

CGMC/LMC

Attached please find a joint comment letter from the League of Minnesota Cities and the Coalition of Greater Minnesota Cities



October 3, 2023

Tim Grape, Supervisor, Superfund Unit 1
Yodit Sheido, Project Manager, Superfund Unit 1
Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road N
St. Paul, MN 55155-4194

Dear Tim and Yodit,

On behalf of our organizations, which collectively represent nearly all cities in Minnesota, we are writing to express our concern regarding the draft MPCA Remediation Division PFAS Guidance. Specifically, we are concerned that the draft was composed without due consideration to the impact it will have on municipal wastewater treatment facilities and their biosolids programs. We believe that due to the unique role our facilities play in ensuring the protection of Minnesota's waters, the guidance should be revised so that municipal facilities are considered separately, and we urge the MPCA to bring together its Wastewater and Remediation Divisions along with municipal stakeholders to develop a comprehensive wastewater specific PFAS prevention, investigation, and remediation strategy.

The League of Minnesota Cities (LMC) is a membership organization that serves more than 800 member cities through advocacy, education and training, policy development, risk management, and other services. The Coalition of Greater Minnesota Cities (CGMC) is a group of more than 100 cities throughout the state dedicated to developing viable progressive communities for families and businesses through good local government and strong economic growth. Our cities play a significant role in ensuring Minnesotans have clean water through our wastewater facilities and their biosolids programs.

Our member cities share the MPCA's concerns about the health risks associated with per-and-polyfluoroalkyl substances (PFAS) and understand the need to develop a remediation policy. We also believe that the agency needs to take a different approach with respect to municipal facilities. Our wastewater facilities are not sources of PFAS. Rather, they are receivers of PFAS from other upstream sources. We conduct our wastewater discharge and biosolids programs in compliance with all applicable state and federal laws and NPDES permit requirements, and removing PFAS from our effluent and biosolids is not technologically nor economically feasible. We are concerned that the proposed remediation approach reflected in the guidance inaccurately regards municipal wastewater and their biosolid programs as sources of PFAS and sets municipalities up for unfair liability under the Minnesota Environmental Response and Liability Act (MERLA) in addition to significant negative and costly unintended consequences.

Our facilities and their biosolids programs are highly regulated, yet the remediation guidelines do not appear to recognize the importance of these programs to Minnesota's overall clean water programs. Because our wastewater facilities and their biosolid programs are owned and operated by local units of government, we believe that they should not be covered by the remediation guide, and the agency should indemnify local units of government from MERLA liability while developing a separate strategy for municipalities.

We recognize that the remediation of PFAS is a top priority for the agency. Still, it should not be done in a way that harms or unfairly penalizes local units of government. Therefore, we urge the following with respect to the PFAS Remediation guidelines:

- Remove references to municipal wastewater and the land application of their biosolids from the guidelines;
- Work with municipal stakeholders to develop a comprehensive strategy to address PFAS in wastewater and biosolids; and
- Develop and implement guidance policies or legislation directing enforcement efforts away from passive receivers of PFAS, such as municipal wastewater facilities.

We also request that a meeting between municipal stakeholders, including our organizations, and key agency leaders from water, biosolids, and remediation sections be scheduled so we may discuss how to work together to address our mutual concerns regarding PFAS remediation.

Sincerely,



Elizabeth Wefel
Coalition of Greater Minnesota Cities



Craig Johnson, Intergovernmental Relations
League of Minnesota Cities

CC:

Commissioner Katrina Kessler
Assistant Commissioner Dana Vanderbosch
Assistant Commissioner Kirk Koudelka
Nicole Blasing, Municipal Division Director
Suzanne Baumann, Municipal Wastewater Manager