

June 13, 2021

VIA EMAIL
DNR140GroundwaterQualityStandards@Wisconsin.gov

Department of Natural Resources
Groundwater Section – DG/5
P.O. Box 7921
Madison, WI 53707

RE: Comments of the Municipal Environmental Group – Wastewater Division
Environmental Impact Analysis for Board Order DG-15-19

To Whom It May Concern:

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 Economic Impact Analysis (“EIA”) for Board Order DG-15-19, proposed rules relating to amendments to Chapter NR 140 setting numerical standards for compounds including PFOS and PFOA.

While MEG supports the regulation of PFAS compounds based on due deliberation and credible science, we are concerned that the EIA as drafted fails to account for potentially significant costs on MEG members and other municipal entities.

The proposed rule establishes an enforcement standard (“ES”) of 20 ppt for PFOS and PFOA combined and a preventative action limit (“PAL”) of 2 ppt. These are restrictive standards—the PAL is essentially the detection level—and are likely to have widespread economic impacts. The EIA, however, states that the impact of the proposed groundwater standards, is “Moderate cost: \$175,000 to less than \$5 million per year.” MEG believes that this cost estimate greatly underestimates the likely costs associated with the proposed groundwater standards.

The department states that economic impacts are likely to be moderated by the fact 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 be many impacts of this rule beyond existing contaminated sites. Potential impacts include projects that require pit trench dewatering and land application of biosolids. In most cases, these projects would not be associated with sites where existing standards are already being exceeded and remediated. Further, even for existing contamination sites,

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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 a 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. The EIA should be revised to reflect the full potential economic impact of the proposed groundwater standards.

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". The signature is written in a cursive, flowing style.

Vanessa D. Wishart
Paul G. Kent

VDW:mai