



# Stakeholder Group Meeting & Listening Session:

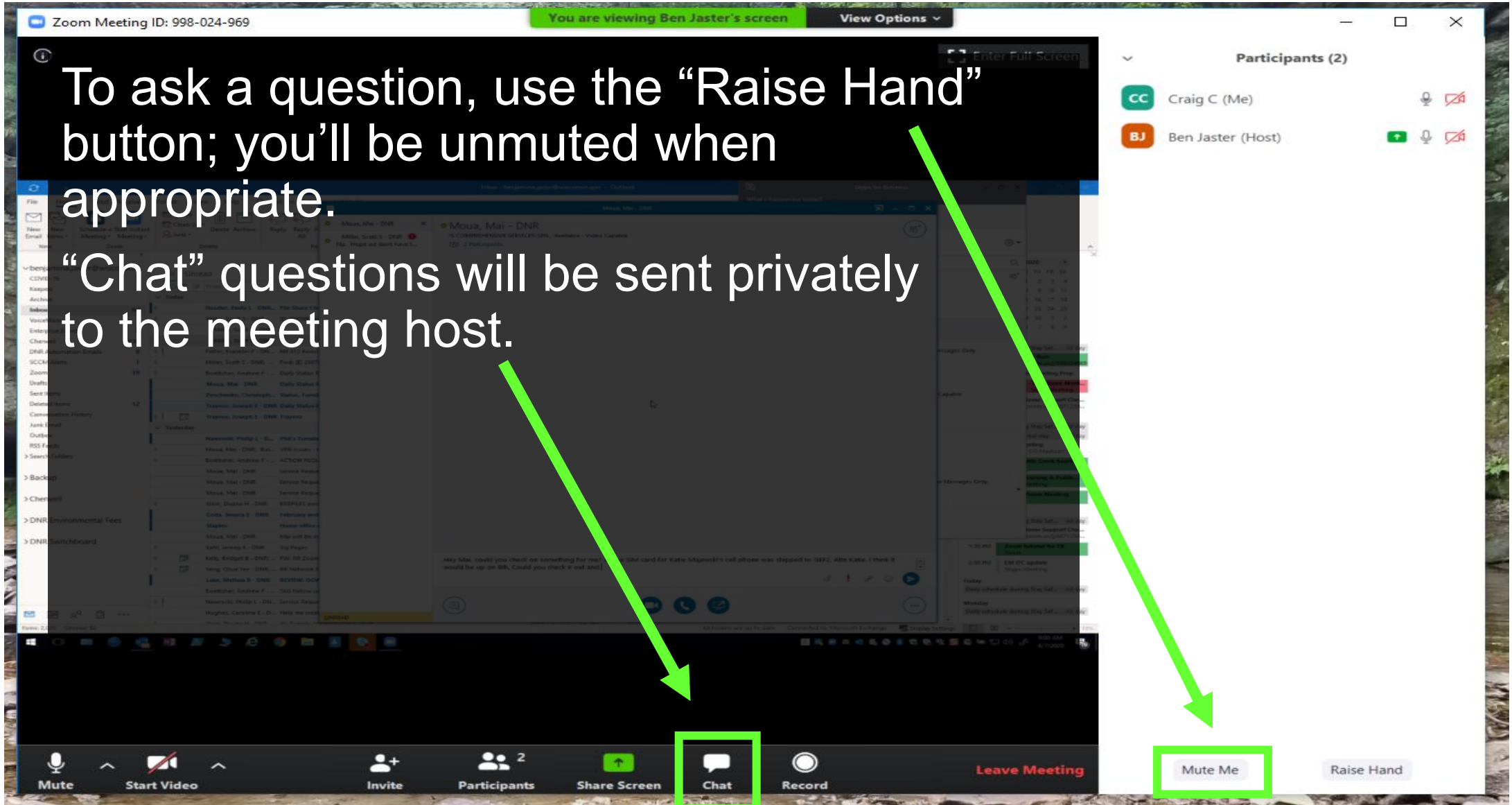
## Surface Water Criteria for PFOS & PFOA

27 August 2020

# Zoom Instructions and Guidelines

To ask a question, use the “Raise Hand” button; you’ll be unmuted when appropriate.

“Chat” questions will be sent privately to the meeting host.





# Zoom Instructions and Guidelines

The host will attempt to respond to all questions and messages received.

When participants join the meeting, video functions will initially be disabled. We ask that you keep your video disabled for the duration of the meeting.



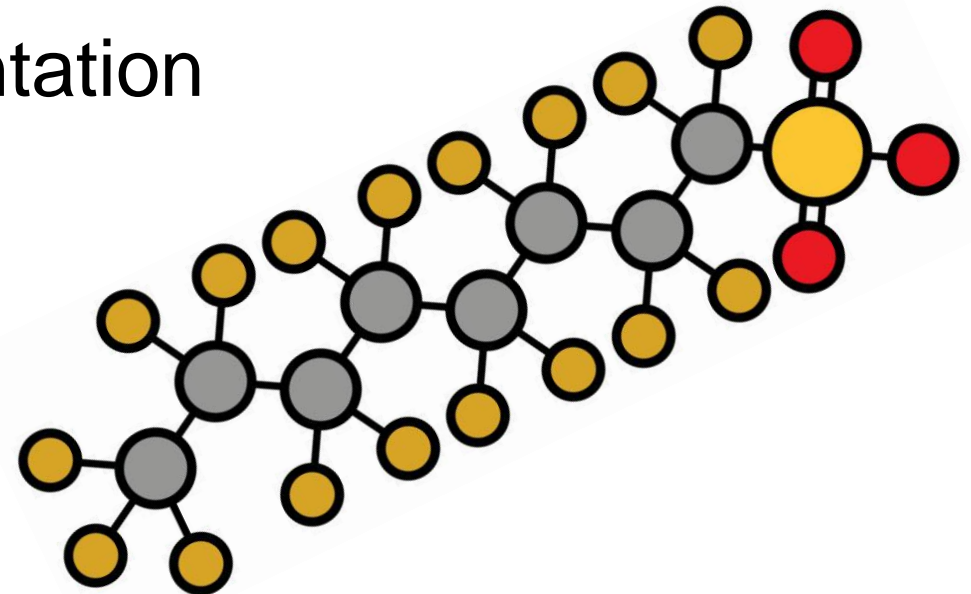
# Zoom Instructions and Guidelines

This session will be recorded and made available as soon as possible on the NR105 rule change website:  
[dnr.wisconsin.gov/topic/SurfaceWater/NR105.html](https://dnr.wisconsin.gov/topic/SurfaceWater/NR105.html)

Questions or comments may be submitted to  
[DNR105PFASRule@wisconsin.gov](mailto:DNR105PFASRule@wisconsin.gov)

# Today's presentation

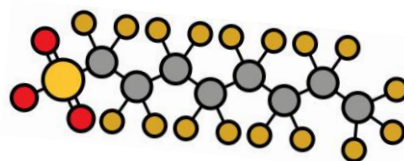
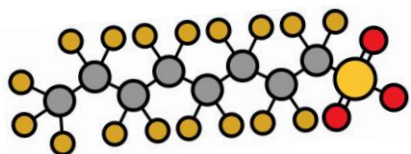
- Recap of previous meetings
- Economic impact analysis
- Multi-pronged approach to implementation
- Stakeholder presentations
- Additional comments
- Next steps





# PFAS Background

- PFAS are a family of 4,000+ human-made compounds
- Their unique chemical structure gives them useful properties
- They are extremely resistant to degradation and some are highly bioaccumulative
- PFAS have been found almost everywhere
- PFAS cause adverse health effects in animals and humans



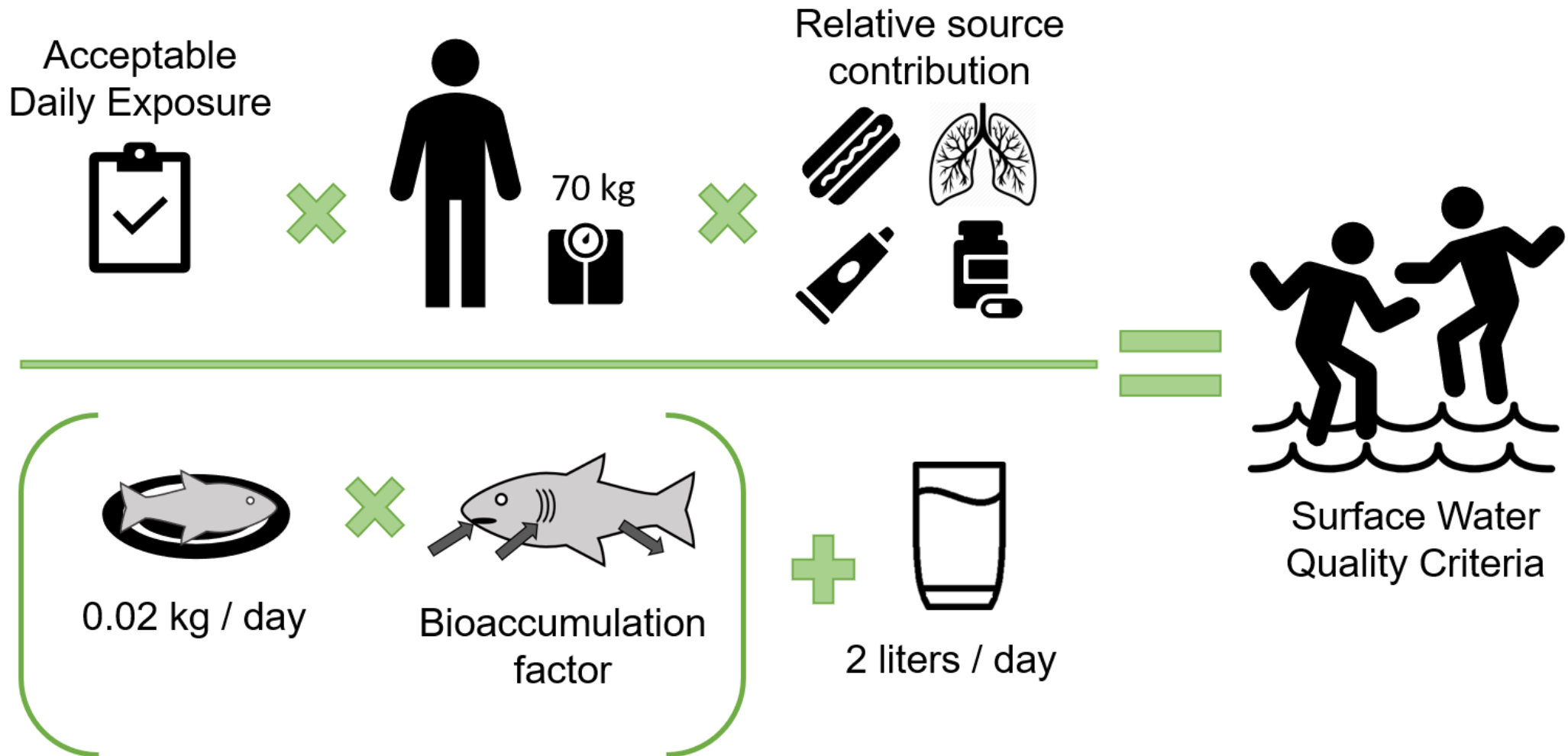


# NR 105.08: Human Threshold criteria

- Maximum concentration of a substance that will protect humans from adverse effects of:
  - Contact with or ingestion of surface water
  - Ingestion of aquatic organisms taken from those waters
- Science indicates a threshold below which no adverse effect is likely

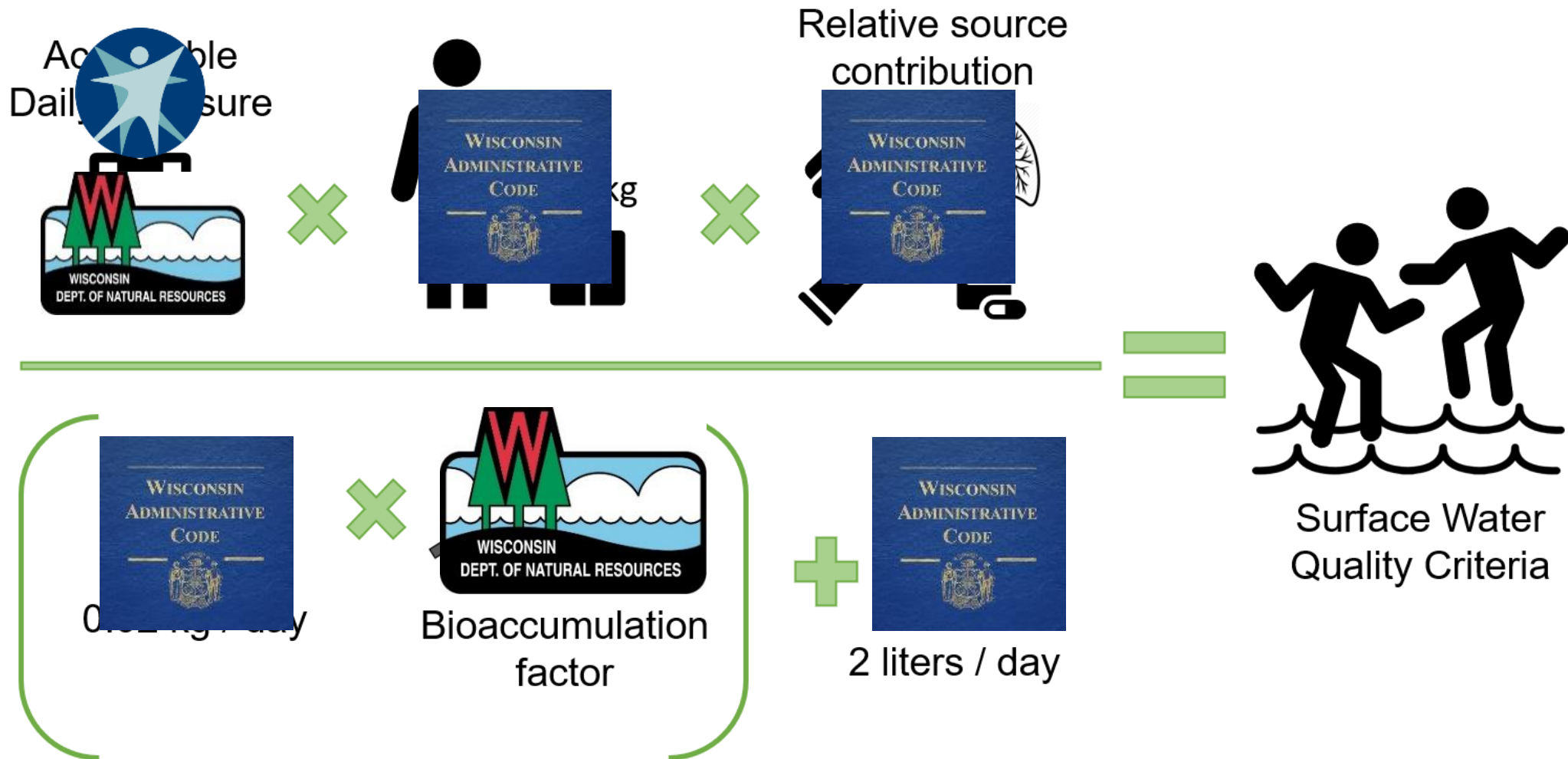


# NR 105: human health criteria





# NR 105: human health criteria



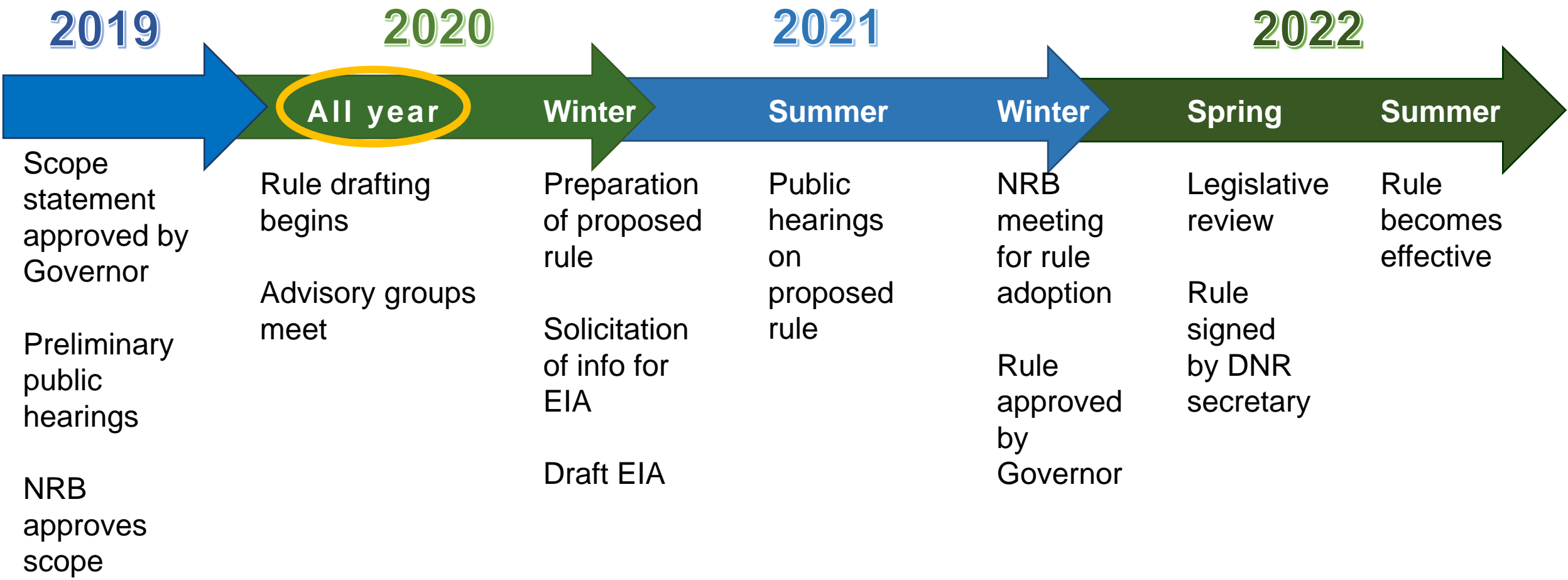
# Likely range of surface WQC to protect Human Health

PFOS:  $\leq 2$  ng/L

PFOA: 35 – 45 ng/L

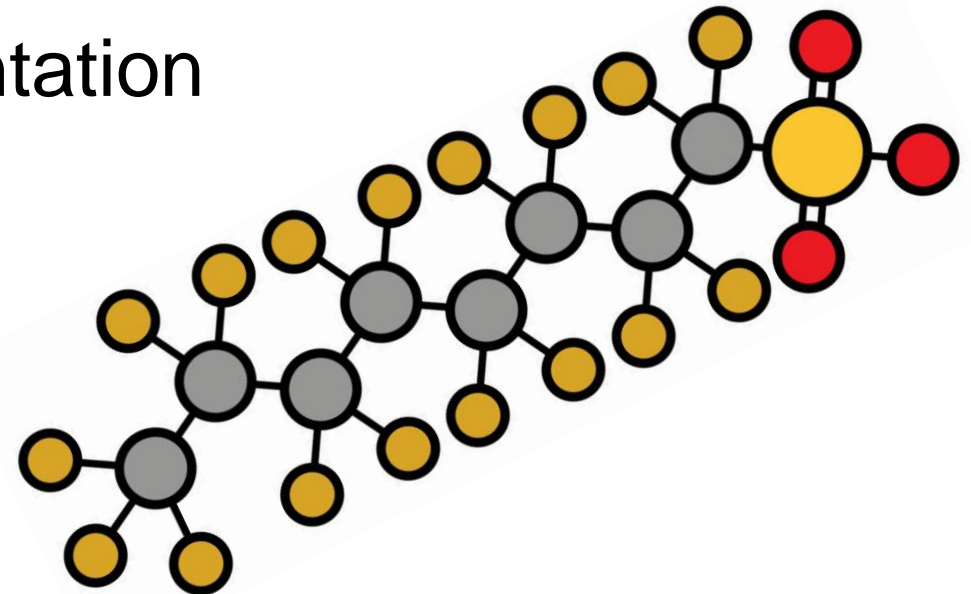


# Rulemaking process and timeline



# Today's presentation

- Recap of previous meetings
- **Economic impact analysis**
- Multi-pronged approach to implementation
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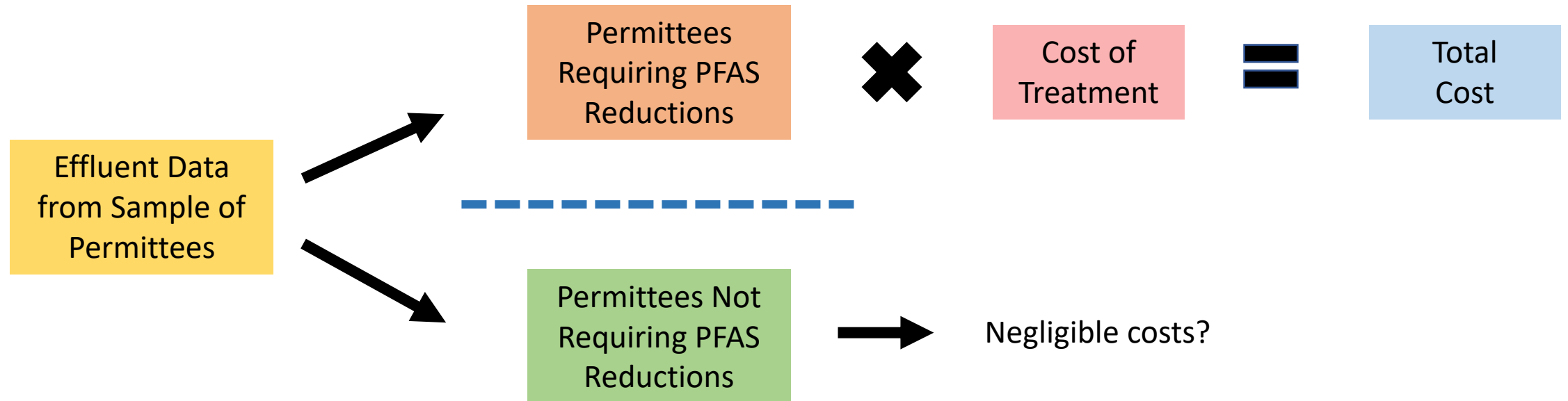


# Economic Impact Analysis: Purpose

- Economic Impact Analysis required for all permanent rulemaking pursuant to s. 227.137, Wis. Stats.
- DNR must assess economic effect of the proposed rule on, businesses, ratepayers, local governmental units, and the state's economy as a whole

Total Impacts	Impact Level	Comment Period for EIA
<\$50,000	Minimal	14 days
\$50,000 - \$20 million	Moderate	30 days
>\$20 million	Significant	60 days

# Proposed Conceptual Cost Calculation Framework



## Considerations

- Diverse Population
- Sample Size
- Data Source

- Site specific data or broad
- Limit Calculation Procedure
- Assimilative Capacity
- Receiving Water Data

- Assume treatment is always needed, or source reduction?
- One-time vs. annual costs
- Scalable vs. fixed costs
- Cost Basis – past projects?

- 20 Year Period
- Discount Rate





# Benefits

- Soliciting input on:

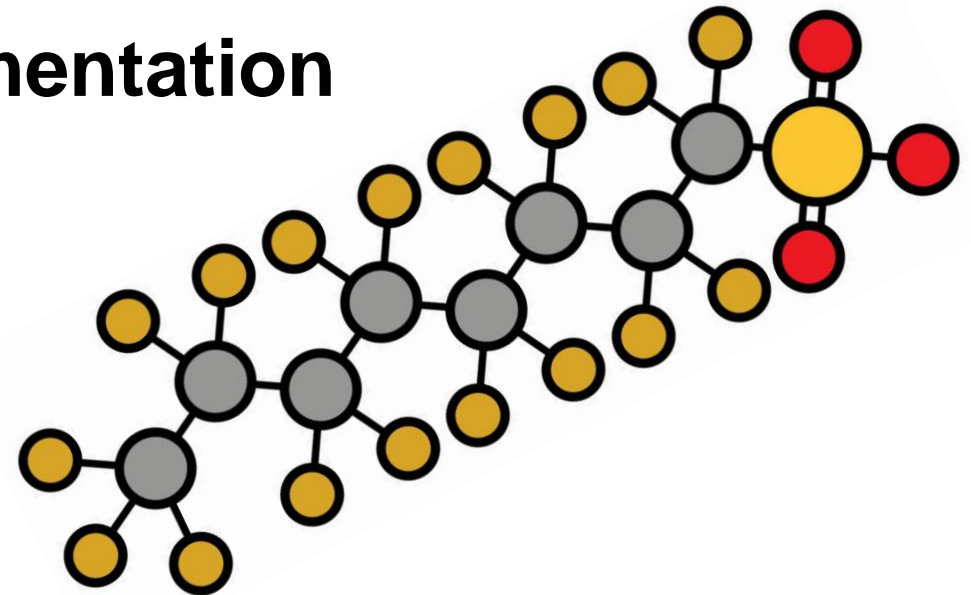
Benefits of  
PFAS Water  
Quality  
Standards

Means of  
quantifying  
benefits to  
the extent  
possible



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# Implementation: Multi-pronged Approach

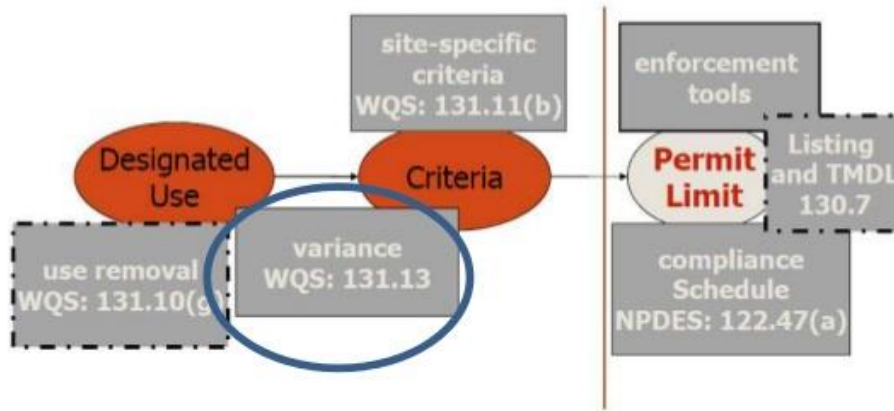
## Several Approaches Under Consideration

- Numeric WQ Criteria
  - Statewide Variance for PFAS
- Categorical/Technology-based Limitation Development
- Implementing narrative criteria via collaborative guidance development

# Statewide PFAS Variance



## A Variety of Tools To Help Meet WQS



Graphic from EPA Water Quality Standards Academy Presentation, May 6, 2013, Washington DC

May 13, 2015

- Would likely be developed in tandem with WQS for PFAS
- Requires EPA approval
- Likely similar to Mercury Var
  - NR 106.145, Wis. Adm. Code.
- Must meet Highest Attainable Condition (HAC) to be eligible
- Source Reduction Measures/Pollutant Minimization Plans required as part of WPDES Permit



# Categorical/Technological Limitation Development

## Categorical/Technological Limit

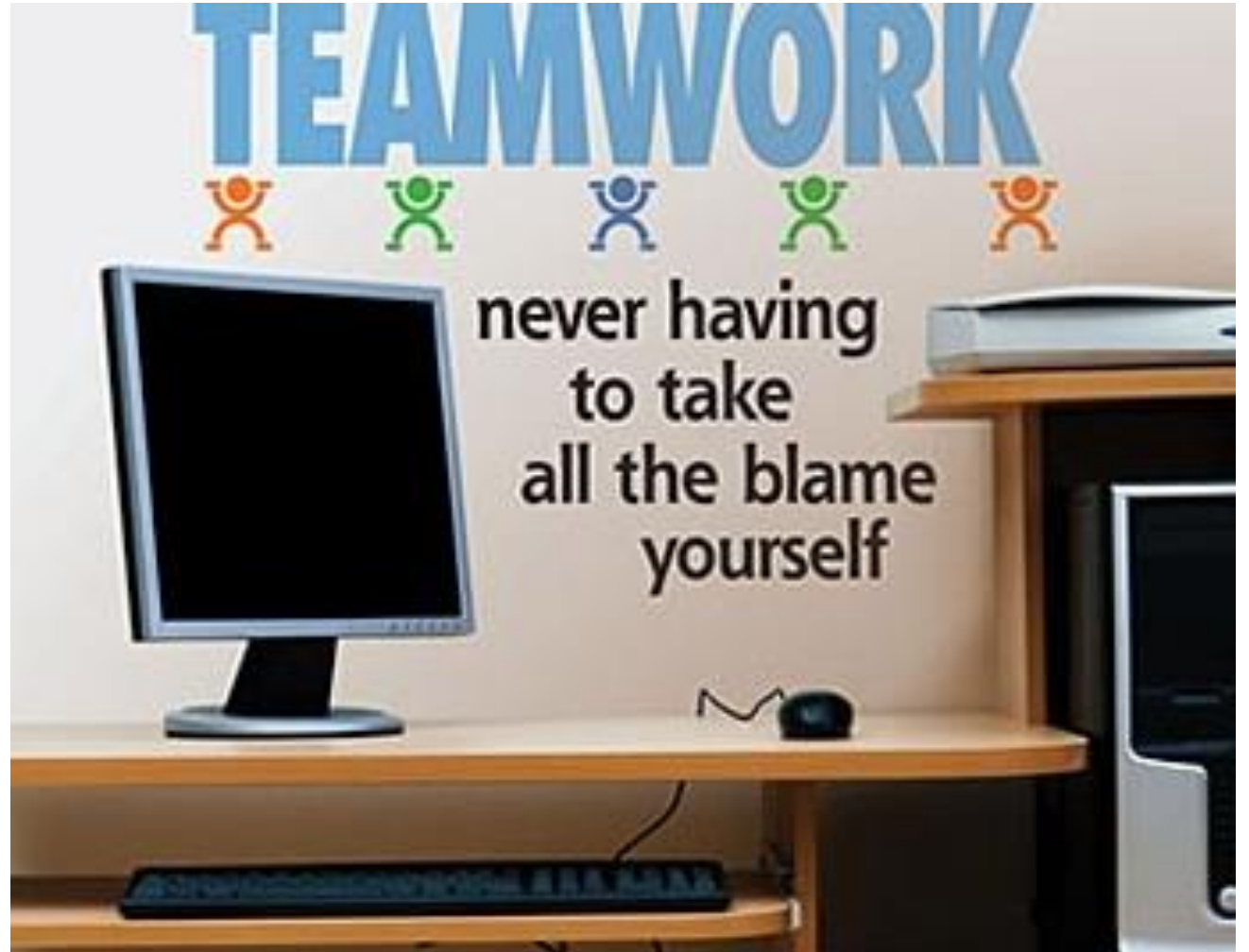
- Establishes floor for pollutant control
- Often applies to category or type of industry
- Based on economics and technological treatment capability
- Rule making required beyond WQS rule making
- Categorical Limits are included in WPDES Permits

## Water Quality Standards

- Developed to protect uses of the waterbody consistent with WQS
- Must be at least as stringent as any existing Categorical Limit for a given parameter; often more stringent
- WQS are used to develop water quality-based effluent limits in WPDES permits

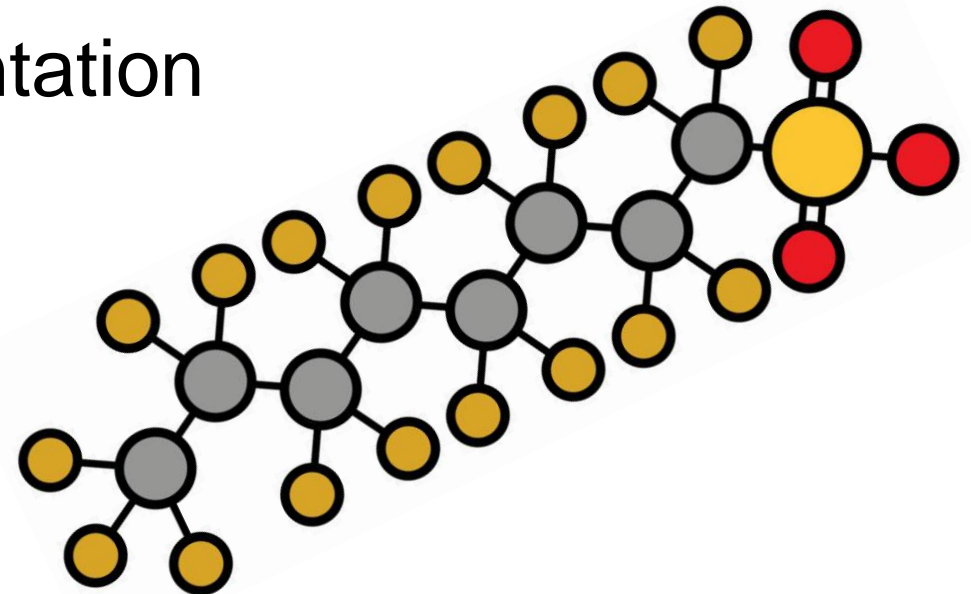
## Implementing Narrative WQS via Guidance Development

- Narrative “free from toxics in toxic amounts” found in NR 102.04(d)(1), Wis. Adm. Code.
- Completed through additional stakeholder engagement
- Would not require rulemaking



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# Stakeholder Presentations

- Steven Risotto (American Chemistry Council)
- Doug Otzinger (S.O.H2O Marinette/Peshtigo)
- Paul Kent (Municipal Environmental Group)
- Carly Michiels (Clean Wisconsin)

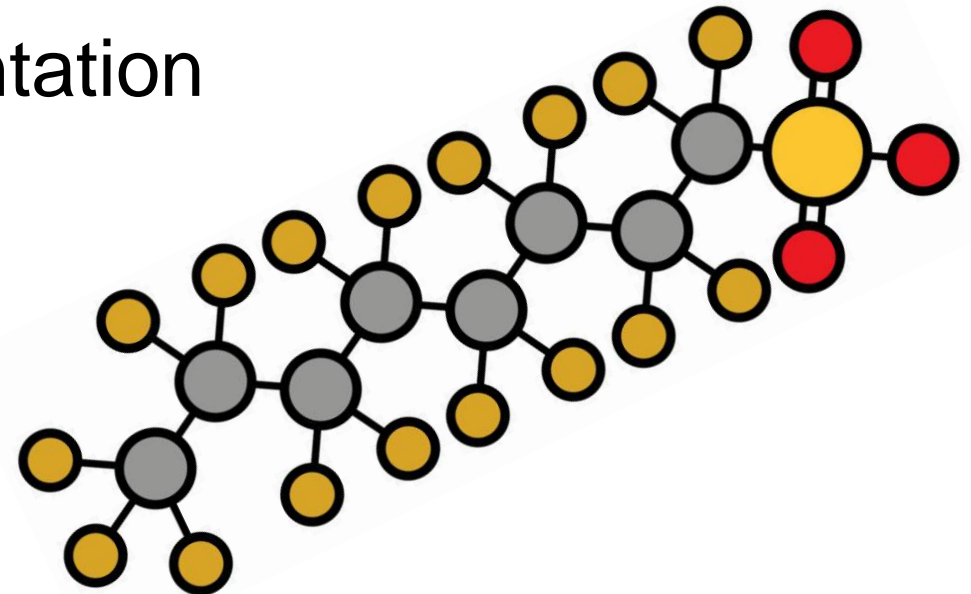
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- Pat Stevens (WI Paper Council)
- Giffe Johnson, Phil Pagoria & Paul Wiegand (NCASI)
- Jim Baumann (Wisconsin's Green Fire)



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# Additional Comments

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