



October 31, 2020

Wisconsin PFAS Action Council  
Via Email

To Whom It May Concern,

On behalf of Milwaukee Riverkeeper, we are writing to comment on the Wisconsin PFAS Action Plan (Plan) that outlines coordinated and prioritized actions that State Agencies can take to address PFAS contamination. Our mission at Milwaukee Riverkeeper is to protect water quality and wildlife habitat and advocate for sound land use in the Milwaukee River Basin. Our vision is for clean, fishable, swimmable, and drinkable waters that are used and enjoyed by everyone in our community.

PFAS contamination threatens the drinking water, groundwater, surface waters, fish and wildlife, soils/sediment, and public health of our communities. In the Milwaukee area, PFAS contamination has been documented at General Mitchell Airport and the adjacent National Guard/former US Air Force properties, and this contamination is an ongoing PFAS source to the Kinnickinnic River and downstream rivers and Lake Michigan, which is the source of our drinking water. In addition, widespread PFAS contamination has been found in water samples as well as soil and fish samples from the Milwaukee River Estuary Area of Concern. We hope to be spending considerable taxpayer money to clean up PCB-contaminated sediments in the next 5 years, and will be leaving PFAS contaminated sediments behind due to lack of standards, which is unfortunate to say the least. We also suspect that PFAS contamination is present in many other areas of our river system with past and present industrial use, in particular, there is some evidence of contamination adjacent to the West Bend Air Support Facility.

In general, the PFAS Action Plan seems to contain all the right elements that will be required to deal with this source of contamination, as well as a general understanding of the types of actions that will need to be taken by State Agencies and the resources that will be required for that work. There doesn't seem to be a distinct prioritization of these actions overall. For example, it would make sense that banning production and use of new sources of PFAS in the State should be a priority, as well as preventing future environmental contamination from disposal (e.g., via landfills, sludge spreading, etc.), which will be difficult and expensive to address.

While there seems to be a lot of consideration of the impact of this Plan on polluting industries, there is little discussion of how this Plan will affect and protect sensitive populations that are impacted the most from PFAS contamination including communities of color, subsistence fishermen, etc., other than mention in section 4.2 around providing normal opportunity for public comment, tribal consultation, etc. Although environmental justice, health equity, and pollution prevention are listed as general principles that relate to



the entire plan, it would be great to include actual action items to ensure these principles are carried forward into work by the Agencies. For example, specific outreach and education campaigns and health screenings could be targeted toward BIPOC communities adjacent to known sites of contamination, as well as provided to groups like subsistence fishermen that might be impacted more than other groups. Below are comments relating to specific elements of the Action Plan.

### **1.1 Establish Science Based Environmental Standards for PFAS**

WDNR has requested groundwater enforcement standard recommendations from DHS for 2 of the PFAS chemicals (PFOA and PFOS), which is expected to take 30 months, as well as expedited work on enforcement standards for an additional 34 chemicals of perhaps 4,000-5,000 total known PFAS chemicals. This is to be followed by standards for other media, such as surface water and drinking water. Given how long this process will take and the vast uncertainty due to the sheer level of variations of these fluorinated carbon chain chemicals that have been and continue to be created, it may make sense to regulate the entire family or class of compounds cumulatively, especially in the interim. As more information comes to light to allow standards for each individual chemical, than those more specific standards could be promulgated. This would be more protective than polluters evading cleanup because their PFAS chemical does not yet have standards, and allowing some contaminated sites and affected communities to fall in the regulatory cracks.

This section also states as an action item that the Agencies should evaluate whether standards are needed for biosolids, sediment, and solid wastes, as well as if PFAS should be added the NR600 series list of hazardous chemicals. The answer to both of these questions is clearly yes. These standards should be developed as soon as possible, to ensure that disposal of PFAS chemicals—either via land application or in a landfill—doesn't just send the contamination from one place to another. If these standards are not put in place, we will continue to have ongoing sources of PFAS to the environment long into the future. Creating a standard for sludge would create an additional incentive for industries and POTWs to identify and eliminate sources. POTWs would be forced to enact and enforce pretreatment standards, which could eliminate new PFAS sources more quickly.

### **2.2 Facilitate Timely Collection of PFAS Data and 2.3 Standardize PFAS Sampling Methods and Support State Implementation**

Incorporating PFAS data collection into routine monitoring regimes for WDNR and others make sense, and NGOs and citizen scientists could also collect this data for streams and lakes. Milwaukee Riverkeeper and our 100+ volunteers have been conducting routine stream monitoring since 2006, and we also send water samples to the State Lab of Hygiene (SLOH) regularly to be analyzed for total phosphorus and chloride. We could easily take samples for PFAS analysis if trained in the proper protocols. Citizen groups doing this monitoring are professional, cost effective, and efficient, and most of us have existing relationships with DNR and SLOH staff, and access to the State SWIMs database. We are also highly motivated to protect our streams. We would also recommend that more research be done to increase testing methods for PFAS. We would be happy to do more baseline testing, but currently the costs of PFAS testing are prohibitive.

## **2.4 Test Public Water Systems for PFAS**

This action item should be prioritized based on the public health threat to our communities from drinking PFAS tainted water. All utilities should be required to conduct this testing. In Michigan, there was a very small percent of utilities that were tested that had contamination (less than 5%), and it's important to allocate resources to affected communities as quickly as possible. While larger utilities like the City of Milwaukee have already been doing this testing on a voluntary basis, we have no information on other utilities in the Milwaukee River Basin. We know that EPA has found PFAS in wells in West Bend, and DNR is doing an investigation there. While EPA is updating their federal drinking water regulations, monitoring of water supplies for PFAS would not be required until after December 2021, and utilities would have at least 3 years to do that sampling. The likely result is that citizens would not know if their water is contaminated until 2025 or later. That is unacceptable. We agree with the recommendation that all public drinking water systems be tested. Wisconsin should require this testing immediately, as the State of Michigan has, and if necessary pay for this testing or subsidize the cost to ensure protection of our communities.

## **3.1 Partnering with Firefighting Associations and Municipal Airports on PFAS and 3.2 Amend Firefighting Foam Law**

General Mitchell Airport has extreme groundwater contamination, from suspected use of firefighting foams at the Airport and adjacent National Guard and former Air Force Reserve properties. PFAS contamination is also suspected at the West Bend Air Support Facility, but less information is known. We support the rules put forth by DNR to eliminate the use of these firefighting foams except for in case of certain emergencies. Many of the actions listed seem appropriate as far as collaboration and developing partnerships to facilitate training exercises, establishing BMPs, etc. We also support state funding for disposal of PFAS containing foams as well as for replacing foams, if necessary.

However, all of the actions listed in this section seem very passive, while we have active contamination of our rivers and drinking water supplies. While we know that DNR has asked General Mitchell airport to conduct more extensive testing, there is no indication or plans as to how this ongoing source of contamination can be stopped or minimized at General Mitchell or other airports and military bases in the State. For example, could the State fund BMPs or a pilot project to clean contaminated stormwater and groundwater that is draining into the Kinnickinnic River, similar to carbon filtration units being used in Marinette? Are there specific and enforceable monitoring requirements that can be established for airports? While legislative action is mentioned as a potential action item, it is unclear what other concrete actions can be taken. We need more direct and proactive action to address these major sources of PFAS to our communities.

## **3.3 Develop and Apply BMPs for Proper Handling of PFAS Containing Waste**

This action item recommends that guidance and BMPs be established for generators of PFAS products and contaminated waste, and that based on the results of these BMPs, that standards be put in place for testing, sampling, disposal, storage, treatment, etc. This is another example where there will be significant ongoing contamination of the environment from these PFAS generators in future years, and so work on this item should be prioritized and expedited. Guidance and BMPs are not enforceable. At a minimum, it seems reasonable

that those industries still using PFAS or generating waste contaminated with PFAS, should be required to sample or monitor that waste in whatever form it takes during production, as well as to monitor wastewater discharge or landfill leachate. Cradle to grave monitoring is required to generate the data needed to better understand treatment options, standard development, etc., as well as to protect communities. In particular, like PCBs and other industrial contaminants, it is critical that biosolids are monitored before land spreading occurs to limit any soil and groundwater contamination. We realize there is a lot of industry pushback against these actions, but where the paper industry and others continue to use these chemicals, they must fund monitoring, safe disposal, and cleanup activities.

### **3.4 Identify PFAS Sources and Reduce Discharges to Wastewater Facilities**

We support the recommendations of this section, but would suggest that monitoring should be required of effluent on a frequency that makes sense (probably not daily or annually). We understand that a letter that DNR sent out to POTWs asking for voluntary testing was largely ignored. Required testing will provide DNR information on how effective treatment technologies are in removing these chemicals, and identify POTWs of concern that need more attention. Testing of influent periodically may also identify the extent of contamination coming in from pretreatment facilities (and/or from contaminated groundwater), and allow for more targeted pretreatment standards or treatment targets going forward. This testing could be funded by the State or subsidized in some way.

### **4.5 Enhance Collaboration Between WI and Federal Agencies on PFAS Relating to Military Installations**

Establishing a working group to enhance collaboration is entirely reasonable, but it's very passive. It's unclear why the State should not take immediate action, but rather wait to enter into a formal MOU with the Federal Government per the 2020 National Defense Authorization Act. It is our understanding that an MOU could facilitate quicker action by the Federal Government in monitoring, removal, and remediating pollution caused by Department of Defense facilities. If entering in an MOU would expedite review of PFAS investigations and remedial actions, it's unclear why the State should wait for the results of a working group before entering into negotiations. In any event, the Federal Government is responsible for contamination of existing and former military sites throughout the State, and it seems that DOJ should prioritize this work, if they haven't already, and ensure that the Federal Government pays for this cleanup as quickly as possible.

### **5.1 Collaborate On and Implement Research and 5.2 Monitor Background Levels of PFAS in the Environment**

We support the recommendations provided. In addition, the State should expedite PFAS compounds for research that we know are causing contamination from Department of Defense sites so that we can begin cleanup efforts and force action (e.g., PFHxS, GenX, etc.). PFAS chemicals could also be prioritized for research based on toxicity as well as environmental exposure and health impacts. The State should also prioritize research on BMPs for all parts of the PFAS lifecycle (storage, treatment, disposal, destruction, etc.). Maybe the State could partner with the Regional Planning Commissions and/or Universities to more quickly devise "State of the Art" reports on these BMPs. As previously mentioned, the State should also consider use of citizen monitoring groups for help in conducting

monitoring on background levels of PFAS. Many groups, like Milwaukee Riverkeeper, have been conducting baseline monitoring in surface waters for decades, have solid relationships with DNR biologists and the SLOH, have access to the SWIMs database, etc., and would be well positioned to quickly obtain data to help the PFAS Action Council and State in its work to implement this Plan.

**6.1 Develop and Support Product Stewardship Mechanisms to Reduce PFAS Use and  
6.2 Minimize the State's Purchase of PFAS-containing Products**

We support immediate phase-out of PFAS-containing products that are non-essential or have alternatives available without PFAS. The European Union has a 2030 date for complete phase out, and we should consider an earlier date, if possible, to put pressure on manufacturers. Product labelling is also very important, as many citizens are at risk from using PFAS-containing products that they are unaware of. And it makes great sense for the State to lead by minimizing the state's purchase of any PFAS-containing products.

Thank you for your consideration of these comments, and for all the hard work put into this effort by the Wisconsin PFAS Action Council. If you have any questions, please feel free to contact me at (414) 378-3043.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl Nenn", with a long horizontal flourish extending to the right.

Cheryl Nenn  
Riverkeeper

Cc: Jennifer Bolger Breceda, Executive Director