

**March 23, 2021**

## **Wisconsin DNR PFAS Sampling Plan Targeting POTWs, Power Providers and Industrial Discharges Underway**

The Wisconsin Department of Natural Resources (WDNR) recently announced an action plan to sample a range of facilities' effluent and other discharges across the state of Wisconsin in support of its rulemaking efforts to develop numeric surface water quality criteria and analytical methods for PFAS compounds, including perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA).

WDNR is engaging in these sampling efforts to collect information to project the economic impacts of the PFAS surface water standard rule expected to be finalized later this year. WDNR will be sampling facilities ranging from publicly owned treatment works (POTWs) to private industries, including manufacturers of paper products and food products, that discharge at a range of effluent flow rates and accept wastewater from different types and numbers of industrial users. WDNR has completed sampling at 77 POTWs and 7 power providers and as of this writing is in the processing of scheduling sampling beginning next week at 39 additional industrial facilities. According to DNR PFAS Sampling FAQs, the data collected from sampling will allow the department to "work with stakeholders to create practical plans for implementation of the upcoming standards." WDNR plans to sample for 33 PFAS substances, consistent with recent guidance from WDNR's Remediation and Redevelopment Program.

All costs associated with PFAS sampling will be covered by WDNR, unless a facility chooses to split a sample. Should a facility choose to split a sample with WDNR, all costs associated with that sample will be the responsibility of the facility. WDNR will provide a copy of the lab results to permittees once sample testing has been completed and sample results are available, which WDNR anticipates will be in the Spring of 2021. All effluent data collected by WDNR will be considered an open record subject to public access.

### **Related Industries**

Agribusiness

Energy

Food & Beverage

### **Related Practices**

Environmental & Natural Resources

Regulatory



The PFAS surface water rule (Rule WY-23-19) will revise chapters NR 105, NR 106, NR 219, and other related regulations to add surface water quality criteria and analytical methods for PFAS and revise the WPDES permitting program to implement the new criteria. WDNR anticipates that this new rule and related revisions to the state Administrative Code will be in effect by the Summer of 2022.

For additional information regarding sampling, please reference the WDNR's "PFAS Sampling Frequently Asked Questions". Additionally, the environmental team at Michael Best has experience advising clients on PFAS-related issues. If you have any questions or concerns about how WDNR's PFAS sampling efforts may impact your facility, please contact your Michael Best attorney or any of the authors listed here.

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