



ASSOCIATION OF ENVIRONMENTAL AUTHORITIES

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Ryan H. Knapick, Esq.
ATTN: DEP Docket No. 02-19-03
Office of Legal Affairs
Department of Environmental Protection
401 East State Street, 7th Floor
Mail Code 401-04L; PO Box 402
Trenton, NJ 08625-0402

Comments on:
DEP Docket Number: 02-19-03.
Proposal Number: PRN 2019-042.

Dear Mr. Knapick:

I am writing about the proposed ground water regulations in PRN 2019-042 on behalf of the Association of Environmental Authorities (AEA). Our members provide drinking water, wastewater and solid waste utility service to millions of people across the State of New Jersey. Our members are committed to practical, scientifically based approaches to water quality regulation. They recognize the need to address PFNA, as the NJ Department of Environmental Protection (NJDEP) already has, and to address PFOA/PFOS. These chemicals are harmful to human health and do not break down easily in the human body. We commend the NJDEP for its proactive effort to protect the public, and we appreciate the opportunity to comment on the proposal.

AEA is submitting these comments on PRN 2019-042 on behalf of AEA members that hold GW discharge permits. Our comments are also in support of testimony offered by Landis Sewerage Authority (LSA) at the May 15 public hearing. These comments may also be relevant to the drafting of similar proposals for surface water dischargers.

NJDEP is proposing *wastewater* discharge regulations based on quantitation methods for *drinking water*. These rules are not supported by science. While the EPA is working on methodologies, there are no officially set EPA or NJDEP methods to quantify PFAS substances in non-drinking water matrices at this time. At several points, PRN 2019-042 refers to NJ Drinking Water Quality Institute review of testing methodologies, for PFOS and PFOA, that are based on samples of drinking water and ground water, not wastewater. These methodologies are suitable as the underpinning for the private well regulations proposed, but they almost certainly would not be reliable with regard to water that has been through the sewerage treatment process, when chlorine, odor control, and anti-corrosives have been introduced. Nor do they address the specific challenges presented by the higher concentrations of bacteria and other microorganisms in wastewater. Even after a method suitable for wastewater becomes available, given these characteristics, it is unlikely that the detection limits for these methods would be down at the level of drinking water analysis methods

AEA also disputes the highly optimistic economic impact analysis in PRN 2019-042 with regard to treating wastewater. The proposal suggests that treatment costs for drinking water and wastewater are analogous. They are not. Treated wastewater contains up to 30 mg/l of BOD5 and Total Suspended Solids and millions of bacteria per liter. Unlike drinking water, wastewater moves between treatment

units by gravity, under low or zero pressure. Treatment costs would have to include factors for additional pumping, additional electricity, and for the much more frequent removal and transport of filter material such as carbon.

As noted above, AEA agrees that regulating PFOS and PFOA is necessary. But our members must treat water in the real world, in the context of having to safeguard the public from exposure to PFOA/PFOS/PFNA and many other pollutants. Basing regulations on the faulty foundations of unsound science can mean that our members will be spending money for compliance based on ineffective or legally challengeable methodologies. We respectfully recommend the NJDEP exercise prudence, withdraw the proposed GW discharge regulations, and then reissue them when they can be based on sound and directly relevant research. The logical path would be, once a reliable testing method is available and labs are certified, to begin gathering data as a report-only requirement for wastewater, biosolids, and leachates. This would provide an accurate picture of the extent and levels of these compounds being discharged by wastewater treatment plants and landfills across the state. At that point, a viable plan of action can be developed.

Very truly,

A handwritten signature in cursive script, appearing to read "Peggy Gallos".

Peggy Nolting Gallos
Executive Director

CC: David Harpell, AEA President
Pam Carolan, AEA NJPDES Committee Chair