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December 15, 2021

Department of Natural Resources
Attn: Meghan Williams – WY/3
P.O. Box 7921
101 S. Webster Street
Madison, WI 53707

Via Email – MeghanC3.Williams@wisconsin.gov and DNR105PFASRule@wisconsin.gov

RE: Comments on WY-23-19 Revisions to chs. NR 102, 105, 106, and 219 relating to the Proposed Surface Water Quality Standards for PFOA and PFOS, including narrative criteria

Ms. Williams:

The League of Wisconsin Municipalities, a nonprofit and nonpartisan association of 594 cities and villages, welcomes the opportunity to submit the following comments on the proposed revision of chs. NR 102, 105, 106, and 219, which include establishing narrative criteria for PFOA and PFOS. The League has been a member of several PFAS related department working groups and recognizes the large amount of work that has gone into developing these rules.

It is important to note that municipal wastewater facilities are not generators of PFAS, but simply the end waste processors tasked with the final, and often most expensive, treatment of contaminants prior to discharge. The League appreciates the department's willingness to consider and include narrative criteria combined with associated numeric thresholds to potentially trigger a pollutant minimization plan and corresponding source reduction. The referenced framework is the most technologically and economically feasible option for municipalities to pursue while simultaneously achieving the largest environmental improvements. Numeric water quality effluent standards would only increase costs, rely on variances producing slower environmental benefits, and miss the cooperative opportunity to address source reduction.

The League supports the development of PFOA and PFOS surface water provisions at this time because these standards are typically established by states. We are very encouraged by the cooperative nature of the rule that the department has put forward and would like to offer these specific recommendations for consideration in the final rule package:

- We are concerned that the rule specifically addresses biosolids in the PFAS minimization plans that may need to be developed by municipal wastewater utilities. The proposed rule package establishes narrative criteria for surface waters and effluent discharge and therefore, this rule package is not the appropriate venue for regulating biosolids. We request that the references to sludge and biosolids be eliminated from this rule package and considered in a separate administrative revision.
- We seek clarification from the department regarding the use of the proposed narrative standards and thresholds with regard to their application in construction projects that involve pit trench dewatering and landfill leachate. Municipalities engage in several construction activities that require pit trench

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dewatering and our municipal wastewater utilities accept groundwater from construction sites. In addition, our municipal treatment plants accept landfill leachate from landfills around the state. Will we be required to test pit trench water or leachate for PFAS? Will a minimization plan require pretreatment before the water can be sent to a wastewater treatment plant? Are those costs accounted for in the environmental impact assessment because they could increase costs substantially?

- Finally, on page 22 of the proposed rule a note references that permittees may refer to the Michigan Department of Environmental Quality's "Wastewater PFAS Sampling Guidance" for recommended sampling protocols and cost contamination prevention measures. We have two questions pertaining to this note: Why reference another state's guidance in an administrative code? And will this guidance always be the best option for sampling? The note should simply reference the most commonly accepted or approved/recommended sampling protocols, so practices are continually updated. The League requests the note be deleted or clarified to state that permittees may refer to the most up to date, generally accepted sampling protocols.

In addition, to the comments outlined above, the League fully endorses the comments submitted by Vanessa Wishart and Paul Kent on behalf of the Municipal Environmental Group Wastewater Division on December 15, 2021.

Thank you again for the process the department followed in this rule revision and the opportunity to provide municipal comments on NR 102, 105, 106, and 219 as they relate to surface water quality standards and non-numeric, narrative criteria for PFOA and PFOS. The League continues to be supportive of the department's rule revision efforts with the above requests for clarification.

Kind Regards,

Toni R Herkert

Toni Herkert, Government Affairs Director, Wisconsin League of Municipalities