



January 23, 2020

Dear Lakes & Watershed Commissioners:

In 2017, MEJO began working with people from the low-income Truax and Darbo-Worthington neighborhoods to learn about Starkweather Creek, which flows past both communities.

Over a year and a half ago, in July 2018, several MEJO members asked this commission to address Dane County's responsibilities, as owners of Truax Field, to address the toxic pollution (including PFAS) in Starkweather Creek. Testimonies are attached (see also [here](#), [here](#), [here](#), [here](#), and map [here](#)).

In 2018, we highlighted the statements at the top of the Commissions agenda— also on top of today's agenda: *"Consider: Who benefits? Who is burdened? Who does not have a voice at the table? How can policymakers mitigate unintended consequences? We also reminded the Commission of the County's 2017 "Equity and Inclusion Commitment Statement and Plan," which states that "Lakes and Watershed Commission is concerned with protecting and improving water quality and ensuring that the Dane County residents have equitable access to water resources, programs and policy development."*

In that context, we asked this commission in 2018 to:

- ∞ Support funding for monitoring and mitigating PFAS and other toxic contaminants in Starkweather Creek, sediments, and fish downstream of the airport
- ∞ Support funding for informing and engaging the public, including the most affected low-income communities along the creek, about contaminants affecting the creek and its fish
- ∞ Ask Dane County and Truax Air National Guard officials to organize a public meeting to share and discuss PFAS data with the broader community
- ∞ Create a public Starkweather Creek working group
- ∞ Put Starkweather Creek's PFAS issues on future Lakes & Watershed Commission agendas

Commissioners did not seem to know what PFAS was in 2018, but did not ask us for further information and did not follow up on any of our requests. So we continued to request that DNR do this testing or ask responsible parties to do it (as we had since early 2018). DNR dismissed these requests (or didn't respond) so in fall 2018 we convinced Madison alders to allocate \$5000 for Starkweather testing in the city budget.

Now, 19 months later, we know that Starkweather Creek and fish are heavily contaminated with PFAS at levels higher than anywhere else in the state tested to date. The highest PFAS levels in the creek are as it flows through Dane County land just south of the burn pits and Truax base.

Construction is planned at the Truax Air National Guard base beginning this spring, likely in preparation for the F-35s (though Truax ANG officials deny that). Soils and groundwater at the base are heavily contaminated with

PFAS and a plethora of other chemicals. No matter what their purpose, most construction projects will require dewatering, excavating and moving around heavily contaminated media. **These activities and stormwater runoff will inevitably discharge more PFAS into the creek.** The city stated in its written EIS comments that Truax ANG “cannot safely and legally” begin construction at the site without full characterization of the PFAS contamination there, as required by state laws. The city is deferring to DNR to assure that this is done properly, but we are concerned that DNR will not demand the full investigation required, and will instead allow piecemeal and partial investigations/remediation as each construction project goes forward.

In light of the above, I re-submit our 2018 requests, and add these additional requests:

1. The County was required in its 2014-2019 WPDES MS4 (MAMSWaP) permit (and presumably from the time it received its first permit many years ago) to have an ordinance or other regulatory mechanism to assure that it has the legal authority to enforce Illicit Discharge Detection and Elimination (IDDE) requirements. The County apparently never created such an authority (a permit violation); a draft IDDE ordinance was only first proposed at the November 2019 Lakes & Watershed meeting. **Please look into the reasons why the required ordinance was not created earlier and the status of the draft IDDE ordinance. Please share a public update about this.**
2. **Please ask Dane County officials to outline in writing as soon as possible all available legal authorities, responsibilities, and other strategies they could use to prevent further discharges of PFAS from the DCRA, the Truax base, and other parts of Truax Field owned by the county.**
3. **Please ask responsible Dane County officials how they will use the authorities, responsibilities, and other strategies (per #3) to prevent further discharges of PFAS into Starkweather Creek from construction projects planned in upcoming months/years at all county-owned Truax Field sites.**
4. Starkweather PFAS fish testing done by DNR, prompted by our advocacy, was limited. Relatively few fish were tested, and only fillets were tested. Some subsistence anglers eat whole fish in soups, stews, and pan-fried. Whole fish tend to have much higher PFAS levels than fillets, so this data is needed to comprehensively assess risks to fish consumers. Testing whole fish is also necessary to understand PFAS levels in the whole organism, risks to wildlife that eat the fish, and broader ecosystem effects. **Please ask PHMDC to test PFAS in whole fish from Starkweather Creek/Lake Monona.**
5. Fish advisories issued by DHS/DNR, based on recent testing, were “blanket advisories” that did not include any consumption advice for sensitive groups (women of childbearing age, children, etc)—over half the population. In New Jersey, government toxicologists have determined that sensitive groups should not eat any fish with more PFOS levels over 17 parts per billion. **All** fish in recent Starkweather testing exceeded these levels, and some had up to 120, 140 and 180 ppb (180,000 ppt). **Please ask PHMDC to develop advisories for sensitive groups—or scientifically justify how the blanket advisories are safe for sensitive groups.**

Thank you for considering these requests and questions.

Sincerely,

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People’s PFAS Action Team

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