



May 15, 2020

Bryan Lynch, Physical Scientist (Environmental)
Army Environmental Command, Midwest Services Division
2450 Connell Rd
Fort Sam Houston, TX 78234

Subject: Comments on the Draft Final Preliminary Assessment of Per- and Polyfluoroalkyl Substances, Badger Army Ammunition Plant, Sauk County, Wisconsin
BRRTS #02-57-001002

Dear Mr. Lynch:

The Department of Natural Resources (Department) has reviewed the document entitled “Draft Final Preliminary Assessment of Per- and Polyfluoroalkyl Substances, Badger Army Ammunition Plant, Sauk County, Wisconsin, dated March 2020 prepared for U.S. Army Corps of Engineers, Baltimore District by Arcadis U.S. Inc.

The Department has the following comments on that document:

- CERCLA does not give the federal government sovereign immunity from adhering to State regulations. Specifically, according to CERCLA § 120(a)(4), State laws concerning removal and remedial actions, including State laws regarding enforcement, apply to federal facility actions owned or operated by the federal government.
- When discharged to the environment, per- and polyfluoroalkyl substances (PFAS) meet the definitions of hazardous substance and environmental pollution under Wis. Stat. § 292.01. Discharges of PFAS to the environment are subject to regulation under Wis. Stat. ch. 292 and the requirements for immediate notification, investigation, and remediation in Wis. Admin. Code chs. NR 700 through 754. For more information, see dnr.wi.gov, search “RR Report”, then search “PFAS authority”.
- The lack of promulgated numerical cleanup standards for a hazardous substance does not prevent an entity in Wisconsin from responding to a discharge of PFAS in Wisconsin, in accordance with Wis. Admin. Code § NR 722.09.
- The soil analytical results were compared to screening levels using the USEPA RSL Calculator. The State of Wisconsin has established procedures for calculating soil cleanup standards. Specifically, Wis. Adm. Code NR 720.07, NR720.10 and NR 720.12 specify these procedures. We request that the Army develop site specific soil cleanup standards for direct contact and migration to groundwater in accordance with these regulations and subsequently compare the analytical results to those calculated standards.
- The groundwater analytical results were compared to screening levels using the USEPA RSL Calculator. The State of Wisconsin has established procedures for calculating groundwater standards in the absence of promulgated standards. Specifically, Wis. Adm. Code NR 722.09(2)(b)(2) specifies these procedures. We request that the Army develop site specific groundwater standards in accordance with these regulations and subsequently compare the analytical results to those calculated standards.

We want to thank the Army for their work on this challenging project. Please feel free to contact me with any questions or comments by telephone at 608-293-0112 or via e-mail at stevenl.martin@wisconsin.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "St L Martin".

Steven L. Martin, P.G.
South Central Region Team Supervisor
Remediation & Redevelopment Program