

Thompson, Matthew A - DNR

From: Thompson, Matthew A - DNR
Sent: Tuesday, March 12, 2024 4:19 PM
To: Eric Lindman
Cc: Debraske, Michael; Kevin Fabel
Subject: RE: PFAS and DNR Authority

Hello Eric,

Sorry for the delay, I was waiting to have some clarity on the court's ruling before responding. At this point, we know that the stay order is still in place which, in the DNR's opinion, allows it to still require PFAS investigations. The Department of Justice and our own Bureau of Legal Services has not advised us to stop requiring PFAS investigations- we expect DOJ to appeal the decision to the Supreme Court of Wisconsin.

I can understand the challenge this creates for the City and other RPs around the state. I advise the City to continue looking into the source of PFAS, on site or off, in order to complete the site investigation.

We can certainly meet to talk remedial options so that a path forward can begin to be charted. Please let me know how the City would like to proceed based on tonight's meeting.

Thanks,
Matt

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Matt Thompson

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MatthewA.Thompson@wisconsin.gov

From: Eric Lindman <Eric.Lindman@ci.wausau.wi.us>
Sent: Thursday, March 7, 2024 8:53 AM
To: Thompson, Matthew A - DNR <MatthewA.Thompson@wisconsin.gov>; Debraske, Michael <mdebraske@geiconsultants.com>
Cc: Kevin Fabel <Kevin.Fabel@ci.wausau.wi.us>
Subject: PFAS and DNR Authority

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Hi Matt,

The ruling from the Appeals Court stated the DNR does not have the authority to enforce its cleanup policies related to PFAS until PFAS is determined a hazardous substance through the rule making process. In your April 2022 letter related to the SIR you stated the extent of the soil contamination has been determined and based on this we should be able to move forward with getting the RAOR written and approved.

Our proposal for completing additional PFAS sampling of the 1300 Cleveland Ave site is going to the city council for review and possible approval on Tuesday. This ruling verifies our determination here at the city that this testing cannot be required by the DNR at this time and the city should be able to move forward with the RAOR without further investigation.

I think it would be good if we set up a meeting to discuss next steps moving forward related to remediating the site. If you could let me know what days/times might work for you over the next couple weeks we can work with GEI to set up time to discuss. Thanks Matt.

Eric Lindman, P.E.

Director of Public Works & Utilities

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