

May 27, 2020

Department of Natural Resources
Attn: Kate Strom Hiorns - W A/5
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Madison, WI 53707-7921
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SENT BY ELECTRONIC MAIL

RE: Public Comment on the Draft Statement of Scope SS 015-20 related to PFAS

Dear Kate,

Citizens for Safe Water Around Badger (CSWAB) was organized in 1990 when rural residents learned that private drinking water wells near Wisconsin's Badger Army Ammunition Plant had been contaminated with high levels of cancer-causing chemicals for decades. Now 30 years later, CSWAB continues its work to unify and strengthen citizens working for a healthy and sustainable future free of military and industrial toxins.

In 2017, CSWAB submitted a formal open records request to the WDNR for information about all known PFAS sites in Wisconsin, revealing PFAS problems at military and industrial sites around the state. Thereafter, we successfully petitioned the State of Wisconsin for drinking water standards for the two most common forms of PFAS – PFOA and PFOS.

The following year, CSWAB formally petitioned the State for a Health Advisory Level for the summed-total concentration of all PFAS – including precursors – detected in the State's groundwater and/or having a reasonable probability of entering groundwater such as presence in soils. In January 2019, the Wisconsin DNR granted our petition to establish groundwater Health Advisory Levels for a list of 34 PFAS that had been detected in or pose a threat to the State's groundwater – the source of drinking water for more than two-thirds of its residents.

Overall, we SUPPORT the Statement of Scope and submit the following recommendations:

Section 2, paragraph 1, last sentence. The primary objective of this rule is to limit the use or discharge of a Class B firefighting foam that contains intentionally added PFAS in order to mitigate and prevent **[INSERT: "direct and indirect"]** discharges of PFAS to the environment. This addition assures consistency with federal rules such as the Clean Water Act.

Section 3, first sentence. "PFAS (are) emerging contaminant(s)..."

Section 3, paragraph 1, third sentence. In addition to PFOA and PFOS, the Statement of Scope should also reference the additional 34 PFAS that are currently under review as part of Cycle 11. This omission infers that PFOA and PFOS are the primary focus of this rule.

Section 6, general comment. Reliance on foam classifications (Class A, Class B, etc.), MSDS sheets and product labeling is insufficient. Foam manufacturers do not disclose potential PFAS content and formulations. Instead, PFAS are routinely identified only as a "proprietary mixture". Therefore, the Statement of Scope should make clear that the State may require product testing for fluorine content.

Along those same lines, the final rule should define "fluorine-free foam". We recommend that it be defined as a "firefighting foam or other water additive that is free of fluorinated surfactants and thereby containing no detectable fluorine." This will assure that the intent of the final rule is clear.

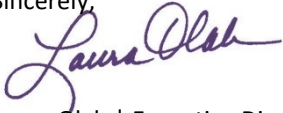
Section 6, paragraph 1, first sentence. The proposed rule is to apply to all entities involved with the manufacturing, **[INSERT: handling, storage, treatment, transportation, disposal]**, testing or use of the firefighting foam. This language assures consistency with federal hazardous waste regulations such as RCRA.

Section 8, general comment. “Safe disposal” does not and should not include incineration and similar thermal treatment technologies which EPA acknowledges do not have sufficient residence times and temperatures to destroy PFAS.

Section 9, general comment. The public hearing for the emergency rule is scheduled for October 2020 however the rule is to be promulgated by September 7, 2020.

Thank you for the opportunity to comment on the proposed Statement of Scope.

Sincerely,

A handwritten signature in purple ink that reads "Laura Olah". The signature is fluid and cursive, with the first name "Laura" being more prominent than the last name "Olah".

Laura Olah | Executive Director

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