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U.S. Environmental Protection Agency
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Submitted via www.regulations.gov

RE: Comments of the Municipal Environmental Group – Wastewater Division
United States Environmental Protection Agency's Draft Sewage Sludge Risk Assessment for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS)
Docket ID No. EPA-HQ-OW-2024-0504

To Whom It May Concern:

We are submitting these comments on behalf of the Municipal Environmental Group–Wastewater Division (MEG Wastewater). MEG Wastewater is an organization of over 100 municipalities across the state of Wisconsin who own and operate wastewater treatment plants. We represent clean water utilities ranging in size from small sanitary districts to larger utilities. MEG Wastewater appreciates the opportunity to comment on the United States Environmental Protection Agency's ("USEPA") Draft Sewage Sludge Risk Assessment for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS) (the "Draft Risk Assessment").

Clean water utilities provide essential wastewater treatment services across our communities every day. Clean water utilities are passive receivers of PFAS compounds and have no ability to treat for these compounds through conventional wastewater treatment processes. PFAS compounds are also ubiquitous in our environment and humans are exposed to these compounds through numerous pathways including household products, dust, air, and rainfall. Thus, it is vital that any actions taken at the federal level regarding PFAS compounds are based on careful consideration of the critical role that clean water utilities provide across the country and holistically evaluate the relative risks posed by PFAS compounds from different sources.

MEG Wastewater supports the scientifically sound regulation of PFAS compounds in the environment. MEG Wastewater is concerned, however, that the Draft Risk Assessment takes such a conservative approach to assessing the potential impact of land application of biosolids under specific circumstances as to be inapplicable to the general population and fails to provide sufficient context to explain its highly

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conservative assumptions. We hope USEPA will seriously consider the following comments and those of other clean water utilities as it continues its work on the Draft Risk Assessment.

A. The Draft Risk Assessment Implements A Highly Conservative Approach that does not Represent the Risk to the General Public.

There are a number of ways in which the Draft Risk Assessment takes an unreasonably conservative approach to evaluating the impact of PFAS in biosolids. First, the Draft Risk Assessment relies on a source contribution of 1 ppb of PFOS or PFOA in biosolids. There is not sufficient explanation or justification in the Draft Risk Assessment for use of this concentration. This concentration is, in fact, lower than data gathered from biosolids across the country indicates is typically found in clean water utility biosolids.

The Draft Risk Assessment also relies on a hypothetical "farm family" that captures an extremely conservative scenario that is inapplicable to the general population and an inappropriate basis on which to establish health risk assessments. There are multiple assumptions underlying the "farm family" that make it an unrepresentative scenario:

- The farm family lives on a farm that applies biosolids to the farm fields on a yearly basis over a 40-year period;
- The farm family consumes only food grown on the farm;
- The farm family consumes only water from a well on the farm;
- The farm family children eat dirt on the farm that have been exposed to biosolids.

These assumptions for farm family consumption do not reflect the norm for present day farm families. Most farm families are not exclusively consuming food from their farm fields; in fact the majority of farms on which biosolids are land applied produce feedstock for other animals. Further, the land application rates do not reflect standard procedures and, in some cases, regulatory requirements, for land application of biosolids. Nutrient uptake, crop rotation, and other factors all contribute to decisions regarding what lands can accept biosolids in any given year. It would be highly unlikely for biosolids to be land applied on one particular farm field for 40 years in a row without some years of inactivity.

The conservative assumptions in the Draft Risk Assessment compound each other and result in a risk assessment that is unrepresentative of real-world conditions and impacts of biosolid land application relevant to the general public. Indeed, the final risk scenario assessed does not even represent a realistic risk to a typical farm family in the United States. While MEG Wastewater continues to support the development of scientifically sound research regarding PFAS compounds, we strongly encourage USEPA to revise the Draft Risk Assessment to consider real world exposure scenarios.

B. The Draft Risk Assessment Fails to Provide Context Around Its Highly Conservative Approach.

MEG Wastewater appreciates that USEPA notes that the Draft Risk Assessment does not capture the variability that arises from different site-specific factors relevant to any particular land application of biosolids. However, overall, the Draft Risk Assessment fails to provide the context necessary to ensure

it is clear to those reviewing the Draft Risk Assessment that it takes an extremely conservative approach and is not representative of exposure pathways for the general public. For most members of the general public, common household products, dust, air, and rain are all likely to be much more significant exposure pathways for PFAS compounds than biosolids land application. And, as explained above, even for a farm family, the Draft Risk Assessment does not represent real-world conditions regarding exposure pathways. This must be made explicitly clear in the Draft Risk Assessment.

Even though the Draft Risk Assessment itself does not impose new regulatory requirements, it is already being relied upon to establish new state and local requirements for biosolids land application. Given the highly conservative assumptions and the fact that it does not consider real world exposure scenarios, it is not appropriate to use the Draft Risk Assessment to establish limitations on biosolids land application. MEG Wastewater requests that USEPA revise the Draft Risk Assessment to provide additional context for its highly conservative approach and clarify its inapplicability to the general public.

C. The Draft Risk Assessment Overstates the Ability of Clean Water Utilities to Reduce the Source of PFAS Compounds Through Pretreatment Programs.

The Draft Risk Assessment Federal Register Notice emphasizes that clean water utilities can "achieve significant reductions in PFOA and PFOS concentrations" in biosolids through pretreatment programs. While this may be true for some industry specific, identified, controllable sources of PFAS compounds, in many cases this overstates a clean water utility's ability to implement source reduction through pretreatment regulation. This statement ignores the fact that EPA has not yet developed pretreatment standards for any industrial wastewater categories, and it will be many years before there are federal pretreatment standards for industrial users. Absent federal pretreatment standards, it is challenging for clean water utilities to regulate PFAS discharges through pretreatment programs.

Further, in many cases, a clean water utility is receiving PFAS compounds in wastewater from multiple sources. This makes it challenging to identify and target sources to achieve source reduction. Some of the sources may also be challenging to control. For instance, effluent studies indicate that for many clean water utilities, a significant source of PFAS contribution is from domestic sources. Because PFAS continues to be ubiquitous in households across the country, domestic wastewater is often a significant PFAS contributor for many clean water utilities. Clean water utilities have extremely limited, if any, ability to regulate these domestic sources of wastewater.

In sum, to the extent the Draft Risk Assessment relies on clean water utilities' ability to successfully reduce the input of PFAS compounds in wastewater influent, that premise is significantly overstated. MEG Wastewater requests that USEPA recognize the limitations that clean water utilities operate under with respect to source reduction for PFAS compounds.

D. It is Critical that Clean Water Utilities Continue to Beneficially Reuse Biosolids Through Land Application.

As currently designed and written, the Draft Risk Assessment's highly conservative approach jeopardizes the ability of clean water utilities to continue providing critical wastewater services to

communities across this country. Wastewater cannot be treated without generating biosolids, and the highly regulated beneficial reuse of those biosolids through land application continues to provide the best means of disposal. In fact, alternative options for disposal are limited to landfilling and incineration. Both of these options have significant limitations including prohibitive costs for many communities.

MEG Wastewater requests that USEPA considers the critical nature of continued land application of biosolids in any revisions to the Draft Risk Assessment. Future regulatory actions that USEPA may take coming out of a final Risk Assessment should consider the technical and economic feasibility of other disposal options and the policy implications of limiting the ability of clean water utilities to land apply biosolids.

Thank you for your consideration of these comments. MEG Wastewater greatly appreciates the opportunity to participate in this process and welcomes further communication with the USEPA on this topic.

Sincerely,

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