June 15, 2020

Representative Rick Hansen
407 State Office Building
St. Paul, MN 55155

Dear Representative Hansen and members of the House Environment Finance Committee,

On behalf of the League of Minnesota Cities (LMC) and Coalition of Greater Minnesota Cities (CGMC), we are writing to share our thoughts on HF 28. This letter reiterates the support and concerns we voiced during the regulator legislative session.

Ensuring that Minnesotans' drinking water is safe and protecting Minnesota's rivers and lakes through our wastewater and stormwater systems are among the most important functions of our cities. There are multiple provisions in HF 28 that would help our cities perform that work better. However, we are concerned that funding the establishment of water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) is premature and diverts needed resources away from solutions that could better address the health problems associated with PFOA and PFOS chemicals right now.

We support the reestablishment of the Advisory Council on Water Supply Systems and Wastewater Treatment Facilities (Art. 2, Sec. 55, at 37.1 – 38.3). Even before the pandemic, our system operators were facing worker shortages and constant changes in treatment technologies. The previous advisory council brought together experienced and knowledgeable operators to help ensure that certification requirements reflect the latest technology and the need to bring newer operators into the field. Reestablishing the council will help our cities continue to protect Minnesota's waters. We ask you to support this provision.

Over the years, our sewer systems have been experiencing more and more frequent and costly back-ups, breakdowns, and blockages due to wipes being flushed down toilets. This bill proposes an important step forward by requiring the labeling of wipes that do not meet flushability standards (Art. 2 Sec. 64, at 44.24– 46.14). We urge you to move this provision forward and work with us in the future to address problems caused by so-called "flushable" wipes.

The presence of PFOA and PFOS in Minnesota's waters is a serious health concern that must be addressed. However, we are concerned that the approach proposed in HF 28 (Article 1, Sec. 1, Subd. 2) does little to address PFOA and PFOS in our waters and would create problems for municipalities throughout the state.

While problems associated with PFOA and PFOS in the East Metro are well known, cities across the state are concerned about this issue as well. For example, both PFOA and PFOS have been found in Bemidji's municipal water system at levels above EPA's health advisory level due to the chemicals leaching from firefighting foam into the city's wells. The city must now construct a new $16 million water treatment facility to address this problem it did not cause.

Our concern with the proposal in HF 28 is that it does not address the problem that cities like Bemidji or those in the East Metro face. This legislation requires the Minnesota Pollution Control Agency to establish water quality standards to address PFOA and PFOS by July 1, 2023. After adoption, these water quality standards would be used, in part, to establish limits in municipal wastewater facility permits (NPDES permits). The problem with this approach is that there is currently no feasible method for wastewater treatment facilities to remove PFOA or PFOS from their effluent. Thus, the standard would do virtually nothing at this time to address the presence of PFOA and PFOS in wastewater. It could also lead to permit violations or other significant environmental liability for these same municipalities who are technologically unable to meet the pollution limit in their permit.

Our cities and their wastewater systems have not created this problem; wastewater treatment facilities do not produce or use PFAS[1] in the course of treating wastewater, but receive these chemicals through the waste stream due to their widespread use. Because there is no effective method for removing PFOA or PFOS from the wastewater stream, the only way to address the problem at this time is to stop these chemicals at the source.

In short, we have to keep them from getting into the waste stream in the first place.

The CGMC, LMC, and other municipal groups are working with Rep. Peter Fischer, Sen. Carrie Ruud and other legislators to address this problem through a Municipal PFAS Source Reduction Strategy. Legislation was introduced during the regular session, HF 3638, that would appropriate funding to study how to keep all PFAS out of the wastewater stream and develop strategies to do so.

We appreciate the effort to address the presence PFOA and PFOS in our waters, which have had a serious impact on communities throughout Minnesota. However, at a time when we are facing a serious budget crisis, Minnesota should invest in solutions, such as that proposed by HF 3638, that will directly tackle the PFAS problem by attempting to keep it out of our waters altogether.

In closing, we thank you for your support on important initiatives such as the Advisory Council on Water Supply Systems and Wastewater Treatment Facilities and on the labeling of wipes. We ask that you reject the premature attempt to draft water quality standards for PFOA and PFAS and instead devote those resources to a solution addressing the sources of the pollution.

Sincerely,

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[1] PFAS refers to per- and polyfluoroalkyl substances, a class of chemicals that includes PFOA and PFAS.