



To: Sen. Cowles, Chair, Senate Committee on Natural Resources and Energy
Rep. Kitchens, Chair, Assembly Committee on Environment

From: Curt Witynski, League of Wisconsin Municipalities
Paul Kent, Municipal Environmental Group – Wastewater Division
Lawrie Kobza, Municipal Environmental Group – Water Division
Chris Groh, Wisconsin Rural Water Association
Nancy Quirk, Wisconsin Section of the American Water Works Association

Date: October 11, 2019

Re: SB 302/AB 321, PFAS Regulation

The League of Wisconsin Municipalities, Wisconsin Rural Water Association, Municipal Environmental Group – Wastewater Division, the Municipal Environmental Group – Water Division, and the Wisconsin Section of the American Water Works Association (collectively, the Municipal Water Coalition) have concerns about SB 302/AB 321 and recommend you not advance the bill as introduced.

We represent municipal utilities providing the most essential of public services -- safe drinking water and wastewater treatment. We acknowledge and fully embrace our role as environmental and public health stewards committed to ensuring safe drinking water and sanitation services now and for future generations. To that end, we support legislative actions and regulations intended to ensure safe delivery of these critical services *if* they are based on credible science and developed after due deliberation.

Due deliberation in the context of setting water quality standards means not only seeking to understand and address the potential health effects of pollutants like PFAS, but also considering the relative cost, benefit, and feasibility of different pollutant removal and treatment options. SB 302/AB 321 skips this last critical analysis which is ordinarily a part of the federal Safe Drinking Water Act (SDWA) methodology for establishing feasible, health-based drinking water standards. To date, *all* of Wisconsin's drinking water standards have been set using this SDWA methodology.

SB 302/AB 321 requires DNR, until it promulgates PFAS standards through the rulemaking process, to apply the Department of Health Services' (DHS) recommended groundwater enforcement standard of 20 ppt for any PFAS as an interim standard for groundwater and as an interim maximum containment level for drinking water. While the DHS recommendation provides health information that addresses the first step of the SDWA methodology, it should not serve as an interim standard or emergency standard before the second step of the SDWA methodology is applied, which necessitates considering available technologies and costs to treat

PFAS. This long-standing, well-established, and non-partisan standard-setting process should not be short-circuited.

Another concern we have with SB 302/AB 321 is that it allows DNR to require a person who possesses or controls PFAS to provide proof of financial responsibility for remediation and long-term care to address contamination by a potential discharge of PFAS or environmental pollution that may be caused by a discharge of PFAS. This provision could be read to apply to volunteer fire departments, municipal utilities, or municipal and county landfills, all of which may lack the ability to provide the financial surety required and none of which are producers of PFAS.

Finally, we note that several of the requirements imposed by SB 302/AB 321 are already being carried out. For example, DNR has commenced rulemaking to establish PFAS standards for groundwater, surface water, and drinking water. In addition, two of the appropriations the bill calls for (modeling study and emergency responder survey) were included in the 2019-2020 state budget and are currently being carried out by DNR. Enactment of this bill is unnecessary to accomplish these goals and actions.

We urge you to hold off on acting on SB 302/AB 321. Let the pending PFAS rulemaking process for groundwater, surface water, and drinking water run its course. Thanks for considering our comments.