

October 30, 2020

VIA EMAIL

DNRPFASInquiries@wisconsin.gov

Wisconsin Department of Natural Resources

RE: Comments of the Municipal Environmental Group – Wastewater Division
WisPAC Draft Action Plan

Dear Sirs or Madams:

We are submitting these comments on behalf of the Municipal Environmental Group–Wastewater Division (MEG Wastewater). MEG Wastewater is an organization of approximately 100 municipalities statewide who own and operate wastewater treatment plants. We represent facilities ranging in size from small sanitary districts to larger utilities. MEG appreciates the opportunity to comment on the Wisconsin PFAS Action Council (WisPAC) Draft Action Plan (the “Plan”). We also appreciated the opportunity to participate in the WisPAC Local Government Advisory Group and support those recommendations contained in Appendix C.

MEG continues to support a science-based and holistic approach to regulation of PFAS compounds. To that end, MEG has the following comments on the Plan.

Theme 1: Standard Setting

Theme 1 includes a recommendation for the development of standards for water quality and possibly biosolids. MEG continues to advocate for the creation of narrative standards in lieu of numeric standards. The numeric surface water quality standards 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.

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With respect to limitations for biosolids, there is currently little scientific data regarding the fate and transport of PFAS in biosolids, or the impact of PFAS in biosolids on human health. Limitations for biosolids should not be developed until the necessary research is completed such that limitations can be based on sound science.

Theme 1 also recommends the development of a strategy to safely manage landfill leachate. The relationship between landfills and municipal wastewater treatment facilities underscores the necessity of taking a holistic approach to PFAS regulation. Municipal treatment facilities accept and treat leachate from landfills and, in turn, sometimes dispose of residual wastes in landfills. This interrelationship must be considered as part of a strategy to safely manage PFAS in leachate and landfills. MEG supports the concept of developing a comprehensive strategy to safely manage PFAS in leachate, but emphasizes that the development of this strategy should include significant input jointly from landfills and municipal wastewater treatment facilities.

Theme 2: Sampling

Theme 2 includes a recommendation to standardize PFAS sampling methods. MEG supports the development of consistent, science-based methods for sampling and analyzing PFAS compounds in wastewater. This is a necessary first step toward gathering accurate data regarding PFAS compounds in different media, including wastewater.

Themes 3 and 6: Pollution Prevention and Source Phase Out

MEG supports a pollutant minimization approach to the reduction of PFAS compounds in our wastestreams. As the Plan notes, municipal wastewater treatment facilities are not sources of PFAS compounds and do not have the ability to treat for PFAS. Thus, in order to reduce the amount of PFAS in wastewater, the sources of that PFAS must be reduced. This can be best accomplished through the creation of narrative standards with pollutant minimization programs, rather than the imposition of numeric standards. MEG appreciates that the plan prioritizes working with municipalities and WPDES holders, as well as businesses, to identify sources of PFAS and will continue to work with the Department on this topic. Ultimately, the solution to PFAS compounds is to phase them out as happened on the federal level with PCBs.

Theme 4: Engagement, Education and Communication

It is vital to provide scientifically supported and clear information to the public and other stakeholders regarding PFAS compounds. MEG supports the recommendation in the Plan to create a central PFAS website that provides easy access to such information. However, the Plan does not specifically include municipalities and WPDES permit holders as partners in development of this information. These groups are working on the frontlines of PFAS research and development on a daily basis and have valuable knowledge that provides important context regarding PFAS compounds. The Plan should be revised to specifically include municipalities and WPDES permit holders as parties to be consulted in the development of this critical information. In addition, the Plan should provide for clear public communication on the relative risks associated with different kinds of PFAS exposure. The exposure risk of PFAS in soil or biosolids is entirely different than in drinking water or surface water.

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Theme 7: Financial Resources.

Municipalities have limited resources and many environmental priorities. It is important to note that costs in addressing PFAS are not just direct costs for treatment or even source reduction but indirect costs. For example, if wastewater facilities are unable to land apply biosolids, the disposal costs increase by several orders of magnitude. Increasing costs means increased rates to individual ratepayers. Municipalities would welcome state grants or loans to assist in these projects.

Thank you for consideration of these comments.

Sincerely,

STAFFORD ROSENBAUM LLP

A handwritten signature in cursive script, appearing to read "Vanessa D. Wishart".

Vanessa D. Wishart

Paul G. Kent

VDW:mai