



December 11, 2024

Re: Joint LMC/CGMC comments on MPCA's interim biosolids strategy

On behalf of our organizations, which collectively represent nearly all cities in Minnesota, we are writing to provide comments on the Minnesota Pollution Control Agency's ("MPCA") questions related to the development of an interim strategy to address per- and poly-fluoroalkyl substances (PFAS) in municipal biosolids. We appreciate the opportunity to provide our thoughts and suggestions related to the components of that program.

The League of Minnesota Cities (LMC) is a membership organization that serves 840 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). We understand the need to develop a program that appropriately identifies where human health and the environmental impacts of PFAS presence in biosolids are being properly assessed and managed. As has been regularly discussed, however, 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 currently neither technologically nor economically feasible.

The ability of municipal wastewater treatment facilities to land apply properly managed biosolids is extremely important to our members and the residents of their communities. We appreciate the MPCA's continuing engagement with city organizations and our wastewater operators on the biosolids issue and the interim strategy overall reflects a balanced approach, particularly the use of tiered thresholds to guide the strategy. Nonetheless, we are concerned that some aspects of the proposal do not allow sufficient time for the implementation of Amara's law and are more restrictive than necessary.

Our organizations believe that source control is the best method of reducing PFAS in biosolids and in the environment and have been supportive of Amara's law, which will ban many domestic sources of PFAS, eventually resulting in the decreased presence of PFAS in biosolids. Therefore, we urge that implementation of the higher tiers (tiers 3 and 4) be delayed for a year to allow full implementation. Without such a delay, we are concerned that the tier 4 threshold is too low, particularly when coupled with the proposed ban of land application for that tier. If an

implementation delay is not possible, we urge that the tier 4 threshold be increased from 125 ug/kg to 150 ug/kg.

Moreover, we recommend that the MPCA adopt strategies that reduce land application for tier 4 without an outright ban. Given the problems that outright bans have experienced in other states, we believe a more narrowly tailored approach that is still focused on protecting human health is appropriate.

We also urge that the MPCA make the strategy voluntary, except for POTWs that have one or more known Industrial Users, and develop incentives for others to voluntarily participate. Such an approach will encourage more cooperation and engagement in addressing the management of PFAS.

Our organizations have reviewed the more detailed comments put forward by the Minnesota Science Environmental Science and Economic Review Board (MESERB) and agree with their recommendations. We encourage the MPCA to incorporate those suggestions into the interim strategy.

In the meantime, our organizations look forward to continuing to work with the MPCA, the legislature, and other interested parties to make sure that municipal wastewater treatment facilities have the programs, tools, funding, and statutory provisions necessary to protect public health and the environment from PFAS-related compounds. Please contact us at cjohnson@lmc.org or ewefel@flaherty-hood.com with any questions.

Sincerely,



Craig A. Johnson
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