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Western Lake Superior Sanitary District

December 12, 2024

RE: Comments on Biosolids PFAS Strategy

To the Minnesota Pollution Control Agency (MPCA) Biosolids Strategy Review Team,

The Western Lake Superior Sanitary District (WLSSD) appreciates the opportunity to provide feedback on the Minnesota Biosolids PFAS Strategy (strategy). The WLSSD is an owner and operator of a wastewater treatment facility in Northern Minnesota with a successful biosolids land application program. We want to acknowledge the time and effort that the MPCA has put into this Biosolids PFAS Strategy and the ongoing recognition of the importance of the biosolids land application programs while ensuring protection of public health. WLSSD has reviewed the strategy and recommends the following changes:

- The levels of PFOA and PFOS for the four tiers should be adjusted as follows: Tier 1 (≤ 20 $\mu\text{g/kg}$), Tier 2 (21-50 $\mu\text{g/kg}$), Tier 3 (51-125 $\mu\text{g/kg}$), and Tier 4 (≥ 125 $\mu\text{g/kg}$). We believe this slight adjustment will provide some additional flexibility and certainty—especially for those facilities that find themselves in tiers 1 and 2. We also suggest that the MPCA consider how they will handle the additional significant figures that will be included in the analysis of the biosolids samples. For example, if a sample measures at 20.5 $\mu\text{g/kg}$ would this meet the Tier 1 or Tier 2 standard?
- The strategy should clarify the definition of year (crop year, calendar year) in reference to sampling. In addition, the sampling plan should acknowledge the length of time that can elapse between sampling and receiving PFAS testing results and the time required to take additional action should it be required. If facilities are required to test in September 2025 for the crop year it is likely that results will not be received prior to the start of the crop year. Should a facility have results in the upper tiers they will not have time to find alternatives. It is suggested the MPCA consider extending the time frame between biosolids testing and the actions required within each tier.
- It is likely that facilities will have additional testing/results of biosolids beyond one annual sample. How will the MPCA handle multiple biosolids tests from an individual facility (averaging, median, etc.)? WLSSD currently conducts quarterly biosolids PFAS sampling and we are interested in how the MPCA will account for multiple samples. While we have seen minimal variation between sampling it is possible that facilities may have samples that fit within different tiers. How will the MPCA handle the situation of a facility having a high-test result, resampling and getting a lower value? Will the MPCA consider the resampled value in establishing the tier?
- The ban on land application of biosolids in the tier 4 category should be adjusted to a ban on new application sites only--with the potential to include additional requirements such

as reduced application rates, and/or other risk mitigation strategies. A land application ban in the tier 4 category is premature both legally and scientifically without risk assessment data demonstrating that such an approach is necessary to protect human health. Outright bans on the land application or other beneficial reuse of biosolids—like what was enacted in Maine—have proven to be disastrous. The only exception to this should be in the unlikely event that the MPCA identifies, on a case-by-case basis, PFOA or PFOS in such high levels that there is an immediate and substantial threat to public health.

- MPCA's proposal to require a reduced application rate of 1.5 dry tons/acre in the tier 3 category is too rigid and it is not tied to any data demonstrating that it is necessary to protect human health. This reduced application rate is used in both the Wisconsin and Michigan strategies, but it is arbitrary and not based on risk assessment data for protecting human health and the environment and could cause significant problems for POTWs and farmers. To address these concerns, we suggest using a stated range from 1.5 to 3.5 dry/tons per acre and keeping the existing "or an alternative risk mitigation strategy."

We appreciate the ability to comment on this strategy. If you have any questions I can be reached at 218-740-4805.

A handwritten signature in black ink, appearing to read "M. Bohren". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marianne Bohren
Executive Director
Western Lake Superior Sanitary District