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Bruce Rheineck
Department of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, WI 53707

Via Email to DNR140GroundwaterQualityStandards@Wisconsin.gov and
DNRAAdministrativeRulesComments@wisconsin.gov

RE: League of Wisconsin Municipalities comments regarding Board Order DG-15-19

Mr. Rheineck:

The League of Wisconsin Municipalities, a nonprofit and nonpartisan association of 594 cities and villages, many of which own and operate municipal wastewater treatment plants. On behalf of our members, the League welcomes the opportunity to submit the following comments on the proposed revision of Ch. NR 140 establishing numerical groundwater quality standards for several compounds including PFOA and PFOS. The League has been a member of several PFAS related department working groups and recognizes the magnitude of work that has gone into developing rules to address these emerging contaminants.

Wisconsin has long been a leader in the protection of groundwater and the development of laws and administrative code which provide the necessary authority. The League appreciates and supports the standards setting process in Wisconsin which is based on credible science, and we generally support the approach to the regulation of emerging contaminants found within this rule proposal. However, there are two areas we would like to recommend the department provide a greater review in the costs of alternatives proposed in the revision as they relate to PFOA and PFOS.

The first area we would like to highlight relates to biosolids management. The EIA states that if a treatment facility is not able to land apply biosolids due to PFAS levels, other retention, management, and disposal options are readily available. Unfortunately, this is not entirely true. Other disposal options are fraught with challenges including extensive infrastructure investments for storage or incineration, shipping and disposal costs for out of state options, or significant dewatering to dispose in a landfill if a landfill will take the semi-solid waste. Even if a landfill accepts the waste, that leachate may come back to the wastewater treatment plant creating a continuous disposal cycle. To require the use any of these options as alternatives to land applying biosolids should, at a minimum, require the department to do a better analysis of the true costs associated with alternatives to better prepare wastewater customers for the rate impact they may witness.

In addition to biosolids and disposal alternatives, the League continues to believe that the potential costs associated with pit trench dewatering have not been adequately assessed in this EIA. Attachment C to the EIA for the proposed rule explains that because pit trench dewatering is discharged to surface water and

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not groundwater, the proposed rule is not anticipated to have impacts associated with this activity. However, the League's municipal wastewater concern with pit trench dewatering in the context of NR 140 is that the acceptance of pit trench dewatered discharges at a treatment plant, which is common practice for construction projects, could result in increased PFOA and PFOS in our wastewater and biosolids. If municipal wastewater treatment facilities were to require treatment for pit trench dewatering discharges to ensure there is no impact on the wastewater or biosolids at our facilities, such treatment would add significant additional costs on the construction projects around the state. Just as in the biosolids and disposal section above, the League requests that the department consider these costs in the final evaluation of this proposed rule.

Thank you again for the opportunity to provide municipal comments on NR 140 related to numeric groundwater quality standards for PFOA and PFOS. We would appreciate the departments further review and analysis on the items mentioned above. The League of Wisconsin Municipalities continues to be supportive of the department's rule revision efforts and we look forward to opportunities to partner with the department in these continued efforts.

Kind Regards,

Toni R Herkert

Toni Herkert, Government Affairs Director, Wisconsin League of Municipalities