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June 13, 2021

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

Via Email - [BruceD.Rheineck@wisconsin.gov](mailto:BruceD.Rheineck@wisconsin.gov) and  
[DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov)

Mr. Rheineck:

The League of Wisconsin Municipalities welcomes the opportunity to submit comments related to the Economic Impact Analysis (EIA) for Board Order DG-15-19, related to the proposed revision to ch. NR 140 which establishes numerical standards for several compounds including PFOA and PFOS. The League is a nonprofit and nonpartisan association of 594 cities and villages, nearly all of which operate wastewater treatment plants that would be affected by these proposed rules.

While the League supports following sound science, sampling, and monitoring to produce technologically and financially feasible regulations for PFAS compounds, we are concerned that the draft EIA has underrepresented the economic impacts that Wisconsin municipalities may be responsible for under the recommended revisions to ch. NR 140.

The League is particularly concerned that department responses will vary greatly depending on the type and age of a facility, hydrogeological conditions, how the department evaluates alternative responses that may achieve the same objectives as those proposed by DNR, how the department considers background water quality, and the type of project. In addition to wastewater facilities, biosolid land spreading and remediation and redevelopment sites will be impacted by this rule because they may be subject to ch. 292 Stats., related to remedial actions for hazardous substances.

Under ch. 292 Wis Stats, a response action is required on those sites or projects if a numeric groundwater enforcement standard is attained or exceeded, and the League believes those impacts are not specifically addressed in the EIA. These concerns are intensified by the DNR practice to issue partial closures for remediation sites meaning they may be required to take additional action related to PFAS. In addition, the department states in the EIA that facilities regulated both under chs. NR 140 and chs. NR 700-799 may be eligible to receive case closure if a party can demonstrate that natural attenuation will bring the groundwater into compliance. Can a substance that does not break down in the environment be naturally attenuated?

Finally, the League fully endorses the entirety of the comments submitted by Vanessa Wishart and Paul Kent on behalf of the Municipal Environmental Group (MEG) – Wastewater Division on June 13, 2021. We urge you to consider the recommendations submitted by MEG.

*YOUR VOICE. YOUR WISCONSIN.*

We look forward to continuing the dialogue with the department on this important issue. The League is supportive of regulating these emerging compounds in a scientifically supported and financially feasible manner.

Kind Regards,

*Toni R Herkert*

Toni Herkert, Government Affairs Director  
Wisconsin League of Municipalities