PFAS Monitoring Plan & Memorandum of Understanding

Presented by MESERB & CGMC

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Roadmap

- Introductions
- What is PFAS?
- Overview of PFAS Monitoring Plan & MOU
  - ✓ Key responsibilities
  - ✓ Benefits of the MOU
  - ✓ Concerns with MOU
- Question/Answer session
  - ✓ **Please type questions in the chat feature**

⊗ NOT INTENDED TO PROVIDE LEGAL ADVICE ⊗

Per- and Polyfluoroalkyl Substances

What is PFAS?

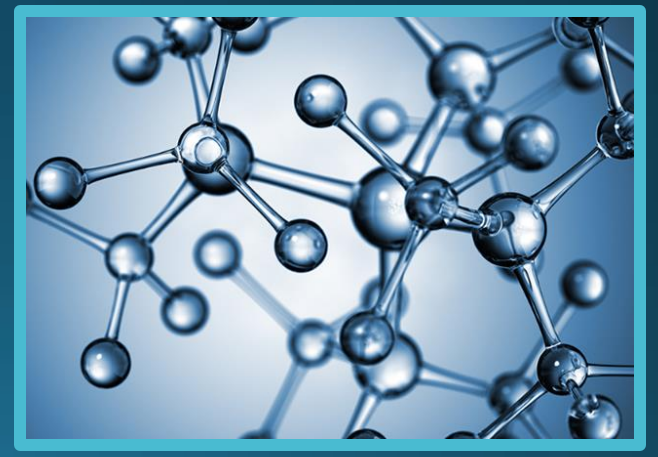
- PFAS the "forever chemicals" - more than 4,730 separate compounds
- Highly pervasive, bioaccumulative, & resilient
- Current regulatory focus is on legacy PFAS (i.e., PFOS & PFOA)
- Many PFAS compounds present known risks to human health & the environment

Key Sources of PFAS include:

- Fire fighting foam
- Industrial processes
- Domestic products:
  - ✓Non-stick cookware (i.e. Teflon)
  - ✓Stain-resistant fabrics (i.e. GoreTex)
  - ✓Water & oil repellents (i.e. Scotchgard)
  - ✓Food packaging, carpet, furniture

Per- and Polyfluoroalkyl Substances

- PFAS—especially legacy PFOA and PFOS—present known risks to human health & the environment
- Municipal WWTP's are not sources of PFAS, but receivers of PFAS from industrial & domestic sources
- Presently there are no economically & technologically feasible end-of-pipe treatment technologies for PFAS at WWTPs
- Regulation of PFAS could have significant impacts on WWTPs imposing new treatment costs & changes to bio-solids program
- Risk of unfair financial liability for PFAS pollution not caused by WWTPs due to state & federal efforts to classifying PFAS as a hazardous substances under solid waste & Superfund programs



Municipal Source Reduction Initiative

MESERB & CGMC established Municipal Source Reduction Initiative:

- ★Prioritize protection of human health & the environment via reducing & eliminating sources of PFAS exposure
- ★Prioritize source reduction & filling key information gaps
- ★Passed key legislation establishing stakeholder process for development of source reduction strategies for WWTPs
- **★Engagement with MPCA to ensure reasonable approaches to monitoring for & regulation of PFAS at WWTPs & in bio-solids**
- ★Advocate to ensure municipal liability exemptions for PFAS contamination caused by third-parties
- ★Advocate for funding to address PFAS at WWTPs
- ★Worked with the League of Minnesota Cities to get the initiative passed

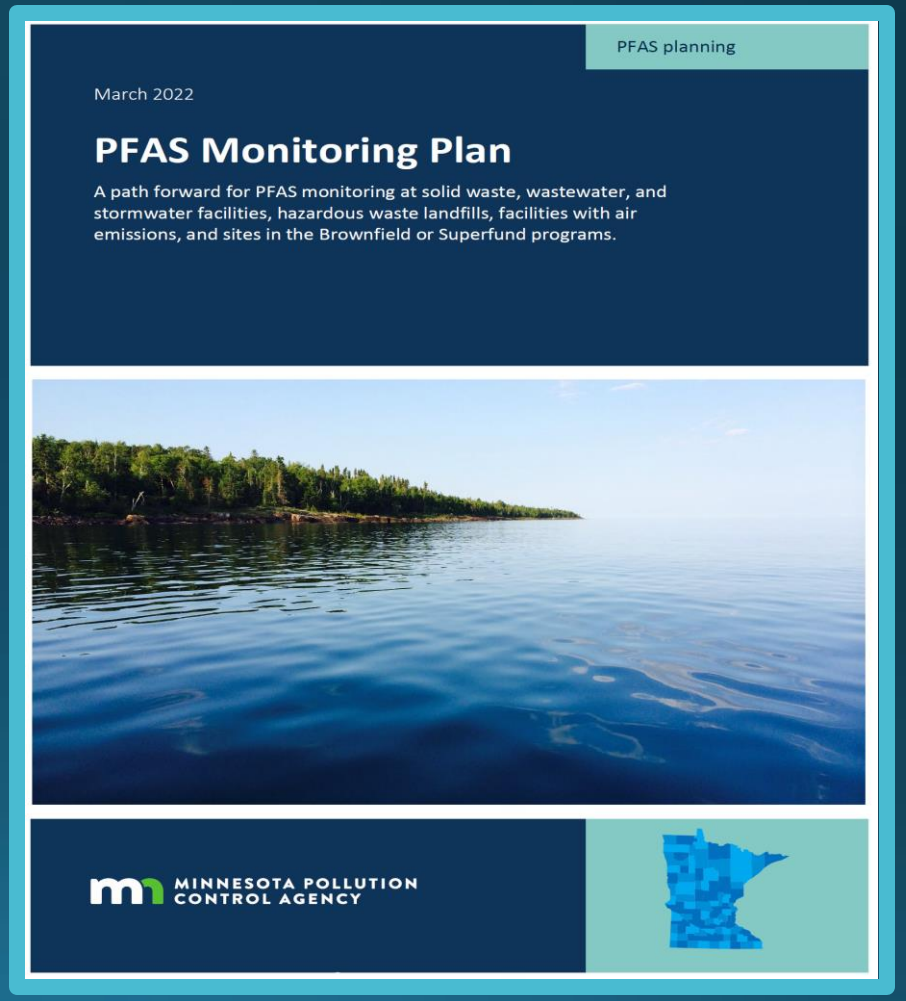
MPCA's PFAS Blueprint

Minnesota's PFAS Blueprint published in February with key priorities related to WWTPs:

- Monitoring Plan
  - ✓ Complete
- Source Reduction Initiative
  - ✓ Taskforce pending
- Studies on bio-solids
  - ✓ Ongoing
- WQS development for Class 1 & Class 2 waters
  - ✓ Under development

PFAS Monitoring Plan

- Monitoring plan impacts major regulatory programs: Air, Water & Land
- Step-wise approach for WWTPs focused on identifying PFAS sources by conducting *influent* monitoring
- Initially limited in scope to about 80 WWTPs with delegated pretreatment & significant industrial users
- Influent monitoring **not included in permit** but conducted pursuant to Memoranda of Understanding



Overview of MOU

WWTP Responsibilities:

1. Sign MOU & inventory potential PFAS sources (Oct. 15, 2022)
2. Develop & submit a PFAS sampling plan (Dec. 1, 2022)
   - ✓Four rounds of quarterly PFAS samples with a 6 month break after first 2 quarterly samples (Jan. 1, 2023 – Jun. 2024)
3. Develop PFAS Source Reduction & Management Plan (Dec. 31, 2023)
4. Implement PFAS Management Plan (Jan. 30, 2024)

MPCA Responsibilities:

1. Establish monitoring/sampling criteria (Nov. 1, 2022)
2. Finalize sampling guidance for facilities (Nov. 1, 2022)
3. Assist in developing educational tools re: PFAS (Jan. 1, 2023)
4. Finalize source identification & reduction tool kit (no timeline)
5. Develop response thresholds based on sample results (July 1, 2023)

How will MPCA use data?

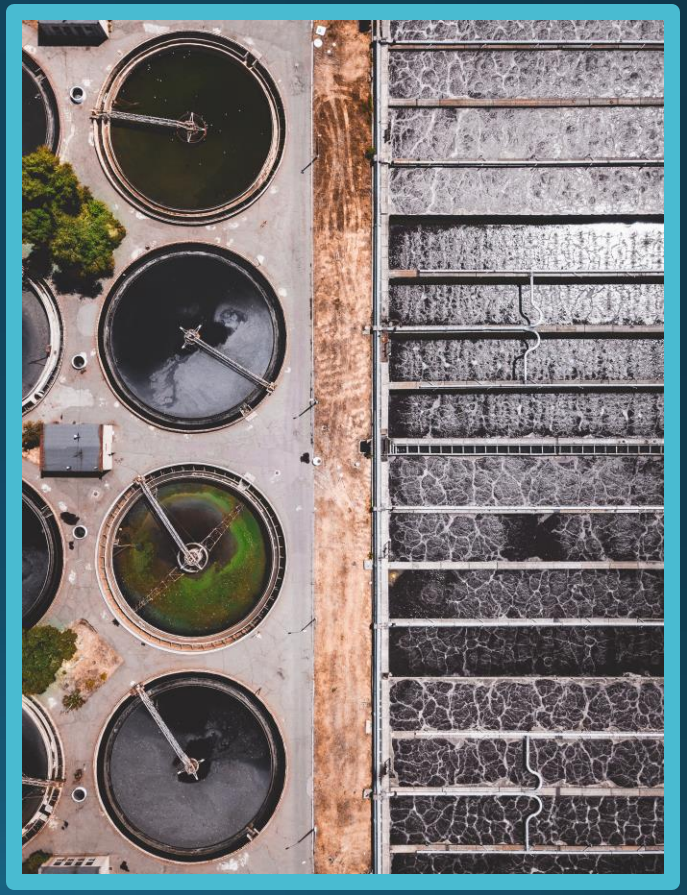
- Data will be used to identify, reduce & remove sources of PFAS to WWTPs & the environment
- To inform the development of future "response thresholds" & potential response actions
- Further development of a regulatory framework for PFAS, including potential water quality standards, permit requirements, & a risk assessment & regulation of bio-solids
- Data is public – it could also be accessed & used by third-parties such as the media, citizen groups, etc.

Benefits of MOU Approach

- Helps protect human health & the environment by identifying potential PFAS pollution from unknown sources
- Resulted from significant stakeholder engagement
- Keeps regulatory focus & priority on source reduction
- Requires influent sampling vs. effluent sampling
- Does not impose monitoring or sampling requirements in the NPDES permit

Key Concerns with MOU identified by WWTPs

- Use of term "release" is a concern under Superfund law
- Proposed timelines are aggressive & may not be practical for many local governments
- Obtaining accurate PFAS samples is very difficult & there is presently not a validated & approved method for sampling PFAS in wastewater
  - ✓ *EPA has authorized Draft method 1633, but validations studies are ongoing*
- Significant uncertainty about sampling protocols & methods
- The MOU does not have a definitive term or expiration
- Uncertainty about the process to develop PFAS "response thresholds" & what future responses may be required
- No economic or technical assistance for WWTPs provided by state to pay for & conduct sampling



What happens if my facility does not sign the MOU?

- MPCA has clear statutory authority to mandate PFAS monitoring & sampling at WWTPs & to impose requirements to protect water, air & soil
- If monitoring & sampling were required in an NPDES permit, it would likely require a major modification & an opportunity for public comment
- MPCA could also potentially assert Superfund or emergency authority to impose requirements related to PFAS on local governments

Next Steps?

- MPCA is in the process of revising the MOU based on feedback & will likely send it out for review & execution in the coming weeks

Questions?

Please use the chat feature!

Thank you!

Please reach out with any further questions:

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