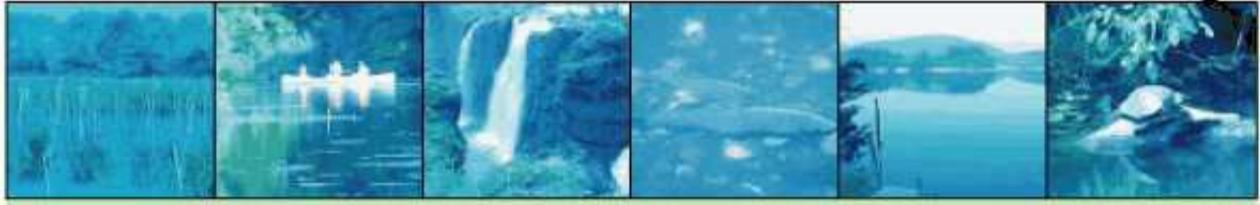


The Clean Water Council of New Jersey



Anthony McCracken, Chair

Russell J. Furnari., First Vice-Chair

March 21, 2023

Shawn LaTourette, Commissioner
NJ Department of Environmental Protection
PO Box 402
Trenton, NJ 08625-0402

**RE: Clean Water Council 2023 Public Hearing
PFAS Compounds in Water and Wastewater Residuals**

Dear Commissioner LaTourette:

On behalf of the New Jersey Clean Water Council, I would like to thank you for the support you expressed to the Council at our annual public hearing held on Thursday January 19, 2023 entitled, “PFAS Compounds in Water and Wastewater Residuals.” Your presentation was very informative and defined the issue for which we sought comment.

We sought public testimony on the future management of Per- and Polyfluoroalkyl Substances (PFAS) in residuals generated from water and wastewater treatment. We hope this letter, along with the input received during the hearing, will help inform the Department’s PFAS strategy in addressing these pollutants. In addition to you, speakers at the hearing included Virginia Wong and Tess Richman of the US Environmental Protection Agency (EPA) and Jennifer Bush from the Michigan Department of Environment, Great Lakes, and Energy (EGLE). Twelve individuals representing a variety of organizations and facilities either publicly testified and/or provided written testimony articulating concerns, suggestions, and experiences.

The CWC public hearing was well attended and included over 70 participants from the public and various organizations, including representatives of the Association of Environmental Authorities (AEA), Delaware River Basin Commission (DRBC), Delegated Local Agencies (DLAs), NJPDES Permittees, Mid-Atlantic Biosolids Association (MABA), and the Chemistry Council of NJ (CCNJ).

The testimony received included recommendations for a wide range of approaches, from waiting until the Environmental Protection Agency (EPA) provides further guidance before taking further action... to completely banning land application of biosolids. The CWC does not believe that either extreme is appropriate. We recommend increased NJDEP monitoring focused on soils, ground water, and surface water in areas where significant land application of residuals has occurred or is occurring to determine whether PFAS is truly leaching into downstream water supplies. Based on the monitoring results, NJDEP should prioritize the focus on the more significant PFAS sources. If

biosolids are monitored and found to be high is PFAS, then we would recommend disposal methods other than land application be considered, taking into account potential environmental impacts and associated costs of alternatives.

We agree with several of the commenters who recommended encouraging EPA to provide more detailed federal guidance and certified laboratory techniques for measuring PFAS. Most importantly, we agree with many of the comments on removing PFAS at its source and working to get PFAS removed from consumer products.

The fact that NJDEP proposed more stringent drinking water criteria just last week highlights the timeliness of this topic and is consistent with the presentation we received from EPA at the public hearing. If the proposed federal standards are adopted, they may require even lower residuals concentrations in order to avoid drinking water contamination.

We look forward to working with the Department and are ready to assist NJDEP any way we can in protecting and enhancing New Jersey water quality in the future. Thank you for the opportunity to express to you our comments, as well as a summary of the hearing. We look forward to meeting with you at your convenience to discuss these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. McCracken', with a long horizontal flourish extending to the right.

Anthony McCracken Sr., AICP/PP
Lead Chairperson - NJ Clean Water Council

Attachments enclosed.

cc: Susan Rosenwinkel, Acting Assistant Director, Division of Water Quality
NJ Clean Water Council Members

2023 CWC Public Hearing
January 19, 2023

The 2023 NJ Clean Water Council (CWC) public hearing continued to solicit public input about environmental impacts of PFAS, specifically addressing the presence of PFAS in residuals and the potential impact on management alternatives.

Speakers included Commissioner Shawn LaTourette, Virginia Wong and Tess Richman of EPA and Jennifer Bush from the Michigan Department of Environment, Great Lakes and Energy (EGLE).

New Jersey Clean Water Council Members include:

Anthony McCracken Sr.
George Bakun
James Cosgrove
Maria Connolly
Frank Minch
Peggy Gallos
Harry Wozunk
Sandra Howland
Susan Rosenwinkle (NJDEP)

Ashley Kerr
Jen Coffey
MaryAnna Holden
Russ Funari
Pam Goodwin
Justin Baker
David Kovak
Amy Goldsmith
John Murray NJDEP (non-member)

The CWC public hearing was well attended and included over 70 participants from various organizations, including representatives of AEA, DRBC, DLAs, POTWs, MABA, NJPDES Permittees, and the Chemical Council.

Testimony received included:

Mary E. Firestone, Mid-Atlantic Biosolids Association (MABA), [position statement provided recommends containing PFAS at the source through pretreatment programs, product bans, consideration of preventive measures, and waiting for federal guidance and protocols from EPA.](#)

Ronald Anastasio, SRVRS & AEA NJ Chapter, [position statement provided recommends the polluter should pay, focus on source targeting through product bans, maintain our limited options for land-based management of residuals, wait for EPA guidance on PFAS and land application, and suggested that POTWs consider requiring the reduction of PFAS in landfill leachate prior to management at the treatment plants.](#)

Frank Franciosi, United States Composting Council, [position statement provided includes background information on environmental benefits of composting processes, and recommends the following: regulation of upstream sources, focus regulating residuals and not end users of biosolids products like composters, avoid duplicative regulations and sampling requirements,](#)

would not support an out right ban on land application of biosolids and biosolids products, and encourage funding further research projects.

Dennis W. Palmer, LSA, provided support in targeting industry for sources reduction/removal of PFAS, if required monitoring is imposed then recommends the use of USEPA method 1633 to obtain consistent data. Statement recognizes high costs for ongoing sampling while also raising many site-specific questions when assessing implications of biosolids land application. Suggests NJ follow an interim strategy like MI. Questions effectiveness and cost of PFAS reduction treatment technologies at wastewater treatment plants.

Patrick K. Cole, AWWA NJ Section, statement recognizes that source control and pretreatment are the most cost-efficient method for PFAS reduction. Data collection should be postponed until enhanced methods for identification and quantification are developed unless further investigation of residuals being land applied when the assessing potential impacts of residuals upon ground/surface waters.

Keith B. Marcoon, OCUA, position statement advocates for the continued strong commitment to beneficial re-use programs for biosolids, fully supports a PFAS source reduction approach while waiting for EPA to further risk assessment studies and cautions that banning or imposing significant restrictions upon land application residual products may have substantial and detrimental impacts to an Authority and/or the Authority's ratepayers.

Tracy Carluccio, Delaware Riverkeeper, position statement advocates a ban on land application of biosolid products, otherwise also advocate for widespread monitoring of residuals for 40 PFAS compounds with the use of EPA's draft method 1633 as well as all NJPDES permitted discharges.

Sonya Lunder, Sierra Club New Jersey, position statement provided supports identifying concentrated sources by targeting industrial user facilities, use of EPA draft method 1633 for 40 PFAS compounds for monitoring of residuals, implementation of BMPs, creation of permit limits for industrial users, strongly support monitoring requirements for all residuals using a tiered approach similar to Colorado, and while recognizing high costs still encourage the installation of PFAS treatment technologies for biosolids where applicable.

James R Stewart, Gloucester County Resident, supports a biosolids land application ban.

Jeanne Jordan, Gloucester County Resident, supports a biosolids land application ban.

Marilyn D. Quinn, Gloucester County Resident, supports a biosolids land application ban.

Stephanie Scanlon, NJ Resident, supports a biosolids land application ban.

This summary was put together by John Murray, Environmental Specialist 3 of NJDEP - Division of Water Quality, to highlight the viewpoints, concerns, and recommendations of those who submitted testimony in response to the 2023 NJ CWC public hearing.