

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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October 17, 2019

Mr. Greg Failey
General Mitchell International Airport
5300 S. Howell Ave.
Milwaukee, WI 53207

Mr. Brian Schrader
128th Air Refueling Wing
1919 E. Grange Ave.
Milwaukee, WI 53207

Ms. Kay Grosinske
AFCEC/CIBE
2261 Hughes Ave., Suite 163
Joint Base San Antonio – Lackland, TX 78236-9853

Subject: Reported Contamination & Responsibilities – General Mitchell International Airport PFAS
General Mitchell International Airport, 5300 S. Howell Ave., Milwaukee, WI
BRRTS #: 02-41-584547, FID #: 241280270

Dear Mr. Failey, Mr. Schrader, & Ms. Grosinske:

On October 11, 2019, the Wisconsin Department of Natural Resources (DNR) received surface water sampling results that were collected from several locations within the General Mitchell International Airport (GMIA) property. Per- and polyfluoroalkyl substances (PFAS) were detected in these samples. The 128th Air Refueling Wing was sent a responsible party letter for PFAS contamination on December 3, 2018. The Air Force Civil Engineering Center was sent a responsible party letter for PFAS contamination at the Former 440th Air Reserve Station on March 14, 2019. The representatives of the 128th (BRRTS #: 02-41-582725) and the Former 440th Air Reserve Station (BRRTS #: 02-41-583232) are included on this responsible party letter due to PFAS contamination at GMIA being a property-wide issue.

This sampling data indicates that you are responsible for the discharge(s) of a hazardous substance or other environmental pollution (hereafter referred to as “contamination”) at the property described above. You are receiving this letter as a person who caused, possesses, or controls the PFAS contamination reported to the DNR. “Site” refers to any area where a hazardous substance has been discharged, as defined in Wis. Admin. Code § NR 700.03(56). The site refers to the area on the property where the contamination occurred and any other property to which the contamination has migrated. Under Wis. Stats. 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 DNR. The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Please note that in addition to the standard requirements for responsible parties, this letter also specifies the DNR’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 contain or stabilize PFAS contamination from migrating into surface water and groundwater.

Immediate and Interim Actions for PFAS

The law requires you to take any immediate actions needed to halt and minimize harmful effects, unless you are otherwise directed by DNR staff. Within 45 days of October 11, 2019, which is the date the DNR received the data indicating a hazardous substance discharge had occurred, submit documentation describing immediate actions taken in accordance with Wis. Admin. Code NR § 708.09.

The DNR also requests that you submit 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 by the DNR, you shall take any interim actions.

Site Investigation and Remedial Actions for PFAS

Wis. Admin. Code ch. 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. You are required to submit a work plan that complies Wis. Admin. Code § NR 716.09 and outlines 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 the site investigation as identified in a remedial action options report.

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. 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 DNR 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*.

The DNR developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program, RR-690* 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 DNR 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 DNR, 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 DNR 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 DNR can grant “case closure,” which is a determination by the DNR 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 DNR staff, and to submit documentation describing immediate actions and outcomes within 45 days of October 11, 2019, which is the date the DNR received the data indicating a hazardous substance discharge had occurred. 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**: 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 DNR. Responsible parties shall evaluate the need for and 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 DNR 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 DNR’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 DNR notification to proceed; however, if the DNR 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 DNR review of the work plan is submitted, the field investigation must begin within 60 days after receiving DNR approval.
6. **Sample Results Notification Requirements – NR 716.14**: You must report sampling results to the DNR, owners, occupants, and various other parties within 10 business days after receiving the sampling results, unless a different timeframe is approved by the DNR, 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 DNR. 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 DNR, 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 documentation confirming 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 DNR 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 DNR 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 DNR prior to the responsible party requesting case closure, unless otherwise directed by the DNR:

- 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 DNR tracks information on all cleanup sites in a DNR 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:

Riley Neumann, Project Manager
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Email: Riley.Neumann@wisconsin.gov
Phone: (414) 263-8699

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 DNR’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 Jennifer Dorman, Environmental Program Associate, at 414-263-8683, or Jennifer.Dorman@wisconsin.gov for assistance.

Thank you for your cooperation.

Sincerely,



Christine Haag, Director
Remediation & Redevelopment Program

cc: Darsi Foss – AD/8
Trevor Nobile – SER-Milwaukee
Riley Neumann – SER-Milwaukee
Michele Norman – SER-Milwaukee
Adrian Stocks – WY/3