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Doruntinë Rexhepi
Engineering and Analysis Division
Office of Science and Technology
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Submitted via www.regulations.gov

RE: Preliminary Effluent Guidelines Program Plan 16, Docket ID No. EPA-HQ-OW-2024-0158

Dear Doruntinë:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on EPA's Preliminary Effluent Guidelines Program Plan 16 (89 FR 102893). NACWA represents the interests of more than 350 publicly owned wastewater and stormwater agencies of all sizes across the country. NACWA member utilities operate highly successful pretreatment programs as co-regulators under the Clean Water Act with EPA and the states. These utilities are actively involved in efforts to reduce the quantities of pollutants that are discharged into the sewer system.

In Preliminary Plan 16, EPA focused on industrial categories that are potential or known dischargers of PFAS. NACWA appreciates and strongly supports EPA's efforts to help identify upstream industrial sources of PFAS and to control these sources through effluent limitation guidelines (ELGs) and pretreatment standards. NACWA members share the concerns of their communities and other stakeholders regarding the presence of these chemicals in the environment and believe that PFAS must be controlled at their sources, rather than treated by publicly owned treatment works (POTWs). Many utilities have investigated which of their industrial users (IUs) may be discharging PFAS through sampling programs, either as part of state or EPA Regional requirements or on their own initiative.

In addition, utilities are investigating PFAS discharges from domestic sources and finding that domestic sources alone can often match or exceed industrial source contributions. Although EPA-developed pretreatment standards could be a useful tool for some utilities to control industrial discharges of PFAS to POTWs, utilities have no authority to control PFAS from non-industrial sources. Given the ubiquity of PFAS in the environment and

domestic source contributions, POTWs have limited controls over the PFAS that enters their systems, even with pretreatment standards for industrial sources. This is why it is so critically important that EPA work with other federal agencies to eliminate these chemicals from the manufacturing process in the first place and remove them from the stream of commerce.

It is important to recognize that EPA, states, and utilities are co-regulators of the pretreatment program, with EPA developing federal pretreatment standards that are then implemented by Control Authorities, which can be utilities, states, or EPA Regions. NACWA was disappointed in the statement made by EPA in the *Federal Register* notice for the *Draft Sewage Sludge Risk Assessment for Perfluorooctanoic Acid (PFOA) and Perfluorooctanoic Sulfonic Acid (PFOS)*, which shifted the burden of developing pretreatment standards from EPA to the states, Tribes, and utilities:

“Regardless of the management practice to use or dispose of sewage sludge, exposure and risk reduction is possible through pretreatment at industrial facilities discharging to a WWTP. By monitoring sewage sludge for PFOA and PFOS, WWTPs can identify likely discharges of PFOA and PFOS from industrial contributors, require pretreatment, and achieve significant reductions in PFOA and PFOS concentrations in their sewage sludge. In some state programs, WWTPs with industrial sources have achieved a 98 percent reduction in PFOS sewage sludge concentrations through industrial pretreatment initiatives. The EPA recommends that states, Tribes, and WWTPs monitor sewage sludge for PFAS contamination, identify likely industrial discharges of PFAS, and implement industrial pretreatment requirements, where appropriate. Doing so will help reduce downstream PFAS contamination and lower the concentration of PFOA and PFOS in sewage sludge...”

This statement ignores the fact that EPA has not yet developed PFAS pretreatment standards for any industrial category, and although Preliminary Plan 16 outlines planned rulemakings for some industrial categories, it will still be many years before utilities have federal pretreatment standards for industrial categories that may be discharging PFAS to the sewer system. Utilities must not be held responsible for developing local limits for pervasive chemicals such as PFAS, especially when water quality standards do not yet exist for these chemicals and POTWs do not have limits for them in their discharge permits. This statement also ignores the domestic contributions of PFAS and the fact that states, Tribes, and utilities have no authority to control domestic sources. As long as PFAS chemicals continue to be allowed in a multitude of consumer products, POTWs will continue to receive PFAS in their influent.

NACWA asks that the Office of Science and Technology ensure that other offices within EPA understand the role of federal pretreatment standards, the work currently underway to develop pretreatment standards, and the limitations of pretreatment standards for PFAS.

NACWA generally supports EPA’s Preliminary Plan 16 and offers the comments below on specific aspects of the Plan.

Meat and Poultry Products (MPP) ELG

Preliminary Plan 16 notes that the rulemaking for the MPP ELG is ongoing. NACWA submitted comments on the proposed rulemaking stating that pretreatment standards for conventional pollutants are not necessary since POTWs are designed to treat conventional pollutants and the arrangements that POTWs have with their local MPP IUs are successful. NACWA's position has not changed, and the Association welcomes additional opportunities for dialogue with EPA about these successful programs and any areas for improvement outside of pretreatment standards.

POTW Influent PFAS Study

NACWA has provided extensive input to EPA about the proposed POTW Influent PFAS Study. NACWA agrees with the goals of the Study but believes that EPA could collect data about PFAS sources in a more efficient and cost-effective manner. With the Study already behind EPA's proposed schedule and given the urgent need to identify PFAS sources and develop pretreatment standards as quickly as possible, NACWA asks again that EPA consider alternative data collection methods.

Pretreatment Standards for PFAS

NACWA submitted comments on the Preliminary Effluent Guidelines Program 15 in 2021 and provided a list of points for EPA to consider in developing pretreatment standards for PFAS. As EPA moves closer to proposing pretreatment standards for PFAS for several industrial categories, NACWA reiterates these points:

- The science and techniques of PFAS treatment continue to evolve rapidly. ELGs and pretreatment standards for PFAS must be developed in a way that allows for new information and technologies to be incorporated into use by industry and to be accepted by POTWs that are enforcing pretreatment standards. The ELGs and pretreatment standards for PFAS may need to be revised more frequently than ELGs that were developed in the past and then sometimes not revised for decades after promulgation.
- POTWs must not be responsible for enforcing unattainable limits. For example, EPA has established "zero-discharge" limitations for some categories. While this might be tempting when it comes to PFAS due to the potential environmental impacts of these chemicals, NACWA would not support this due to the wide variety of PFAS compounds and the differing risk levels of each compound. While categorical standards are of course technology-based, unnecessarily broad and stringent limits, such as a zero-discharge limit, would be difficult, if not impossible, for POTWs to enforce.
- The impacts of pretreatment standards on small businesses must be carefully considered. NACWA's utility members support the economic well-being of their communities through their services and do not want to enforce pretreatment standards that will cause small businesses to lay off employees or close. This may especially be a concern for small metal finishers.
- NACWA supports the development of pretreatment standards that, when appropriate, provide some flexibility for POTWs. For some industries, EPA has allowed the use of pollution

management plans, such as in the Transportation Equipment Cleaning standard. NACWA supports this option as a potential alternative to numeric standards for some industries.

- Pretreatment standards should consider the effects of legacy contamination from PFAS. Some NACWA members have worked with their industrial users to eliminate the use of PFAS, but PFAS concentrations continue to fluctuate. Alternatives to numeric standards, as stated above, might provide a solution for industries that have attempted to remove PFAS from their processes but struggle to find legacy PFAS in their systems.

NACWA is continuing to work with its members to explore practical, effective ways of setting pretreatment standards for PFAS, and we would welcome the opportunity to discuss options with EPA.

Thank you for your consideration of these comments. Please contact me at 202-533-1836 or cfinley@nacwa.org if you have any questions.

Sincerely,



Cynthia A. Finley, Ph.D.
Director, Regulatory Affairs