

12/12/24

Re: PFAS Biosolids Strategy Comment Letter – City of Hutchinson

My name is John Paulson, Project/Environmental/Regulatory Manager for the City of Hutchinson and I am providing comments regarding the Minnesota Pollution Control Agency's ("MPCA") proposed PFAS in biosolids strategy. The City of Hutchinson owns and operates a wastewater treatment facility with authorization to land apply our biosolids. Our facility has limited solids storage capacity and land applies biosolids as a cake on area agricultural lands. Our biosolids are heavily regulated by EPA and MPCA to ensure the land application of those biosolids is safe and environmentally beneficial. The City of Hutchinson is currently working with our local Significant Industrial Users and is implementing public outreach and education strategies in our community to reduce PFAS in our wastewater system. The City of Hutchinson supports efforts to identify, reduce, and eliminate sources of PFAS to POTWs, but we are concerned that MPCA's proposed biosolids strategy is getting ahead of ongoing final risk assessment data development. 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.

The City of Hutchinson recommends the following changes to the proposed biosolids strategy to better align with current operational strategies that we use while supporting the need to better understand the extent of PFAS in biosolids:

- The levels of PFOA and PFOS for the four tiers should be adjusted as follows: Tier 1 (≤ 20 $\mu\text{g/kg}$), Tier 2 (>20 – ≤ 50 $\mu\text{g/kg}$), Tier 3 (>50 – ≤ 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. It also addresses the problem if a result falls between the outer limits of different tiers.
- 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.
- Sampling of biosolids for PFAS in the quarter before land application occurs should be considered in the event there is limited stockpiling or storage capacity. Collecting a representative PFAS sample and waiting for the results prior to land application, especially if so many other POTWs will be sampling at the same time, will likely prove to be problematic if the results are not returned to the POTWs in a timely manner. We currently do not have the ability to store cake biosolids for more than a couple of weeks. If we are required to wait for the results prior to land application then we may need to avoid land application of that tank and take them to the landfill thus reducing the beneficial reuse of the biosolids cake. Since this strategy is not a formally adopted standard supported by rule we request flexibility be incorporated where necessary to minimize impacts to current land application processes. In the event PFAS samples reach a tier that affect application rates or methods then they would be applied at the time of receiving the results moving forward.

- 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 rate of less than 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. We fully support the collection of biosolids PFAS data to guide further development of future reduction strategies and to gain a better understanding of the potential effects on the environment. That is if there is a step wise approach used that does not unreasonably impact beneficial biosolids reuse before the necessary research and science is completed to understand the effects on the environment and crops being produced on soils that receive biosolids.
- 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.

If you have any questions or comments, feel free to contact me. My phone number is (320)234-5682.

Sincerely,

A handwritten signature in black ink, appearing to read "John Paulson". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Paulson".

John Paulson
Project/Environmental/Regulatory Manager

Cc: Mike Stifter, Public Works Director
Deb Paulson, Laboratory Manager