



Public Comment in FAVOR of a permanent rule to revise chapter NR 140
relating to setting numerical standards to minimize the concentration
of polluting substances in groundwater (Board Order DG-15-19)

January 6, 2022

My name is Laura Olah I am here today on behalf of Citizens for Safe Water Around Badger. For more than 30 years, CSWAB has worked for a healthy and sustainable environment by engaging and empowering communities affected by military and industrial contamination.

I live near the former Badger Army Ammunition Plant in rural Sauk County, the source of 4 separate groundwater contaminant plumes. Three have migrated offsite, contaminating nearby drinking water wells and discharging to the Lower Wisconsin Riverway.

In 2018, the military at Badger hosted a public informational meeting to report on their preliminary PFAS investigation. Army officials explained that PFOA and PFOS had been detected in groundwater at concentrations that did not pose a risk to public health. No one said anything about other forms of PFAS. Just the two – that was it.

Months later, in response to our Open Records request, we found the complete data set which showed that the summed total concentration of all PFAS chemicals tested was actually much higher – in fact, 4 times higher.

So what happened? The Army only shared test results for PFOA and PFOS, and intentionally omitted all other PFAS detections because, they argued, that full disclosure was NOT required as the additional PFAS analytes are “not regulated by the State”.

We have experienced first-hand that without clear and comprehensive state regulation of all forms of PFAS, communities like my own are not fully informed and are therefore at increased risk for exposure and harm.

And our community is not alone. In other host communities in Wisconsin, concentrations of PFOA & PFOS combined have been detected in groundwater at Fort McCoy (near Sparta) at concentrations as high as 121,000 ng/L, at General Mitchell's 440th in Milwaukee 10,800 ng/L, at Volk Field Air National Guard in Camp Douglas 23,000 ng/L and at the Wisconsin Air National Guard Trux Field in Madison 39,841 ng/L. Military contractors in communities like Spooner are being allowed to burn and detonate PFAS-containing energetics in the open air.

Access to federal funding for investigating and cleaning up Wisconsin's military sites is tied to the federal CERCLA (Superfund) process which identifies how state standards are evaluated. In particular, we emphasize that it is promulgated state environmental standards that may qualify as an “Applicable or Relevant and Appropriate Requirement” (ARAR) for remedial action.

As recently as last month, the Pentagon issued a memo that as a matter of policy, DoD (as the lead agency) identifies a properly promulgated, consistently implemented State standards (versus advisories) as an ARAR for a specific removal action. Removal actions to address PFAS may include sampling public and private drinking water wells and determining if DoD is the source of PFAS impacts, and initiating certain removal actions such as providing alternative drinking water. Right now, these tasks are being funded largely by the State.

For these reasons and more, we strongly support ALL of the health-based groundwater standards recommended by independent toxicologists at the Wisconsin Division of Health and proposed by the Wisconsin DNR.