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August 18, 2021

DNR105PFASRule@wisconsin.gov

Department of Natural Resources
Attn: Jason Knutson – WY/3
P.O. Box 7921
Madison, WI 53707

RE: League of Wisconsin Municipalities Comments on the Economic Impact Analysis for Board Order WY-23-19

Dear Mr. Knutson:

Please accept the submission of these comments on behalf of the League of Wisconsin Municipalities. The League, a nonprofit and nonpartisan association of 594 cities and villages, welcomes the opportunity to submit comments related to the Economic Impact Analysis on the revision to chs. NR 102, 105, 106, and 219, which include establishing narrative criteria for PFOA and PFOS.

The League is very encouraged that the department has developed and introduced a framework supporting non-numeric standards and pollutant minimization and source reduction as the administrative structure for this rule revision. The League has been a strong proponent of this approach and is pleased that the department investigated this opportunity with the Environmental Protection Agency. PFAS is an emerging contaminant and cannot be efficiently or cost effectively removed through traditional wastewater treatment processes. The creation of narrative criteria and correlating numeric thresholds should produce an end result which actually removes PFAS in our wastewater stream and allows greater flexibility for end users to design specific approaches that are supported by science and produce cost effective results for customers.

Specifically related to the EIA's establishment of costs associated with this rule revision, the League has concerns with municipal projects and the lack of clarity on how pit trench dewatering will be regulated. As stated in the Municipal Environmental Group's comments, If the threshold becomes a de facto standard similar to the Michigan standards now used by the department with respect to such dewatering efforts, there are several additional sources of potential costs. Municipal wastewater treatment plants that accept contaminated groundwater from construction sites will likely face increased costs for reviewing analytical information associated with discharge requests. In addition, those requesting to discharge contaminated groundwater into WWTPs will likely face additional costs to provide analytical information and potentially pretreat wastewater in order to ensure the numeric thresholds can be attained. Finally, municipalities, including sewer utilities, undertake many construction activities that require pit trench dewatering. If municipalities are required to treat groundwater before discharging to surface waters based on the numeric thresholds, those costs could be significant. The League respectfully requests that pit trench dewatering be examined and clarified in the final EIA so that these costs can be appropriately accounted for moving forward.

In addition to the comments above, the League fully endorses the entirety of the comments submitted by Vanessa Wishart and Paul Kent on behalf of the Municipal Environmental Group – Wastewater Division (MEG--Wastewater) on August 18, 2021. We urge you to consider the recommendations submitted by MEG.

Thank you for the opportunity to provide comments on the department's surface water Environmental Impact Analysis, we look forward to reviewing the modified EIA that takes into consideration the public comments and to continuing the dialogue with the department on this important issue.

Kind Regards,

Toni R Herkert

Toni Herkert, Government Affairs Director
Wisconsin League of Municipalities