

October 5, 2023

Minnesota Pollution Control Agency  
520 Lafayette Road N  
St. Paul, MN 55155-4194

Re: Comments on PFAS Guidance for Superfund and Brownfield Sites - Policy Plan

To Whom It May Concern,

Midwest Biosolids Association (MBA) is a consortium comprising municipalities, businesses, and various entities spanning nine Midwestern states and adjacent Canadian provinces. MBA is committed to advocating for the environmentally responsible management of biosolids, particularly recognizing their importance as a resource produced through the invaluable services provided by the wastewater treatment industry to our communities.

The MBA commends the Minnesota Pollution Control Agency (MPCA) for its diligent efforts in addressing the issue of per- and poly-fluoroalkyl substances (PFAS) in the environment. We appreciate this opportunity to provide input on MPCA's draft PFAS Guidance, which pertains to the investigation and remediation of PFAS in the environment. We respectfully request that you take the following considerations into account when finalizing the guidance.

1. Removal of all references to biosolids, which are resources generated from wastewater treatment plants at Publicly Owned Treatment Works (POTWs), from this remediation guidance is strongly recommended. There are three primary reasons for this recommendation. Firstly, biosolids are generally not a significant source of PFAS relevant to the remediation of contaminated sites, except in rare instances where biosolids become contaminated due to heavy industrial discharge into POTWs. Secondly, the inclusion of biosolids as a source of PFAS in this guidance could inaccurately portray biosolids as a significant PFAS source, potentially leading to misidentifying POTWs as Potentially Responsible Parties under MERLA. Thirdly, the challenges associated with wastewater treatment necessitate that land application of biosolids remains the most sensible option for the beneficial utilization of these reclaimed resources.
2. It is important to acknowledge that POTWs play a vital role in maintaining keeping our waterways clean while simultaneously generating valuable resources, including clean water and the solid residuals of the treatment process, known as municipal biosolids.
3. POTWs do not generate or use PFAS but are passive receivers of PFAS through the wastewater they are mandated to treat in a responsible manner. These entities, along with other passive receivers of PFAS, should be granted clear liability exemptions under MERLA.
4. MPCA's wastewater division (including the biosolids program) AND its remediation division should work with public utilities to develop a separate specific strategic framework for addressing PFAS investigation and remediation issues associated with wastewater and biosolids.



241 North 5th Street  
Springfield, Illinois 62702  
217.523.2241  
mwbiosolids.org

The MBA looks forward to seeing how these comments and others contribute to a more balanced guidance document and other efforts by MPCA to address PFAS in the State.

Sincerely,

A handwritten signature in dark ink that reads "Albert Cox".

**Albert Cox, PhD,  
President  
Midwest Biosolids**

