

**Permitting of PFAS Compounds in NJPDES Discharges to Surface Water
New Jersey Clean Water Council Public Hearing**

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My name is Tom Laustsen and I am the Chief Operating Officer of the Passaic Valley Sewerage Commission (“PVSC”). Located in Newark, New Jersey, PVSC owns and operates one of the largest wastewater treatment plants in the United States. I want to commend the Council for convening this hearing on a topic of great importance to the State.

On behalf of PVSC, we greatly appreciate the opportunity to provide our perspective on the most effective way that the New Jersey Department of Environmental Protection (“DEP”) can partner with Publicly Owned Treatment Works (“POTWs”) to achieve our shared goal of reducing the presence of harmful per- and polyfluoroalkyl substances (“PFAS”) chemicals in State waters. Control and elimination of these forever chemicals are incredibly complex, but we are encouraged by the growing body of information that will help us make prudent and practical management decisions while appropriately protecting public health.

Neither PVSC nor any other POTW in New Jersey manufactures, produces, or in any way profits from PFAS chemicals. Rather, PFAS chemicals are introduced into sewer systems from a variety of waste streams - domestic, industrial, and commercial. In addition, PVSC has a large liquid waste acceptance program where we take wastewater, leachate, and sludges from various sources, which may also contribute PFAS. PVSC’s treatment plant was designed prior to concern over—and the ability to even detect—PFAS chemicals, and the plant does not currently have equipment and technology installed that can remove and treat these emerging contaminants.

Once these chemicals reach the sewer system, the battle to eliminate them from the environment is lost. Accordingly, the best way to prevent PFAS contamination is to stop it at its source. The reason these chemicals were/are prized for commercial and industrial use is their incredible ability to resist heat and water. They are called “forever chemicals” because they do not readily break down in nature. PFAS chemicals will persist regardless of treatment in residuals and biosolids. Requiring and relying on costly treatment and technology upgrades at POTWs will be like the proverbial finger in the dyke. It will not solve the problem and it will unfairly burden ratepayers—many of whom are already in environmental justice communities facing affordability challenges—rather than affixing the costs to those who profit from the use of these chemicals.

While PVSC and other POTWs are not the cause of PFAS contamination, we can be a powerful partner in achieving the solution. As a co-regulator implementing and enforcing an industrial pretreatment program, we are uniquely positioned to drive source identification and minimization.

PVSC PFAS Minimization Plan

PVSC is not waiting for regulations but rather taking a proactive approach to address PFAS. We have developed and are implementing a Source Identification and Minimization Program to reduce the amount of PFAS discharged into the municipal wastewater system, whether directly or through partnering localities' sewer systems.

PVSC recently commenced sampling of our influent and effluent for PFAS contaminants and we will continue to do so for the foreseeable future. These efforts will allow PVSC to establish a baseline of PFAS levels to assist in identifying any trends in contributions from domestic and non-domestic users. We will sample key trunk sewers in the collection systems where PFAS levels of interest have been identified. In addition, we will also be collecting representative samples of our hauled-in liquid wastes which can be comprised of:

- landfill leachate
- septage
- groundwater
- sludges
- sanitary waste

PVSC also recently sent letters to all our significant industrial users (nearly 200) requiring disclosure of PFAS use and/or presence at their facilities. If responses or monitoring data identify significant contributions of PFAS from an industrial user, PVSC staff will meet with the user and evaluate PFAS loadings from the facility. The industry will be asked to incorporate best management practices to minimize PFAS discharges. PVSC will update and implement its industrial pretreatment program permits and policies as necessary to support or mandate the minimization approach.

Comprehensive Approach

While pressure exists to expedite regulatory action and promulgation of surface water standards may be well-intentioned, truly effective regulation and management of PFAS chemicals requires a comprehensive approach grounded in sound science with a clear understanding of human health risks and accurate methods to detect the range of PFAS chemicals that pose risks.

Currently we have no approved methods for wastewater sampling, and we can only measure for a few dozen of several thousand PFAS chemicals. Treatment technology efficacy still needs much evaluation. What we have seen in other states is that treatment options and results are facility specific as well as dependent on the PFAS chemical(s) of concern. Some treatment technologies are better at removing long-chain PFAS chemicals while others better address short-chain. Even these generalities must be verified on

a facility-specific basis through piloting because it appears that treatment efficacy varies from one facility to the next for reasons still unknown. With these variables, surface water standard promulgation is premature. The US Environmental Protection Agency will be expediting their PFAS Action Plan to address many of these gaps. In the interim, DEP should focus on source identification and minimization as well as assessing the success of the standards already in place for drinking water and groundwater.

Conclusion

In closing, source control is critical to solving the PFAS problem and PVSC is committed to identifying and minimizing PFAS loadings to our treatment plant and the environment. We need time to implement our program to determine effectiveness and will work closely with DEP as we do so.

Thank you.