

June 10, 2021

VIA EMAIL
DNRAAdministrativeRulesComments@wisconsin.gov

Department of Natural Resources
Attn: Bruce Rheineck – DG/5
101 S. Webster Street
Madison, WI 53703
BruceD.Rheineck@wisconsin.gov

RE: Comments of the Municipal Environmental Group – Wastewater Division
Statement of Scope SS 029-21 (Board Order DG-25-20)

Dear Mr. Rheineck:

We are submitting these comments on behalf of the Municipal Environmental Group–Wastewater Division (MEG Wastewater). MEG Wastewater is an organization of over 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 Statement of Scope (SS 029-21) on the revisions to ch. NR 140 that include setting numeric criteria for substances including 16 per- and polyfluoroalkyl substances (PFAS).

While MEG supports the regulation of PFAS compounds based on due deliberation and credible science, we have a number of concerns with the Statement of Scope.

First, MEG encourages the Department to follow the lead of the federal government in establishment of numeric criteria for PFAS. Federal efforts to regulate PFAS compounds are underway, and the regulated community would greatly benefit from a standardized approach to PFAS regulation.

Second, the Statement of Scope includes the establishment of individual numerical standards for 12 PFAS compounds and combined standards for 4 PFAS compounds. Scientifically supportable information on the toxicological concerns regarding all PFAS compounds, but particularly those other than PFOA and PFOS, is still under development. MEG urges the Department to ensure that it has available scientifically valid and supportable information and risk analyses before establishing criteria for these compounds.

Third, the Statement of Scope states that the impact of development of PFAS criteria is “moderate (up to \$5 million/year)” and that economic impacts are likely to be moderated by the fact that the Department anticipates that “there will be few cases where the proposed standards will be exceeded where existing standards are not already being exceeded.” However, MEG anticipates that there could

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be many impacts of this rule beyond existing RP sites, potentially including projects that require pit trench dewatering and land application of materials. Further, even for existing RP sites, the costs associated with the establishment of PFAS criteria could be significant due to the extremely limited options for disposal of PFAS compounds. MEG therefore anticipates that there may be significant economic impacts due to required remediation for PFAS contamination, both for new projects or sites and those sites that already require remediation due to the exceedance of another NR 140 standard.

Thank you for consideration of these comments. MEG greatly appreciates the opportunity to participate in this process and welcomes further communication with the Department.

Sincerely,

STAFFORD ROSENBAUM LLP

A handwritten signature in black ink, appearing to read "Vanessa D. Wishart".

Vanessa D. Wishart

Paul G. Kent

VDW:mai