

December 4, 2020

*VIA EMAIL*

Meghan Williams  
Wisconsin Department of Natural Resources  
MeghanC3.Williams@wisconsin.gov

**RE: MEG Wastewater Comments on Triennial Standards Review Prioritization**

Dear Ms. Williams:

I am submitting these comments on behalf of the Municipal Environmental Group – Wastewater Division regarding the prioritization of the Triennial Standards Review. MEG’s comments do not fit neatly into the online prioritization form, so we are submitting them via this correspondence instead. While MEG does not have an opinion as to the ranking of the 14 proposed topics, we do have comments on how DNR should address a number of these topics moving forward.

**1. Development of Criteria for PFAS Compounds (other than PFOS and PFOA)**

MEG has been actively engaged in the rulemaking process for PFOS and PFOA, and has significant concerns about the establishment of numeric criteria. The numeric surface water quality criteria currently under consideration approach background concentrations of PFAS and are likely to be exceeded in the wastewater at most municipal wastewater treatment facilities, given the ubiquity of PFAS compounds in the environment. Wastewater treatment facilities would need to spend tens to hundreds of millions of dollars in plant upgrades to meet these limits in addition to tens of millions of dollars a year in operating costs, which is not economically feasible. The alternative would be to obtain variances which are temporary and inflexible solutions, even if available.

If granted, variances would require wastewater facilities to implement source reduction measures to reduce PFAS entering the facility. These source reduction measures, however, are not tied to numeric standards and can be more efficiently and adaptively implemented in the absence of numeric standards. This would achieve the goal of reducing the amount of PFAS discharged into surface waters while simultaneously reducing the significant financial impact on municipal wastewater treatment facilities that would arise with numeric standards.

If DNR prioritizes the development of criteria for other PFAS compounds, MEG strongly encourages DNR to focus on source reduction measures and BMPs in lieu of the establishment of numeric criteria.

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## **2. Nitrate/Nitrogen Criteria Development**

MEG recognizes the potential need for the future development of nitrate/nitrogen criteria, particularly with respect to protecting groundwater resources. However, major contributors to nitrate/nitrogen contamination in Wisconsin include agricultural sources. MEG strongly encourages DNR to take a different approach to nitrate/nitrogen regulation than taken with phosphorus, which focused extensively on municipal and industrial point source dischargers. Instead, DNR should prioritize regulation of agricultural sources in any future regulation of nitrate/nitrogen.

## **3. Pharmaceuticals Criteria Development**

MEG understands the concerns regarding pharmaceutical byproducts and PCPPs in the Great Lakes. However, like PFAS compounds, these types of products are largely untreatable in the municipal wastewater treatment process. Rather than establishing unachievable numeric criteria for pharmaceuticals and PCPPs, MEG encourages DNR to approach regulation of these compounds through source reduction measures, such as municipal collection programs.

Thank you for consideration of these comments.

Best regards,

STAFFORD ROSENBAUM LLP



Vanessa D. Wishart

VDW:mai