



October 29, 2019

Via Email
Mike Schmoller

Dear Mr. Schmoller,

Attached please find a completed Notification for Hazardous Substance Discharge form. The County submits this form in response to DNR's directive but does so under protest and reserves its rights to further contest designation of the Dane County Regional Airport as a "site" under Wis. Adm. Code § 700.03(56). The reasons for the protest are these:

- (1) PFAS is not yet legally regulated as a hazardous substance. There are no promulgated standards restricting its presence either generally or in any particular amounts in environmental media, including storm water.
- (2) The identification of PFAS in the County's storm water system is most appropriately regulated at this point in time as a non-storm water discharge. It is not an "illicit discharge" under Chapter NR 216 because its presence is likely the result of fire fighting activities, which are excluded from that definition. See § NR 216.002(11), Wis. Adm. Code. Nonetheless, it is a proper subject for investigation and response under § NR 216.07(3), which includes pollutants from fire fighting activities.
- (3) The presence of PFAS in the storm water system may constitute contamination that has migrated from BRRTs Site # 02-13-581254 Wang-115th Fighter Wing ("ANG Site") at which PFAS was detected. That theory is supported by the location of the storm water system in relation to the ANG Site and the pattern of the sampling results. If further investigation confirms that BRRTs Site # 02-13-581254 is the source, then the PFAS in the storm water system is part of the ANG Site in accordance with Wis. Adm. Code § NR 700.03(56) rather than a separate "site."

In accordance with the terms of the Storm Water Permit, the County is working with its consultant, Mead & Hunt, to develop a plan to investigate the source of the PFAS and options to prevent continued discharge into the storm water system. Toward that end, DNR proposed a technical meeting. The County would be interested in a meeting and awaits DNR's proposed dates.

Michael J Kirchner P.E.
Director of Engineering

Cc: Attorney Bill Nelson
Bcc: County PFAS Working Group

**Notification For Hazardous Substance Discharge
 (Non-Emergency Only)**

Form 4400-225 (R 06/17)

Emergency Discharges / Spills should be reported via the 24-Hour Hotline: 1-800-943-0003

Notice: Hazardous substance discharges must be reported immediately according to s. 292.11 Wis. Stats. Non-emergency hazardous substance discharges may be reported by telefaxing or e-mailing a completed report to the Department, or calling or visiting a Department office in person. If you choose to notify the Department by telefax or by email, you should use this form to be sure that all necessary information is included. However, use of this form is not mandatory. Under s. 292.99, Wis. Stats., the penalty for violating the reporting requirements of ch. 292 Wis. Stats., shall be no less than \$10 nor more than \$5000 for each violation. Each day of continued violation is a separate offense. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than program administration. However, information submitted on this form may also be made available to requesters under Wisconsin's Open Records Law (ss. 19.31 – 19.39, Wis. Stats.).

Confirmatory laboratory data should be included with this form, to assist the DNR in processing this Hazardous Substance Release Notification.

Complete this form. **TYPE or PRINT LEGIBLY.** NOTIFY appropriate DNR region (see next page) **IMMEDIATELY** upon discovery of a potential release from (check one):

- Underground Petroleum Storage Tank System (additional information may be required for Item 6 below)
- Aboveground Petroleum Storage Tank System
- Dry Cleaner Facility
- Other - Describe: Storm water sampling detected concentrations of PFAS compounds in storm water discharge

ATTN DNR: **R & R Program Associate**

Date DNR Notified: 10/07/2019

1. Discharge Reported By

Name	Firm	Phone Number (include area code)
Michael Kirchner	Dane County Regional Airport	(608) 246-3393
Mailing Address	Email	
4000 International Lane, Madison, WI 53704	kirchner@msnairport.com	

2. Site Information

Name of site at which discharge occurred. Include local name of site/business, not responsible party name, unless a residence/vacant property.

Dane County Regional Airport

Location: Include street address, not PO Box. If no street address, describe as precisely as possible, i.e., 1/4 mile NW of CTHs 60 & 123 on E side of CTH 60.

4000 International Lane, Madison WI 53705

Municipality: (City, Village, Township) Specify municipality in which the site is located, not mailing address/city.

City of Madison

County	Legal Description:	WTM:
Dane	¼ of ¼ Section 30, Town 08 N, Range 10 <input checked="" type="radio"/> E <input type="radio"/> W	X Y

3. Responsible Party (RP) and/or RP Representative

Responsible Party Name: Business or owner name that is responsible for cleanup. If more than one, list all. Attach additional pages as necessary.

Dane County Regional Airport and/or City of Madison and/or Wisconsin Air National Guard I15CES/CEIE

A local governmental unit claiming an exemption from state Spill Law and Solid Waste Management responsibilities for the discharge being reported, per Wis. Stat. §§ 292.11(9)(e) and 292.23, should: 1) check this box; 2) review DNR publication RR-055; and 3) provide documentation to DNR that demonstrates compliance with the statutory requirements of the liability exemptions. Local governmental units may also request a fee-based liability clarification letter from DNR by using DNR Form 4400-237.

Contact Person Name (if different)	Phone Number	Email
Mailing Address	City	State ZIP Code

Responsible Party Name: Business or owner name that is responsible for cleanup. If more than one, list all. Attach additional pages as necessary.

Dane County Regional Airport and/or City of Madison and/or Wisconsin Air National Guard I15CES/CEIE

Contact Person Name (if different)	Phone Number	Email
Mailing Address	City	State ZIP Code

Notification For Hazardous Substance Discharge (Non-Emergency Only)

Michael Kirchner Dane County Regional Airport

Form 4400-225 (R.06/17)

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4. Hazardous Substance Information

Identify hazardous substance discharged (check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> VOCs
<input type="checkbox"/> PCE
<input type="checkbox"/> TCE
<input type="checkbox"/> Other Chlorinated
<input type="checkbox"/> Diesel
<input type="checkbox"/> Fuel Oil
<input type="checkbox"/> Gasoline
<input type="checkbox"/> Hydraulic Oil
<input type="checkbox"/> Jet Fuel | <i>(VOCs continued)</i>
<input type="checkbox"/> Mineral Oil
<input type="checkbox"/> Waste Oil
<input type="checkbox"/> Petroleum-Unknown Type
<input type="checkbox"/> PAHs
<input type="checkbox"/> PCBs
<input type="checkbox"/> Cyanide
<input type="checkbox"/> Leachate
<input type="checkbox"/> Manure | <input type="checkbox"/> Metals
<input type="checkbox"/> Arsenic
<input type="checkbox"/> Chromium
<input type="checkbox"/> Lead
<input type="checkbox"/> Other: _____
<input type="checkbox"/> Pesticides: _____
<input type="checkbox"/> Fertilizer: _____
<input type="checkbox"/> RCRA Hazardous Waste: _____
<input checked="" type="checkbox"/> Other: <u>PFAS - please see cover letter</u>
<input type="checkbox"/> Unknown |
|---|--|--|

5. Impacts to the Environment Information

Enter "K" for known/confirmed or "P" for potential for all that apply.

- | | | |
|---|--|--|
| <input type="checkbox"/> Air Contamination
<input type="checkbox"/> Co-mingled (Petroleum & Non-Petroleum)
<input type="checkbox"/> Contamination in Fractured Bedrock
<input type="checkbox"/> Contamination Within 1 Meter of Bedrock
<input type="checkbox"/> Contaminated Private Well
<input type="checkbox"/> Contaminated Public Well
<input type="checkbox"/> Contamination in Right of Way | <input type="checkbox"/> Fire-Explosion Threat
<input type="checkbox"/> Free Product
<input checked="" type="checkbox"/> Groundwater Contamination
<input type="checkbox"/> Off-Site Contamination
<input type="checkbox"/> Sanitary Sewer Contamination
<input checked="" type="checkbox"/> Storm Sewer Contamination
<input type="checkbox"/> Sediment Contamination
Other (specify): _____ | <input type="checkbox"/> Soil Contamination
<input type="checkbox"/> Soil Gas Contamination
<input type="checkbox"/> Sub-slab Vapor Contamination
<input checked="" type="checkbox"/> Surface Water Contamination
<input type="checkbox"/> Within 100 ft of Private Well
<input type="checkbox"/> Within 1000 ft of Public Well |
|---|--|--|

Contamination was discovered as a result of:

- | | | |
|--|--|---|
| <input type="checkbox"/> Tank closure assessment | <input type="checkbox"/> Site assessment | <input checked="" type="checkbox"/> Other - Describe: <u>Storm Water Sampling</u> |
| Date: _____ | Date: _____ | Date: <u>06/04/2019</u> |

Lab results: Lab results will be faxed upon receipt Lab results are attached

Additional Comments: Include a brief description of immediate actions taken to halt the release and contain or cleanup hazardous substances that have been discharged.

Working with all airport tenants to make sure PFAS containing compounds are not discharged to the environment with the exception of federally mandated fire fighting foam during a high energy fuel fire.

6. Federal Energy Act Requirements (Section 9002(d) of the Solid Waste Disposal Act (SWDA))

For all confirmed releases from USTs occurring after 9/30/2007 please provide the following information:

- | Source | Cause |
|---|--|
| <input type="checkbox"/> Tank | <input type="checkbox"/> Spill |
| <input type="checkbox"/> Piping | <input type="checkbox"/> Overfill |
| <input type="checkbox"/> Dispenser | <input type="checkbox"/> Corrosion |
| <input type="checkbox"/> Submersible Turbine Pump | <input type="checkbox"/> Physical or Mechanical Damage |
| <input type="checkbox"/> Delivery Problem | <input type="checkbox"/> Installation Problem |
| <input checked="" type="checkbox"/> Does not apply. | <input type="checkbox"/> Other (does not fit any of above) |
| <input type="checkbox"/> Other (specify): _____ | <input type="checkbox"/> Unknown |

Contact information to report non-emergency releases in DNR's five regions are as follows:

- Northeast Region (FAX: 920-662-5413); Attention -- R&R Program Associate: DNRRRNER@wisconsin.gov**
 Brown, Calumet, Door, Fond du Lac (except City of Waupun - see South Central Region), Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, Winnebago counties
- Northern Region (FAX: 715-623-6773); Attention -- R&R Program Associate: DNRRRNOR@wisconsin.gov**
 Ashland, Barron, Bayfield, Burnett, Douglas, Forest, Florence, Iron, Langlade, Lincoln, Oneida, Polk, Price, Rusk, Sawyer, Taylor, Vilas, Washburn counties
- South Central Region (FAX: 608-273-5610); Attention -- R&R Program Associate: DNRRRSCR@wisconsin.gov**
 Columbia, Dane, Dodge, Fond du Lac (City of Waupun only), Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, Sauk, Walworth counties
- Southeast Region (FAX: 414-263-8550); Attention -- R&R Program Associate: DNRRRSER@wisconsin.gov**
 Kenosha, Milwaukee, Ozaukee, Racine, Washington, Waukesha counties