

The following are points and questions that Safe Skies Clean Water would like to raise with the Dane County Lakes and Watershed Commission and all of Dane County government. These points and questions are in response to the Lakes and Watershed Commission meeting on 1/23/20.

## **Points and Questions for the Dane County Lakes and Watershed Commission from [Safe Skies Clean Water](#)**

1. Dane County, as owner of the Truax airbase, has authorities and responsibilities for assuring that no more PFAS and other contaminants are spewed into Starkweather Creek, and liabilities if they fail to do so.
2. Starkweather Creek is a highly impaired water of the state, according to the DNR, so it should be a high priority for Dane County to address.
3. Dangerously high levels of PFAS have been found in Starkweather Creek water and fish in recent months. Government agencies must use all authorities and other capacities they have to prevent more PFAS from being discharged into the creek.
4. Any new construction at the Truax base will disrupt the highly contaminated soil and shallow groundwater at the base, releasing even more PFAS and a plethora of other contaminants into the creek when soils are disrupted. Under state law, the soils must be disposed of properly and the water properly treated.
5. Precaution demands that, given the PFAS levels found in Starkweather Creek and Lake Monona, the County should issue advisories that sensitive groups (women of childbearing age, children, etc.) not eat fish from these waters. Will the Commission recommend this to the County Board and Public Health Madison & Dane County?
6. According to state law, Truax ANG is required to *fully characterize* the PFAS at the base. They have not done so. Will the County take action to force its tenant to comply with the law? Since Truax Field is owned by Dane County, doesn't the DNR requirement for site contamination characterization apply to the County and Dane County Regional Airport, as well as to the ANG?
7. The City stated in its EIS comments that the ANG "cannot safely or legally" begin construction at the base without fully investigating the PFAS contamination. But the City and County are deferring to DNR to assure that this happens. We fear that the DNR may permit the construction to proceed, but work with the ANG to test PFAS in a piecemeal fashion as each construction project is undertaken from 2020-2022. This piecemeal approach is NOT the complete site characterization needed to understand how far and wide the PFAS has spread in soils and groundwater, and that is required by state law.

DNR must use a transparent process and not "work with" polluters behind closed doors to do minimal testing and minimal remediation (if any), and then call it all good.

8. Truax ANG is a tenant and co-permittee on Dane County's stormwater permit. Yet Dane County failed to prevent its tenant from heavily polluting its property and Starkweather Creek with PFAS and many other toxic contaminants. How did this happen?

9. **Questions for Corporation Counsel:**

1. Does the County have no recourse to force its tenant to comply with the law and fully test and remediate pollution on its land?
2. To what extent is the County liable for the pollution that it has allowed on its land for decades and which has polluted Starkweather Creek?
3. The County is a "responsible party," along with the City and ANG, for pollution on County airport land that goes into Starkweather Creek. Will the County take responsibility for this PFAS pollution and remediate it or will it continue to argue that only the military is responsible? As owner of the airport, the County has benefited for decades from "contracting out" for firefighting services from the military (as well as the City for some years). How is it not responsible for contamination on its own property?
4. The County built a new cell phone parking lot last year, at International Lane and Darwin Road, over a former burn pit where PFAS-containing firefighting foam was used. It did NOT test or remediate the soil it removed and disposed of on the northern part of the airport property next to Starkweather Creek. How can the county justify this? Will it test the disposal site at the airport for PFAS?
5. Can the joint operating agreement require the Air Force to clean up the PFAS?