

October 11, 2019

SENT VIA E-MAIL

Michael Kirchner
Director of Engineering
Dane County Regional Airport
4000 International Lane
Madison, WI 53704

Subject: Reported Contamination in and Responsibilities for Dane County Regional Airport:
BRRTS Activity #02-13-584472

Dear Director Kirchner:

In October 2019, the department received surface water sample results, produced by the Dane County Regional Airport, from various locations within the Dane County Regional Airport property. Several per- and polyfluoroalkyl substances ("PFAS") were detected in these samples.

This sampling data indicates you are responsible for the discharge of a hazardous substance or other environmental pollution (hereafter referred to as "contamination") at the above-described site. You are receiving this letter as a person who caused, possesses or controls the PFAS contamination discovered by the department. "Site" refers to the property where the contamination occurred and any other property it has migrated to, as defined in Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03(56). Under Wis. Stat. ch. 292, you may be considered a responsible party whether or not you own the property.

This letter explains how to initiate the investigation and cleanup of contamination of the site, and how to access further information and assistance from the department. The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination.

Please note that in addition to the standard requirements for responsible parties, this letter also specifies the department's direction that you take any immediate actions necessary to halt and minimize the harmful effects of the contamination. This may include evaluating the need for a proposed interim action to halt and treat PFAS contamination from migrating into surface water and groundwater.

Lastly, this letter also directs you to evaluate the need for public participation and notification in accordance with Wis. Admin. Code § NR 714.07.

Site Investigation, Immediate, Interim and Remedial Actions

Wis. Admin. Code Chapter NR 716 lists the requirements for investigation of contamination in the environment. Specifically, Wis. Admin. Code § NR 716.11(3)(a) requires that the field investigation determine the "nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in all affected media." Your proposed work plan must outline an investigation that will determine the full extent of PFAS contamination associated with current and past airport activities. Further remedial responses, in addition to immediate and interim actions, may be necessary upon completion of a remedial action options report.

The law requires you to take any immediate actions needed to halt and minimize harmful effects, unless you are otherwise directed by department staff, and to submit documentation describing immediate actions and outcomes within 45 days of October 7, 2019, which is the date the department received the data indicating a hazardous substance discharge had

occurred, unless otherwise directed by the department. A final immediate action report should be submitted in accordance with Wis. Admin. Code NR 708.09.

The department also requests that you submit to the department an evaluation within 60 days for the need for an interim action to mitigate and treat PFAS-contaminated groundwater and surface water, consistent with Wis. Admin. Code NR § 708.11. If directed, you shall take any interim actions directed by the department.

Legal Responsibilities:

Persons meeting the definition of “responsible party” under Wis. Admin. Code § NR 700.03(51) must follow applicable law to address the discharge of a hazardous substance to the environment or other environmental pollution. Wisconsin Statutes (“Wis. Stats.”) ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure.

General Recommendations for Responsible Parties:

The department recommends that you:

1. Hire a Qualified Environmental Consultant

To ensure response actions you plan to undertake comply with Wisconsin law, you should hire an environmental consultant within **30 days of the date of this letter** to meet the regulatory deadlines listed below. A delay in hiring an environmental consultant could result in you missing key submittal deadlines.

Hiring a consulting firm with staff that have the appropriate State of Wisconsin qualifications to supervise and certify the submittals is a critical component and necessary to meet your requirements. Further, an environmental consultant should be knowledgeable of Wisconsin’s technical procedures and laws and be able to answer questions regarding cleanup requirements. Required qualifications for environmental consultants are specified in Wis. Admin. Code ch. NR 712. Program guidance is available, see *Wis. Admin. Code ch. NR 712 Qualifications and Certifications, RR-081*.

2. Properly Submit Reports on Time with Required Information Included

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the timeframes and first steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview, RR-967, enclosed*.

The department developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program, RR-690*, enclosed, to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents. The electronic version must be an exact duplicate of the paper version. Failure to submit both a paper copy and electronic copy delays acceptance of your submittals.

3. Consider the Benefits of a Fee-based Technical Review of your Submittals

In-depth department review of technical reports and submittals is available for a fee. The Remediation and Redevelopment (RR) Program project managers are available throughout the process to answer general questions and provide general input as the site moves toward closure. However, if you want a formal written response from the department, a meeting or both on a specific submittal, a review fee will be required in accordance with Wis. Admin. Code ch. NR 749. **Obtaining technical assistance from department project managers throughout the process is an effective way to prevent problems and delays at the end of the process when case closure is requested.** Forms, a fee schedule, and further information on technical assistance is available at dnr.wi.gov and searching “brownfield fees.”

Required Steps to Take and Documents to Submit:

The steps listed below serve as a general overview only — all mandatory steps and submittals specified in state law must be met before the department can grant “case closure,” which is a determination by the department that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03(3m).

1. **Immediate Actions – NR 708.05:** The law requires you to take any immediate actions needed to halt and minimize harmful effects, unless you are otherwise directed by department staff, and to submit documentation describing immediate actions and outcomes within 45 days after receipt of this letter. A final immediate action report should be submitted in accordance with Wis. Admin. Code NR 708.09.
2. **Interim Actions – NR 708.11:** The law requires you to evaluate the need for interim action prior to initiating a site investigation and during a site investigation. Interim action shall be taken where it is necessary to contain or stabilize a discharge of a hazardous substance or environmental pollution, in order to minimize any threat to public health, safety, or welfare, or the environment. When warranted, responsible parties shall implement an interim action as soon as possible.
3. **Public Participation and Notification – NR 714.07:** In order to promote effective and meaningful public participation and notification, responsible parties shall conduct all necessary public participation and notification activities, unless otherwise directed by the department. Responsible parties shall evaluate the need for, and the level of public participation based on the criteria in Wis. Admin. Code § NR 714.07(1).
4. **Scoping and Work Plan Submittal – NR 716.07 and 716.09:** The law requires that you appropriately scope out your site investigation and submit a work plan within **60 days of this notification**, for completing a site investigation. The work plan must comply with the requirements in Wis. Admin. Code, chs. NR 700 through NR 799. For additional assistance, the department has extensive guidance on its web page at dnr.wi.gov and search “brownfield publications.”

Prior to and during a site investigation, you must evaluate whether any interim actions are needed to contain or stabilize a hazardous substance discharge or environmental pollution, pursuant to Wis. Admin. Code § NR 708.11. If you undertake an interim action (*e.g.*, free product removal), you must submit documentation of the action per Wis. Admin. Code § NR 708.15.

5. **Field Investigation – NR 716.11:** Following submission of the work plan, the site investigation must be started within the timeframe provided under law. The timeframe varies depending on whether you are requesting the department’s fee-based review of the work plan. If you do not request a fee-based review of the work plan, you must initiate the field investigation within 90 days of submitting the work plan, and you may proceed with the field investigation upon department notification to proceed; however, if the department has not responded within 30 days, from submittal of the work plan, you may then proceed with the field investigation. If a fee and request for department review of the work plan is submitted, the field investigation must begin within 60 days after receiving department approval.
6. **Sample Results Notification Requirements – NR 716.14:** You must report sampling results to the department, owners, occupants, and various other parties within 10 business days after receiving the sampling results, unless a different timeframe is approved by the department, in accordance with Wis. Admin. Code § NR 716.14.
7. **Site Investigation Report – NR 716.15:** Within 60 days after completion of the field investigation and receipt of laboratory data, the law requires you to submit a Site Investigation Report (SIR) to the department. As part of the SIR or in the Remedial Actions Options Report (RAOR), if there is soil contamination, the responsible party shall identify the current land use (*i.e.*, industrial or non-industrial) and zoning for the site or facility in accordance with Wis. Admin. Code § NR 720.05(5). Also, as part of the SIR or in the RAOR, you must include any interim action report that may be required under Wis. Admin. Code § NR 708.15.

8. **Remedial Actions Options Report – NR 722:** Within 60 days after submitting the SIR, the law requires you to submit a RAOR. The selected remedy in the RAOR should include an evaluation of green and sustainable remediation criteria, as appropriate, as required by Wis. Admin. Code § NR 722.09(2m). This may be submitted as part of a broader SIR.
9. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724:** Unless otherwise directed by the department, the responsible party shall submit all plans and reports required in Wis. Admin. Code ch. NR 724.
10. **Notification of Residual Contamination or Continuing Obligations – NR 725:** In situations where notification is required, the responsible party must provide submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure, as required by Wis. Admin. Code ch. NR 725.
11. **Semi-annual Reporting -- NR 700.11:** Wis. Admin. Code § NR 700.11(1)(a) requires responsible parties to submit semi-annual site progress reports to the department until final case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to department publication *NR 700 Semi-Annual Site Progress Report, RR-082*, for more information.

Submittals required under Wis. Admin. Code chs. NR 700 - 726

These documents, as applicable, must be submitted to the department prior to the responsible party requesting case closure, unless otherwise directed by the department:

- Ch. NR 708 reports and documentation for any immediate or interim actions.
- Ch. NR 712 professional certifications and signatures are included with applicable submittals.
- Ch. NR 716 work plan(s) and site investigation report.
- Ch. NR 722 remedial action options report (exception is for Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
- Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
- Ch. NR 725 submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure.
- If requesting case closure, the Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
- Ch. NR 749 fees have been paid, as applicable, including closure and database fees.
- Ch. NR 700 semi-annual site progress reports starting six months after notification.

Additional Information:

The department tracks information on all cleanup sites in a department database available at dnr.wi.gov and search "BOTW". The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Mike Schmoller, Project Manager
 Remediation and Redevelopment Program
 Wisconsin Department of Natural Resources
 3911 Fish Hatchery Road
 Fitchburg, WI 53711-5367

Email: Michael.Schmoller@wisconsin.gov
Phone: (608) 275-3303

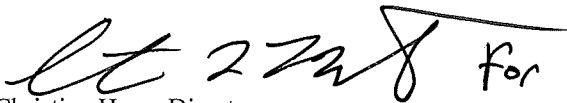
As previously noted, you are required to submit one paper copy and one electronic copy of plans and reports. To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter.

Please visit the department's Remediation and Redevelopment Program website at dnr.wi.gov and search "Brownfields," for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

If you have questions, please contact the DNR project manager identified above, or Wendy Weihemuller, Environmental Program Associate, at 608-275-3212, or Wendy.Weihemuller@wisconsin.gov for assistance.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "CH 2728 for". The signature is stylized and includes a long horizontal line extending to the right.

Christine Haag, Director
Remediation & Redevelopment Program

cc: Darsi Foss – AD/8
Mark Aquino – SCR-Fitchburg
Mike Schmoller – SCR-Fitchburg
Steve Martin – SCR-Fitchburg
Adrian Stocks – WY/3