Response to Comments

Milledgeville Water Pollution Control Plant
NPDES Permit Nos. GA0030775
Baldwin County, Oconee River Basin

Comment	EPD Response
Milledgeville's WPCP receives industrial wastewater from chemical facilities industries that use and discharge PFAS. Because of the nature of these industrial operations, these Significant Industrial Users discharging wastewater to the Milledgeville WPCP present a risk of significant PFAS discharges to Milledgeville's publicly owned treatment works and resulting contamination of the Oconee River Basin with PFAS. The Draft Permit must therefore be amended to properly regulate these wastewaters to control PFAS at their source, as required by the Clean Water Act and as explained by EPA in its recent PFAS Guidance. EPD must take a close look at the treatment plant's wastewater and impose necessary limits and conditions on PFAS discharges from the WPCP, as well as prevent sludge contamination generated by the WPCP to cease PFAS from improperly polluting the environment. The Draft Permit must therefore be amended to properly regulate these wastewaters to control PFAS at their source, as required by the Clean Water Act and as explained by EPA in its recent PFAS Guidance.	On December 5, 2022, EPA Issued the Memorandum Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs. The memorandum provides guidance to EPA Regions on addressing PFAS discharges through methods applicable to wastewater discharge permits, like this one, and methods applicable to other permits or programs. For this permit, EPD has implemented the recommendations in the memorandum to the extent feasible. The memorandum recommends best management practices that industrial dischargers, like chemical facilities, that discharge to a POTW, like the Milledgeville WPCP, should adopt or should be required by the POTW to adopt through its pretreatment program. Those recommendations directly applicable to industrial dischargers and to the pretreatment permit program administered by Milledgeville are not appropriate to include in this permit. In January 2024, EPA published Method 1633 - *Analysis of Per- and Polyfluoroalkyl Substances (PFAS) in Aqueous, Solid, Biosolids, and Tissue Samples by LC-MS/MS.* As noted in the document, although the use of this method has been validated, the method is not nationally required for Clean Water Act compliance monitoring until the EPA has promulgated it through rulemaking. With respect to wastewater discharge permits, EPA has not developed and approved a technology-based effluent limitation for PFAS. The EPA memorandum indicates that "[i]f a state has established a numeric criterion or a numeric translation of an existing narrative water quality standard for PFAS parameters, the permit writer should apply that numeric criterion or narrative interpretation in permitting decisions, pursuant to 40 CFR 122.44(d)(l)(iii) and 122.44(d)(l)(vi)(A),

	respectively." At this time, there are no instream numeric water quality standards established for PFAS in Georgia and approved by EPA. Without an EPA-approved numeric water quality standard, it is not possible to develop water quality based effluent limitations for PFAS in Milledgeville WPCP's discharge. Without a water quality-based effluent limitation for PFAS, it also is not possible to develop pretreatment limits based on pass-through from Significant Industrial Users to the Milledgeville WPCP. EPD may reopen permits in the future to evaluate the need PFAS monitoring or limits once analytical methods, water quality standards, or biosolids standards are approved.

PFAS are toxic and bioaccumulative, and they persist in the environment and in our bodies.	In April 2024, EPA set Maximum Contaminant Levels (MCL) for five individual PFAS in drinking water: PFOA, PFOS, PFHxS, PFNA, and HFPO-DA. EPA also set a hazard index MCL for PFAS mixtures containing at least two or more of PFHxS, PFNA, HFPO-DA, and PFBS. EPA also finalized health-based, non-enforceable Maximum Contaminant Level Goals (MCLGs) for these PFAS. These limitations apply to drinking water, not wastewater discharges. Furthermore, Milledgeville Water Pollution WPCP does not discharge to a water body designated as drinking water supply. As discussed in the fact sheet for the Permit, the City submitted results for seven chronic Whole Effluent Toxicity (WET) tests. WET tests evaluate the total, aggregate toxic effect of all pollutants in a facility's wastewater discharge to aquatic organisms by measuring the effect of wastewater on indicator organisms' growth, reproduction, and survival. Milledgeville WPCP's effluent passed all seven of their WET tests with a No observable Effect Concentration (NOEC) greater than their instream wastewater concentration (IWC), i.e. the effluent is not considered toxic. On December 5, 2022, EPA Issued the Memorandum Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs. The memorandum provides guidance to EPA Regions on addressing PFAS discharges through methods applicable to wastewater discharge permits, like this one, and methods applicable to other permits or programs. For this permit, EPD has implemented the recommendations in the memorandum to the extent feasible. The memorandum recommends best management practices that industrial dischargers, like carpet and textile facilities, that discharge to a POTW, like the Milledgeville WPCP, should adopt or should be required by the POTW to adopt through its pretreatment program. Those recommendations directly applicable to industrial dischargers and to the

	pretreatment permit program administered by Milledgeville are not appropriate to include in this permit. The memorandum also recommends that NPDES permitting authorities like EPD provide notification to potentially affected downstream public water systems (PWS) with PFAS-related permit conditions. EPD already has a process in place for evaluating concerns related to discharges of treated wastewater upstream of drinking water sources via Indirect Potable Reuse (IPR). A portion of EPD's Indirect Potable Reuse Guidance Document (October 2022) outlines the required coordination of EPD programs, including NPDES permitting and drinking water permitting. In addition to these notification and inter-program coordination efforts, EPD has implemented a comprehensive PFAS sampling program for public drinking water systems. Beginning in winter 2021, EPD has been working with public drinking water systems to monitor their finished drinking water. Two phases of monitoring have been completed and EPD will initiate a third and final phase of monitoring focused on systems excluded from EPA's Fifth Unregulated Contaminant Monitoring Rule (UCMRS). More information about these sampling efforts, including an interactive map, sample results, and a description of EPD's process can be found at https://epd.georgia.gov/pfoa-and-pfos-information.

EPD must require the Milledgeville WPCP to disclose any PFAS that the plant discharges from the Facility and PFAS influent from its Significant Industrial Users in wastewater, so that proper regulatory controls can be imposed in the Permit to remove PFAS prior to the discharge to the Oconee River. If Milledgeville were to discharge PFAS from its WPCP and fail to disclose it in its NPDES permit application, Milledgeville would be in violation of the Clean Water Act. Moreover, EPD would not have the information it needs to make a fully informed decision to issue the NPDES Permit (or modification of the same), and the public would not have adequate information to meaningfully comment on it concerning PFAS—a troubling class of persistent, harmful pollutants that pose a threat to drinking water sources and recreational waters in this region. EPD must therefore require the WPCP to disclose any discharges of PFAS in the plant's permit application, and the Draft Permit must be withdrawn so that Milledgeville can make the requisite inquiries of its Industrial Users requiring disclosure of PFAS in their wastewater discharges to the WPCP, which will in turn inform Milledgeville's PFAS disclosures to EPD. This process will ensure that EPD can impose proper wastewater treatment controls under the NPDES Permit.	In January 2024, EPA published Method 1633 - *Analysis of Per- and Polyfluoroalkyl Substances (PFAS) in Aqueous, Solid, Biosolids, and Tissue Samples by LC-MS/MS.* As noted in the document, although the use of this method has been validated, the method is not nationally required for Clean Water Act compliance monitoring until the EPA has promulgated it through rulemaking. EPA has not developed and approved a technology-based effluent limitation for PFAS. At this time, there are no instream numeric water quality standards established for PFAS in Georgia and approved by EPA. Without an EPA-approved numeric water quality standard, it is not possible to develop water quality based effluent limitations for PFAS in Milledgeville WPCP's discharge. Without a water quality-based effluent limitation for PFAS, it also is not possible to develop pretreatment limits based on pass-through from Significant Industrial Users to the Milledgeville WPCP. EPD may reopen permits in the future to evaluate the need for PFAS limits or monitoring once water quality standards, or biosolids standards are approved. Based on our review, the City of Milledgeville submitted a complete permit application (EPA form 3510-2A), including information regarding each of their significant industrial users (SIUs) and categorical industrial users (CIUs) and the required effluent testing data.

If the Milledgeville WPCP is discharging PFAS to the Oconee River, EPD must impose appropriate effluent limits and other conditions. In light of the foregoing, SELC urges EPD to withdraw the Draft Permit so that Milledgeville can amend its NPDES Permit Application to disclose whether PFAS are being discharged from the WPCP at Outfall 001 to the Oconee River as required by the Clean Water Act. This process will enable EPD to develop and impose proper effluent limits and other conditions on the discharge, and it will also provide the public with the requisite notice of the discharge and a meaningful opportunity to participate in the permitting process governing this harmful class of industrial chemicals.	In January 2024, EPA published Method 1633 - *Analysis of Per- and Polyfluoroalkyl Substances (PFAS) in Aqueous, Solid, Biosolids, and Tissue Samples by LC-MS/MS.* As noted in the document, although the use of this method has been validated, the method is not nationally required for Clean Water Act compliance monitoring until the EPA has promulgated it through rulemaking. EPA has not developed and approved a technology-based effluent limitation for PFAS. At this time, there are no instream numeric water quality standards established for PFAS in Georgia and approved by EPA. Without an EPA-approved numeric water quality standard, it is not possible to develop water quality based effluent limitations for PFAS in Milledgeville WPCP's discharge. EPD may reopen permits in the future to evaluate the need for PFAS limits or monitoring once water quality standards, or biosolids standards are approved. Based on our review, the City of Milledgeville submitted a complete permit application (EPA form 3510-2A), including information regarding each of their significant industrial users (SIUs) and categorical industrial users (CIUs) and the required effluent testing data