February 5, 2020

To the Chairs and Members of the Wisconsin Assembly Committee on the Environment:

On behalf of the Associated Recyclers of Wisconsin (AROW), the Wisconsin Badger Chapter of the Solid Waste Association of North America (SWANA), and the Wisconsin Counties Solid Waste Management Association (WCSWMA), the Wisconsin Solid Waste PFAS Coalition is writing to express our concerns with 2019 Assembly Bill AB843. The Bill as written could have significant economic and operational impacts on the Wisconsin solid waste industry which includes publicly and privately owned landfills, composting facilities, recyclers or materials recovery facilities (MRFs), waste haulers, other upstream and downstream industries, and ultimately our customers and taxpayers.

Funding for PFAS Research, Disposal, and Cleanup

As landfill tip fees contribute approximately 80% of the revenue of the Wisconsin Environmental Management Account (EMA), our industry has a vested interest in the spending from the account. There are many competing needs for funding from the EMA and the proposed funding in AB843 is only a fraction of what will be needed to address PFAS if stringent water quality and cleanup standards are introduced. Before diverting millions of dollars from other environmental programs including: recycling, brownfield redevelopment, state-funded cleanup of sites with other types of contamination, and DATCP's household hazardous waste collection program, the environmental risks and benefits of competing needs should be assessed and prioritized.

Specifically troublesome to our industry, is that funding from local recycling continues to be diverted to other uses. Local recycling efforts are intended to be funded by the EMA from the $7 per ton recycling fee assessed at Wisconsin landfills. That fee was increased from $3 per ton to $4 per ton in 2009, yet in 2010 the amount available to Responsible Units (RU) of recycling was reduced by 40%. While the amount of recycling fees collected in the 2017/2018 fiscal year was $37,421,100, only $19 million was made available to RUs to offset the cost of recycling. For 2018, the net eligible costs of local recycling programs are reported as $120,817,217.

The State recently reported that there will be a projected $750 million surplus of revenue collected into general purpose revenue (GPR). The GPR should be used to fund PFAS research, disposal, and cleanup, not the EMA. If the EMA is seen as an unlimited source of funds for PFAS response, the account will quickly find itself in a deficit, rather than a surplus.

WISCONSIN SOLID WASTE PFAS COALITION

recyclemorewisconsin.org

swana-wi.org

wcswma.org/

About us

The Wisconsin Solid Waste PFAS Coalition was formed in 2019 to educate and inform our industry members, lawmakers, and the public about the relationship between PFAS and our waste.

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The Connections Between Waste Water and Solid Waste

Any actions that limit or restrict land application of biosolids from waste water treatment facilities (WWTFs) will have wide-reaching effects that span across many industries, including the solid waste industry. If WWTFs are forced to landfill biosolids due to financial responsibly requirements, stringent soil standards for PFAS, or otherwise, the tipping fees alone could exceed $10 million dollars annually based on preliminary worst-case estimates by the University of Wisconsin – Stevens Point.

Additionally, the disposal of biosolids isn't as simple as "dumping" the material in the landfill and burying it. The high moisture biosolids require additional effort to effectively and safely combine and compact the material into the waste. This additional effort is necessary to prevent unstable slopes and soft working surfaces that would prohibit vehicle and heavy equipment traffic. There is a limit to the quantity of biosolids that landfills can accept and more importantly, landfilling this material will consume valuable landfill airspace which will ultimately create the need for additional landfills, sooner.

To add complexity, disposal of biosolids in landfills could impact the levels of PFAS in the liquids (or leachate) that is sent to WWTF from landfills. WWTFs and solid waste facilities serve the public and each other by routinely accepting waste materials from one another. Scrutinizing WWTF discharges and biosolids for PFAS has pitted WWTFs and solid waste facilities against one another in surrounding states and created additional environmental risk and economic challenges for leachate and biosolids management. A systems approach that takes into account the impact on all public utilities is needed to find a solution for regulating levels of PFAS in our environment.

It is important to note that landfills, compost facilities, MRFs, and WWTFs, are not producers or original sources of PFAS. Instead, these facilities receive PFAS contaminated materials from unknowing users like households and businesses. Allowing for solid waste facilities to be potentially identified as responsible parties for releases of PFAS will only cost municipalities and taxpayers and not the actual responsible parties, the chemical manufacturers who have knowingly supplied PFAS chemicals for widespread use.

A Complex Problem that Requires a Comprehensive Solution

A patchwork of bills that do not address the continued use and persistence of PFAS in consumer products is not the way to tackle this complex global issue. The proposed concepts will lull many into a false sense of security and not address the larger issue. Wisconsin and the U.S., need a comprehensive approach that considers the science of PFAS, the complex behaviors of the range of compounds in this category, the toxicology, and the economic impacts of various solutions.

The solid waste industry supports regulating these chemicals and has always held protection of human health and the environment as a core value; however, priorities need to be set and the risks of PFAS need to be weighed against other environmental pollutants. Additionally, many other factors including: background concentrations of PFAS in our environment, bodies, and indoor dust and air; continued use of these chemicals in consumer products; and lack of standardized water quality, cleanup, and sampling standards, creates a concern that efforts and money could be more effectively spent on alternative approaches to managing health and environmental risks associated with PFAS.