

November 15, 2019

Dr. Meredith Tipton, Chair
PFAS Task Force
VIA EMAIL

RE: Comments on PFAS Task Force Draft Recommendations

Dear Dr. Tipton,

The Maine Rural Water Association and our members of over 400 water and wastewater providers, greatly appreciate your leadership and the effort the Task Force has committed to this very important issue. While we realize comments on the Draft Recommendations were solicited exclusively from Task Force members during the last meeting of Oct 29th, our membership has voiced concerns that the Task Force should be aware of. We offer the following comments and recommendations from a regulated community targeted in the Draft Recommendations dated November 4, 2019.

Comments on Sampling and Analysis

Recommendation 1:

We agree with continuing the current DWP-sponsored PFAS testing program for select Community and Non-transient non-community drinking water sources; the results of which were shared at the Task Force meeting on October 29th. There are obvious data gaps that should be filled before expending further funds.

Any long-term or permanent testing requirements beyond that program should be limited to Community Water Systems and certain Non-transient non-community water systems such as schools and daycare facilities. We do not believe that PFAS testing of Transient water systems is a wise allocation of limited resources because these water systems do not present the exposure scenario that would warrant targeted monitoring. To that end, we agree with the prioritized approach found in Recommendation 2, however monitoring exemptions should be made for non-detections or detections below a defined threshold. Without such a sunset provision, valuable funds would be needlessly expended.

Recommendations 2, 3, 4, 5:

The improper interchangeable use of the terms “biosolids” and “residuals” in the document is confusing. Chapter 400 of the DEP’s rules defines the term “residuals” to mean “solid wastes generated from municipal, commercial or industrial facilities that may be suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; *sludges*; *dewatered septage*; and ash from wood or

sludge fired boilers” (emphasis added). Throughout all of the listed recommendations, the term “biosolids and residuals” is used. Since biosolids are defined by Department rules as a *subset* of residuals, the phrase is redundant, and misleading as it unfairly singles out wastewater sludges and dewatered septage. We support the use of the term “residuals” and suggest striking all references to “biosolids”.

Recommendations 3, 19, 20:

Testing of residuals, especially compost and municipal sewage sludge for PFAS is unnecessary without a defined regulatory limit. It is ubiquitous in the environment and in the food stream, and in human bodies. That it is present in municipal sewage is a given. The requirement to test residuals implies that there is an acceptable limit, which must be defined in regulation. We believe that because PFAS is ubiquitous and effects so many different sectors of society, any rulemaking considerations reach far beyond that of routine technical. We do not support Recommendation 20.

Recommendation 18:

Listing of PFAS in food packaging does not remove it from the waste stream. Without prohibiting manufacture or use, end-of-pipe industries, such as wastewater treatment and composters, are unfairly penalized. We suggest strengthening this language.

Recommendation 21:

We support adopting a health risk value to inform PFAS standards and treatment decisions. However, we ask for more specificity on what this standard may be. The varying regulatory health advisory and action levels currently in play across the country creates confusion for the regulated community and the public alike. Given the range of state-specific standards across the country, we support utilizing the current Federal Health Advisory of 70 ppt until a federal Maximum Contaminant Level is established that is science-based and peer reviewed.

Recommendation 22

We reject mandatory public reporting for any levels of PFAS, particularly those levels below the federal health advisory level until the human health risks are fully understood. We support defining a sensible and defensible risk-based reporting threshold.

General Comment on Regulatory and Statutory Changes:

As water and wastewater providers protecting public health is our primary mission. We accomplish this through a set of laws and regulations that define what is protective of human health and what is not. These clear boundaries not only help us meet our responsibilities, but also helps the public understand how their health is protected. We look to the Task Force to develop recommendations for setting these boundaries, for without them, the water and wastewater industry is left awash in uncertainty.

General Comment on Public Education:

There are no specific recommendations for the content of public education, only outlets for information. In practical terms, if testing and public notification is required, a coherent unified message should be coordinated between agencies. Managers are confronted with contradictory and confusing information, which only adds to public confusion and outcry.

We hope that the comments and observations assist you and the Task Force in your deliberations.

Respectfully,



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Cc: Kerri Malinowski, DEP

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