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To: Department of Natural Resources Board
From: Curt Witynski, Deputy Director, League of Wis. Municipalities
Date: January 22, 2020
Re: Comments on PFAS Related Statements of Scope (SS 090-19, SS 089-19, SS 091-19)

Good morning. My name is Curt Witynski. I'm Deputy Director of the League of Wisconsin Municipalities. I offer these comments on behalf of the Municipal Water Coalition, which is an alliance of organizations representing municipal water and wastewater utilities, including the League, the Wisconsin Rural Water Association, the Municipal Environmental Group – Water Division, the Wisconsin Section of the American Water Works Association and various wastewater utility groups.

There are just over 600 cities and villages in Wisconsin. Almost all of them own and operate municipal drinking water systems and wastewater treatment systems that could be affected by these proposed rules. My comments focus on the scope statement relating to the drinking water standard for PFAS since Vanessa Wishart spoke earlier about the concerns of municipal wastewater treatment facilities.

We understand that concerns about the widespread presence of PFAS compounds in the environment and the potential health effects from these compounds have led the Department to initiate this rule-making to establish drinking water Maximum Contaminant Level (MCL) standards for PFAS compounds, even though no federal PFAS drinking water standard exists. This is noteworthy. Up until now, all drinking water MCLs have first been established by EPA pursuant to the federal Safe Drinking Water Act standard-setting process and then adopted by the State of Wisconsin.

The Municipal Water Coalition asks that the Department amend the Scope Statement to make clear that the Department will follow the federal Safe Drinking Water Act standard-setting process in developing Wisconsin

drinking water standards for PFAS compounds. Under that process, a health goal is set that considers risks to the most sensitive populations. The next step sets the enforcement standard (the Maximum Contaminant Level or MCL) to be as close to the health goal as feasible, considering available treatment technologies and costs. This cost-benefit analysis is a critical component of the Safe Drinking Water Act standard-setting process.

Applying the Safe Drinking Water Act standard setting process here would require the Department to analyze whether the health benefits provided by a stricter MCL on PFAS are justified by the costs to achieve the proposed standard and whether those benefits could still be attained with a less strict MCL that has lower costs of compliance.

The American Water Works Association (AWWA) recently provided the Congressional Budget Office with an estimate of the national cost to treat PFOA and PFOS at differing Maximum Contaminant Levels using different treatment processes. The Water Works Association estimated a greater than 1,000% increase in both capital costs and annual operation and maintenance costs between a 70 ppt standard and a 20 ppt standard.

Wisconsin's public water systems already face costs of \$8.5 billion over the next 15 years to meet existing drinking water priorities, such as the elimination of lead service lines, according to Wisconsin's 2018 Annual Drinking Water Report. New PFAS drinking water standards could substantially increase that cost.

It is vital that the public health protections achieved from new standards justify the costs of meeting the numeric standards set.

Wisconsin's municipal water and wastewater systems face many challenges that require significant public investment. The State of Wisconsin needs to ensure that this investment is directed to the greatest need and will provide the greatest benefit. It is critical in this rule-making process that PFAS contamination be given the same scrutiny and analysis that all contaminants of concern receive, and that PFAS be prioritized relative to its actual risk.

Thank you for the opportunity to speak today and for considering our comments. We look forward to working with the Department on developing science-based standards for PFAS compounds that consider relative cost, benefit, and feasibility of treatment options.