

State of Wisconsin
DEPARTMENT OF NATURAL
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February 15, 2021

Colonel Bart T. Van Roo
Commander, 115th Fighter Wing
Wisconsin Air National Guard
3110 Mitchell Street
Madison, WI 53704-2529

Re: Interim Action Plan & Site Investigation for: BRRTs # 02-13-584369

Dear Colonel Van Roo:

The Department of Natural Resources (DNR) has previously corresponded with the Wisconsin Air National Guard (WIANG) concerning PFAS contamination at Truax Field and the Dane County airport. In letters dated March 13, 2020, and April 9, 2020, the DNR outlined actions, including a site investigation and plans for an interim action, that the DNR directed be undertaken at this site.

Staff at the DNR have been meeting with WIANG staff and working through the many issues presented by the environmental issues at the airport facility. We understand that the WIANG has been working with the federal government and that the federal government is beginning a remedial investigation, and we very much appreciate those efforts. We expect that remedial investigation work to continue and look forward to receiving regular updates from you.

With respect to an interim action, the DNR has recently sent letters directing the City of Madison (City) and Dane County (County) to implement an interim action under Wis. Admin. Code § NR 708.11 to prevent PFAS contamination in the surface water of Starkweather Creek from leaving Truax Field and the Dane County airport. In accordance with our previous correspondence to WIANG, we expect WIANG to coordinate with the City and County on this effort. As we have indicated to the City and the County, a plan for the design and implementation of this interim action must be submitted to the DNR by April 16, 2021.

DNR recognizes that the County has implemented a pilot treatment system at one of the stormwater outfalls in order to treat PFAS before it is discharged to Starkweather Creek and appreciates these efforts. DNR understands, however, that there are logistical problems with implementing the treatment media in the outfall structure and thus the treatment process has not proven to be successful in reducing PFAS concentrations from leaving the outfall and entering the surface water.

Action Required:

Wis. Stat. § 292.11(3) requires persons who possess or control a hazardous substance discharge, or who caused the discharge of a hazardous substance (the “responsible party or parties”) to take actions necessary to restore the environment to the extent practicable and minimize the harmful effects of the discharge to air, lands and waters of the state.

Wis. Admin. Code § NR 708.11 requires responsible parties to take an interim action where necessary to contain a discharge of a hazardous substance in order to minimize any threat to public health, safety, welfare or the environment.

The DNR expects WIANG, the City and the County will coordinate efforts to develop a plan for designing and implementing an interim action for removing PFAS from the surface water of Starkweather Creek prior to the creek leaving Truax Field and the Dane County airport (e.g., a treatment system). The interim action plan must be submitted to the DNR by April 16, 2021 and must include a date by which the interim action will be implemented.

Conducting early (aka interim) actions prior to or during the investigation phase is a fundamental principle of the Superfund/CERCLA process in order to address immediate risks to human health and the environment and to control migration of contaminated media. DNR is familiar with Superfund/CERCLA as we oversee several federal cleanups, including those involving the Department of Defense. DNR's request for an early or interim action is consistent with the National Contingency Plan and EPA's August 2019 [guidance](#), "Use of Early Actions at Superfund National Priorities List Sites and Sites with Superfund Alternative Approach Agreements." These documents encourage responsible parties to act – which may include interim or early action -- when there is data available to do so.

DNR has a [memorandum of agreement](#) with the EPA that confirms that following the state's NR 700 regulatory process is functionally equivalent to the federal CERCLA and RCRA hazardous waste corrective action process. Thus, the technical oversight that the DNR provides is in no manner inconsistent with what would be expected of a site undergoing a Superfund/CERCLA cleanup.

We hope that this clarifies the status of actions at, and the DNR's expectations for, PFAS investigations and interim actions at Truax Field and the Dane County airport.

Questions regarding the project can be directed to Steve Ales at stephenm.ales@wisconsin.gov and 608-400-9187.

Sincerely,



Christine Haag, Director
Remediation & Redevelopment Program

Cc: Steve Ales – RR Program, GEF 2
Steve Martin – SCR
Darsi Foss – Division Administrator, DNR
Madison & Dane County Public Health
Brita Kilburg-Basnyat – DHS
Meg Vergeront, DMA General Counsel