Allan Fox

Comments uploaded.

CITY OF LAFAYETTE

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RE: MPCA PFAS in Biosolids Strategy;

My name is Allan Fox and I am writing on behalf of the City of Lafayette Wastewater Facility to provide comments on the Minnesota Pollution Control Agency's ("MPCA") proposed PFAS in biosolids strategy. The [City/Sanitary District] is an owner and operator of a wastewater treatment facility with authorization to land apply our biosolids. Our biosolids are heavily regulated by EPA and MPCA and the land application of those biosolids is safe and environmentally beneficial. The City of Lafayette supports efforts to identify, reduce, and eliminate sources of PFAS to POTWs, but we are concerned that MPCA's proposed strategy is moving faster than what is currently allowed for by law and supported by final risk assessment data. However, as a local government entity, we also recognize that PFAS presents an important problem that needs to be strategically addressed in manner that prioritizes public health without imposing undue burdens on municipal wastewater treatment facilities. As a result, we recommend the following key changes to the proposed biosolids strategy:

- The levels of PFOA and PFOS for the four tiers should be adjusted as follows: Tier 1 (≤ 20 µg/kg), Tier 2 (21-50 µg/kg), Tier 3 (51-125 µg/kg), and Tier 4 (≥ 125 µg/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.

- 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.”

- The strategy should be voluntary, unless PFAS biosolids sampling indicates that there is immediate threat to public health on a case-by-case basis.

- To the extent available under law, MPCA should provide participants in the strategy liability assurances from future MPCA enforcement action related to the land application of biosolids.

Sincerely,

Allan E Fox

Allan Fox
City of Lafayette
Utility and Maintenance
Superintendent

CC: Lafayette City Council