reporting forms due by July 1, 2023), 180 PFAS are reportable.
- For Reporting Year 2023 (reporting forms due by July 1, 2024), the NDAA automatically added nine additional PFAS to the TRI list. Facilities in TRI-covered industry sectors should begin tracking and collecting data on these chemicals during 2023. The addition of these nine PFAS was codified in a final rule in June 2023.
- More information about EPA's Advance Notice of Proposed Rulemaking for input on PFAS under CERCLA: **https://www.epa.gov/newsreleases/epa-takes-important-step-advance-pfas-strategic-roadmap-requests-public-input-and-data**.
- More information about EPA's proposed rule to establish legally enforceable levels for six PFAS. **https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas**.

- **Tracking continuing research and development** of PFAS characterization techniques, fate and transport modeling, remedial design, and destruction technologies
- **Regulatory tracking** on PFAS including drinking water standards and regulatory clean-up

Key AECOM Attributes

- Understanding of the complexities of PFAS chemistry and unique behavior when released into the environment
- Awareness of the potential presence of PFAS in specialty products
- Ability to identify potential off-site PFAS sources and apply statistical techniques (e.g., chemometrics) as a forensic tool using complex PFAS datasets providing powerful data visualizations
- Worldwide, multi-country experience in all aspects of PFAS investigation, risk assessment and remediation in consulting, research, and regulatory developments
- Almost 20 years of experience providing technical support and advocating for clients, identifying potential sources of PFAS on site and contamination outside site boundaries
- Knowledge of USEPA federal public drinking water sampling data and local/federal drinking water criteria related to PFAS
- Understanding of key scope considerations as outlined in the ASTM Standard and their limitations in a due diligence context, with respect to future inclusion of emerging contaminants

AECOM is a leader in treatment of PFAS-impacted drinking water, wastewater, and groundwater: Our DE-FLUORO™ treatment system has shown complete destruction of PFAS in pilot studies.

DE-FLU•RO™
PFAS DESTRUCTION TECHNOLOGY

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