



Wisconsin Rural Water Association
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November 19, 2019

Department of Natural Resources

Attn: Bruce Rheineck – DG/5

P.O. Box 7921

101 S. Webster Street,

Madison, WI 53707-7921

Re: Preliminary Public Hearing Comments on Statement of Scopes (SS 090-19, SS 089-19, SS 091-19)

On behalf of the Wisconsin Rural Water Association (WRWA), I appreciate the opportunity to submit comments on the proposed Statement of Scopes (SS 090-19, SS 089-19, SS 091-19) to regulate PFAS in Wisconsin's drinking water, groundwater and surface water.

The Wisconsin Rural Water Association (WRWA) is a nonprofit association that represents 586 municipal water and wastewater system members and provide services to over four million Wisconsin residents and is generally focused on assisting small and rural communities that serve less than 10,000 people.

We understand and acknowledge the concerns of PFAS in our environment. The public wants to know what levels of PFAS in drinking water are safe or unsafe. As the public stewards of safe drinking water, our members want to address this issue – however we strongly impress that PFAS standards be based on credible science, ratepayer effects, and due deliberation.

Below are additional comments on the three pending Scope Statements:

1) *Specify and Limit the PFAS Compounds*

SS 089-19 and SS 091-19 include broad rulemaking authority for certain PFAS *including* the contaminant compounds PFOA and PFOS. With over 4,000 PFAS compounds, WRWA asks the department to narrow the scope statements to include only PFOA and PFOS – the two most well studied PFAS compounds. The current parameters of the scope statements allow the department sizable discretion in applying standards to thousands of PFAS compounds, far beyond what is included in the health advisory guidelines from Environmental Protection Agency (EPA) and most other jurisdictions.

2) *Follow the SDWA Process*

WRWA requests that DNR follow the standard setting process under the Safe Drinking Water Act (SDWA) to develop the Maximum Contaminant Level (MCL) for PFAS. To date, *all* of Wisconsin's drinking water standards have been set using this SDWA methodology. This includes basing the standard on credible science, available treatments, and costs.

With no federal standard in place, Wisconsin should follow the SDWA process and consider the incremental costs and benefits associated with the proposed and alternative MCLs. Under the SDWA process, the MCL is set weighing the marginal benefit of a stricter standard versus the incremental cost to meet such a standard. As such, a stricter standard will generate more costs, which could outweigh any health benefits.

This is especially critical for small systems. Currently, when the EPA sets new primary standards, they consider the compliance costs and affordability for small systems (under 10,000). Research has found that even the known treatments for PFOA and PFOS vary depending the type of method (e.g. granular activated carbon, ion exchange, reverse osmosis) and the corresponding MCL limit.

For these reasons, WRWA requests the state amend the Scope Statements to ensure that the PFAS standards are set under the SDWA process.

3) *Wait for EPA*

It is expected EPA will announce by the end of 2019 the development of drinking water standards for PFOS and PFOA MCLs. WRWA urges DNR to hold off on further movement of Wisconsin-specific regulations until it is more apparent how the federal government will proceed. When appropriate, WRWA supports national-based standards to avoid confusion and uniformity of testing and treatment protocols.

4) *Biosolid Considerations*

As part of standard wastewater treatment processes, residuals, commonly known as “biosolids,” are rich in nutrients and utilized as fertilizers for agricultural purposes. Through the treatment process, PFAS can accumulate in the biosolids and may affect the surface and ground water after land application.

WRWA requests the department consider the abilities of wastewater treatment facilities to manage PFAS accumulation in biosolids, the need to focus on reducing PFAS inputs into the wastewater treatment system, and the developing and limited amount of research relating to PFAS in this area.

Thank you for your consideration of these comments.

Sincerely,

Chris Groh
Executive Director
Wisconsin Rural Water Association