

PFAS IN WISCONSIN

JANUARY–
JUNE 2024



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PFAS IN WISCONSIN | JANUARY–JUNE 2024

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OVERVIEW / EXECUTIVE SUMMARY

The Wisconsin Department of Natural Resources (DNR) continues to take a public health-centered approach to address PFAS (per- and polyfluoroalkyl substances) throughout Wisconsin.

During the first half of 2024, the DNR conducted efforts to increase understanding of how PFAS contamination impacts Wisconsin's land, air and water, as well as to support those who are impacted by PFAS. This work included sampling for PFAS in drinking water and surface water; providing temporary, emergency water to private well owners with PFAS levels in their wells above health recommendations; attending town meetings to work directly with members of the public

who are impacted by PFAS contamination; development of educational resources and conducting outreach with the public to increase awareness of PFAS; issuing new fish consumption advisories; and working with public water systems towards implementation of and compliance with new federal standards, among others.

The DNR continues to monitor legislative actions at the state and federal levels, as well as collaborate with other states on learning opportunities to expand the understanding of PFAS and its impacts.

WISCONSIN DNR



FEDERAL ACTIONS

U.S. EPA'S MCLS FOR PFAS IN DRINKING WATER

In April, the U.S. Environmental Protection Agency (EPA) [announced](#) finalized Maximum Contaminant Levels (MCLs) for certain PFAS in drinking water and timelines for when public water systems must take certain actions to be in compliance with federal law. The MCLs are 4.0 parts per trillion (ppt) individually for PFOA and PFOS and 10 ppt individually for PFNA, PFHxS and GenX. Additionally, the EPA finalized an MCL at a hazard index of 1 when any combination of PFNA, PFHxS, GenX and PFBS are present in a mixture.

The EPA's enforceable standards acknowledge the importance of limiting exposure to PFAS in total and the role that drinking contaminated water plays in the potential for negative health impacts from PFAS.

While these federal MCLs are being implemented, the DNR will [work](#) with PFAS-impacted public water systems on potential actions to reduce contamination in water provided to their community.

Of Wisconsin's nearly 2,000 public water systems, approximately 95% have PFAS levels below the EPA's standards. Sampling results for municipal public drinking water systems are available to view in the [PFAS Interactive Data Viewer](#).

U.S. EPA'S DESIGNATION OF PFOA AND PFOS AS HAZARDOUS SUBSTANCES & ENFORCEMENT DISCRETION

Also in April, the EPA [announced](#) the designation of PFOA and PFOS, including their salts and structural isomers, as hazardous substances under the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as “Superfund.” The EPA is taking this action because significant evidence demonstrates that when released into the environment, these chemicals may present substantial danger to public health and the environment.

With this announcement, the EPA has also stated that it will focus on holding responsible those who significantly contributed to the release of these types of PFAS into the environment. The EPA intends to exercise [enforcement discretion](#) and does not intend to pursue entities where equitable factors do not support seeking response actions or costs under CERCLA, including farms where biosolids are applied to the land, community water systems and publicly owned treatment works, municipal separate storm sewer systems, publicly owned/operated municipal solid waste landfills, public airports and local fire departments.

PFOA and PFOS now become two of more than 800 contaminants regulated under CERCLA. The EPA’s designation provides additional tools and resources to communities burdened by PFAS contamination.

STATE ACTIONS

STATE BUDGET AND LEGISLATION

As part of the 2023-25 biennium budget, a \$125 million “PFAS Trust Fund” was created to address and prevent PFAS contamination statewide. [Senate Bill \(SB 312\)](#), which would direct the DNR how to distribute the PFAS Trust Fund, was introduced in the state legislature, where it was passed by the State Senate and Assembly. Gov. Evers [vetoed](#) SB 312 and [directed](#) the DNR to [formally request](#) the

Legislature’s Joint Finance Committee release the funds to ensure impacted communities can work to address contamination and reduce their exposure to PFAS.

STATE RULEMAKING

In December 2023, the Bureau of Drinking Water and Groundwater announced that work to update NR 140 groundwater standards to include enforceable standards for PFAS was halted because the final estimated financial impacts exceeded \$10 million in a two-year period. As such, the REINS Act required the DNR to seek approval from the State Legislature before proceeding with additional work on this rule implementation. The State Legislature has not granted the DNR approval to continue rulemaking to establish enforceable standards for PFAS in groundwater.



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PUBLIC INPUT OPPORTUNITIES

The DNR accepted public feedback on [PFAS Treatment Submittal and Pilot Study Guidance](#). This guidance impacts municipal water systems as they prepare to comply with the EPA's MCLs for PFAS in drinking water. Specifically, the guidance outlined the expectations and requirements for submitting plans and specifications for new PFAS treatment systems and the expectations surrounding PFAS pilot testing.

HEALTH-BASED GROUNDWATER RECOMMENDATIONS

After the EPA announced finalized MCLs for six types of PFAS in drinking water, the DNR [requested](#) the Wisconsin Department of Health Services (DHS) update their health-based recommendations for these six compounds in groundwater. The DHS' scientists are now conducting an extensive review of the available health information on these compounds to ensure that the recommended standards are sufficiently protective of public health and scientifically valid. These updated recommendations are expected to be available by the end of 2024.

ENFORCEMENT DISCRETION

As stated above, in April 2024, the U.S. EPA released a [PFAS Enforcement Discretion Policy](#) under CERCLA. The EPA's policy reflects that the EPA does not intend to pursue enforcement action where equitable factors do not support seeking response actions or costs from individuals or entities, including farmers.

The Wisconsin DNR issued a [memo](#) regarding application of enforcement discretion to Wisconsin farmers. The DNR's policy is to not pursue farmers for response actions or costs related to PFAS contamination from permitted land spreading of biosolids or industrial waste.

The DNR is committed to working with farmers, communities, Tribes and other stakeholders, as appropriate, to understand and address PFAS contamination.

WELL COMPENSATION GRANT FUND

The DNR continues to assist private well owners who face contamination, including PFAS, in their well water. In the first half of 2024, the DNR awarded \$222,923.86 from the Well Compensation Grant Program to 11 private well owners throughout Wisconsin. Many of the grant recipients were newly eligible to receive funding assistance through this program. In 2022, Gov. Evers temporarily expanded eligibility for well compensation grants using funding from the American Rescue Plan Act (ARPA). Demand for financial assistance through this expanded eligibility was high, and the approximately \$10 million of ARPA funding was exhausted in spring 2024, well before the grant closed. The DNR will continue awarding well compensation grants using the eligibility outlined in state statute and administrative rule.



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FEDERAL INFRASTRUCTURE FUNDING FOR EMERGING CONTAMINANTS

The Bipartisan Infrastructure Law (BIL), also known as the Infrastructure Investment and Jobs Act (IIJA) of 2021, will provide over \$900 million in additional funding in Federal Fiscal Years 2022-2026 through the DNR's [Environmental Loans](#) programs. The Clean Water Fund Program (CWFP) and Safe Drinking Water Loan Program (SDWLP) provide subsidized loans to municipalities for eligible wastewater and drinking water infrastructure projects.

CWFP emerging contaminants funding addresses municipal wastewater treatment and collection system infrastructure projects that will achieve or maintain compliance with Wisconsin Pollutant Discharge Elimination System (WPDES) permits. SDWLP emerging contaminants funding focuses on water system projects that will reduce/eliminate any detectable levels of any PFAS contaminant compound included in any recommended Wisconsin Department of Health Services standards and/or Wisconsin DNR maximum contaminant levels in the water system.

The State Fiscal Year (SFY) 2025 CWFP [Draft Intended Use Plan](#) defines the emerging contaminants program. The emerging contaminants capitalization grant is \$5,749,000 available for principal forgiveness loans.

The SFY 2025 SDWLP [Draft Intended Use Plan](#) defines the emerging contaminants program. The emerging contaminants capitalization grant is \$13,169,000 available for principal forgiveness loans. In addition, the BIL appropriated grant funding under section 1459A of the Safe Drinking Water Act for the Emerging Contaminants in Small and Disadvantaged Communities (EC-SDC) grant program. The DNR will apply for a total of \$13,224,000 in EC-SDC funding for SFY 2025.

FISH UPDATES

UPDATED FISH CONSUMPTION ADVICE

In February, the DNR's Bureau of Fisheries Management released an updated version of [Choose Wisely](#), which outlines guidelines for safe fish consumption. [Included](#) in this revision were new PFOS-based consumption advisories for the following locations:

- Hat Rapids Flowage on the Wisconsin River (Oneida County);
- Moen Chain of Lakes (Oneida County); and
- La Crosse River from Angelo Pond to Neshonoc Dam, including Perch and Neshonoc lakes (Monroe and La Crosse counties).

The DNR and Department of Health Services (DHS) also removed PFOS-based guidance for Dane County's Black Earth Creek. The Fisheries Management program conducted additional sampling in this area, and results were consistently low enough to rescind the advisory.

Fish are a great source of lean protein and nutrients like omega-3s. Following fish consumption advisories allows you the benefits of consuming fish while also limiting your risk from PFAS.



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PFAS IN SMELT

Since high levels of PFAS were first measured in smelt collected along Lake Superior's south shore, there have been questions about what is causing these contamination levels in the fish. Sampling efforts on smelt in other parts of Lake Superior did not always show similar levels of PFAS contamination.

In April, Michigan's PFAS Action Response Team [announced](#) that after three years of collaboration with Tribal governments, Great Lakes States and the U.S. Environmental Protection Agency (EPA), they have answered this long-standing question. They found a naturally occurring bile acid in smelt was likely interfering with laboratory methods to measure PFAS in smelt. Using different laboratory methods removes this interference.

The Wisconsin DNR has resampled smelt from the south shore of Lake Superior to be analyzed using this new method.

SITE SPECIFIC UPDATES

APPROACH FOR ADDRESSING PFAS CONTAMINATION

The DNR is currently working with Responsible Parties to remediate PFAS at approximately 100 sites in Wisconsin. Using a public health-centered approach to address PFAS contamination, the goal is to minimize risks to human health by disrupting exposure to PFAS until the site reaches site-specific targets for cleanup. While each contaminated site is unique, some general actions taken to protect human health have included providing temporary, emergency water to impacted private well owners until their well water is again safe to drink; providing technical assistance to private well owners, well drillers, public water systems and communities navigating impacts; and financial assistance for well owners needing to replace their well.

SUPPORT TO IMPACTED COMMUNITIES

The DNR provides significant support to communities impacted by PFAS as well as to businesses and public water systems working to reduce human exposure to PFAS through water. In total, between January and June 2024, DNR provided temporary emergency water to 1,614 residences in PFAS-impacted communities at a cost of \$186,507.

Additionally, the DNR provided funding to assist with drilling 26 new wells to access new sources of water. Often, the DNR provides technical assistance to staff at public water systems, community officials in PFAS-impacted communities and private well drillers so they are best able to assist their constituents and customers with steps to minimize exposure based on their situation's unique circumstances, such as hydrology and water chemistry.

PFAS CONTAMINATION IN MARINETTE AND PESHTIGO

The DNR continued to work with JCI/Tyco on their [Monitoring Plan](#) for PFAS in groundwater and

surface water near the Fire Technology Center (FTC) in Marinette. In May, the [DNR responded](#) to JCI/Tyco's revised [Comprehensive Alternative Water Management Plan](#) for the Potable Well Sampling Area (PWSA), noting that the plan should extend beyond the PWSA and that a final plan should be established after the site investigation is complete.

The DNR also reviewed progress reports for the [Ditch A](#) and [Ditch B](#) surface water treatment systems. Both systems continue to remove PFAS, but water downstream can still contain PFAS over surface water standards. JCI/Tyco is evaluating if upgrades to the groundwater extraction and treatment system (GETS) can further limit the amount of PFAS reaching ditches A and B. JCI/Tyco [continues to install](#) private deep bedrock wells to residents within the PWSA who chose this option. By the end of May, JCI/Tyco had completed well replacements for 37 wells and had agreements to install 80 additional wells.

PFAS CONTAMINATION IN THE TOWN OF CAMPBELL

The Town of Campbell is working towards the development of a new public water system as a long-term solution to PFAS contamination in private wells. An island-wide advisory for private wells allows the DNR to provide temporary bottled water to 1,519 homes. In May, the Town of Campbell [announced](#) it was drilling monitoring wells at the Campbell town hall to identify PFAS migration in the shallow, PFAS-contaminated aquifer as well as to help monitor and protect the deeper Mt. Simon aquifer it intends to use for the new public water system. More information about ongoing efforts to address PFAS in the Town of Campbell is available on the [Town of Campbell website](#).

PFAS CONTAMINATION IN DANE COUNTY

[Public Health Madison and Dane County \(PHMDC\)](#) recently offered cost-free PFAS sampling for some private wells located throughout Dane County. Eligible private wells must be located outside of the City of Madison, and the well owner must meet income eligibility limits. Free testing is available while funding lasts or until September 2024.

The City of Madison started work on a [PFAS treatment facility](#) at Well 15 that is expected to be operational in summer 2025. PFAS were first discovered in Well 15 in 2017. Members of the community expressed concerns about PFAS in the water and, in 2019, the City of Madison shut down the well until treatment was installed.

Town of Stella Updates

PRIVATE WELL SAMPLING

In spring of 2024, the DNR expanded private well sampling efforts in the Town of Stella to include additional residences. Cost-free sampling is now available for all private drinking water wells within 3 miles of the Town of Stella town hall, including both seasonal and year-round wells. Eligible well owners in this area were sent a letter with information about how to sample their well for PFAS. Eligible well owners that did not receive a letter about sampling their well can contact the DNR at DNRPFASInquiries@wisconsin.gov.

SURFACE WATER SAMPLING

The Bureau of Water Quality has identified approximately 20 new surface water sites for sampling in the spring and summer of 2024. These sampling results will be combined with the results from 2023's sampling efforts to provide an expanded understanding of PFAS in surface waters around the Town of Stella. The results will be posted on the DNR's [PFAS Interactive Data Viewer](#) once they are available.



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HEALTH INFORMATION

The Department of Health Services (DHS) released [health information](#) with guidance, tips and resources for safely participating in activities that may expose area residents and visitors to PFAS.

FISH SAMPLING

Fisheries Management staff are collecting fish from Snowden Lake in summer of 2024 for PFAS analysis. Sampling results will be shared once they become available.

DEER SAMPLING

As part of the work to understand the extent of PFAS-impacts in the area around the Town of Stella in Oneida County, the Wildlife Management program is developing a plan to sample deer from this area for PFAS.

FEDERAL COORDINATION AND SUPERFUND

In February 2024, the DNR submitted a Preliminary Assessment (PA) for the Town of Stella contamination site to the U.S. Environmental Protection Agency (EPA) Superfund Program. The PA is the first step of a 3- to 4-year process for evaluating whether a site may be listed as a Superfund site.

The DNR completed the PA for this site due to concern that the risk to human health and the environment could potentially exceed the state's capacity to address the risk. Superfund could be one potential option for how to address long term drinking water concerns in the Stella area.

The next step in this process is for the DNR to conduct a site inspection in summer/fall 2024. Following this, in years 3 and 4, additional data will likely be collected, and the site will be scored by EPA using the national Hazard Ranking System. If the score exceeds EPA's criteria, the site then goes through the public process of proposal for listing on the EPA's National Priorities List (NPL). This process includes publishing information in the Federal Register, a public comment period and meetings with community leaders.



NEW AND UPDATED RESOURCES

The DNR recently released three new videos to provide a very quick introduction to PFAS and their impacts. By watching these videos, viewers can learn what PFAS are, how they impact fish and wildlife and what Wisconsin is doing to address them. These videos are available on the DNR's [YouTube channel](#) as well as at the following links.

- ✓ [What Are PFAS?](#)
- ✓ [How PFAS Affect Fish And Wildlife](#)
- ✓ [How Wisconsin Is Addressing PFAS](#)