
FINAL REPORT OF THE PRESIDENT’S WORK GROUP ON ENVIRONMENTAL JUSTICE

March 2022

The President’s Work Group on Environmental Justice was created by [RES-21-00356](#) and adopted by the Common Council on May 24, 2021. Ald. Grant Foster (Chair), District 15; Ald. Lindsay Lemmer (Vice-Chair), District 3; Ald. Brian Benford, District 6; Ald. Tag Evers, District 13; Ald. Gary Halverson, District 17; and Ald. Charles Myadze, District 18, were appointed to serve on the Work Group.

The charge of the Work Group was to:

- 1.) Provide the Council with policy recommendations on how to mitigate the impacts of PFAS and F-35s on existing and future developments; and,
- 2.) To create a PFAS outreach strategy and a plan for the City’s role in addressing these environmental issues.

The Work Group used the [“Response to Committee Letter on PFAS”](#) dated May 18, 2021 from City of Madison Mayor Satya Rhodes-Conway as a starting point for their discussions.

The Work Group met thirteen (13) times: July 19, 2021; August 16, 2021; August 30, 2021; September 20, 2021; October 18, 2021; November 8, 2021; November 29, 2021; December 20, 2021; January 10, 2022; January 31, 2022; February 21, 2022; March 14, 2022; and April 4, 2022.

THE FOLLOWING IS A LIST OF RECOMMENDATIONS FROM THE WORK GROUP

How to Mitigate the Impacts of PFAS & F-35s on Existing & Future Developments

1. F-35 Impacts Mitigation

A. The work group considered the following options regarding areas expected to fall within contours that will experience 65 decibel noise or louder:

- a. Creation of a zoning overlay district to limit or stop residential construction.
 - i. Challenges with this option:
 1. Re-zoning area(s) around airport to prohibit development would render the land, buildings, and dwellings currently there as [“non-conforming uses.”](#) Property owners in these areas may encounter difficulty reselling property, obtaining insurance or financing. Their ability to repair or make improvements to their property would also be limited.
- b. Enacting a development moratorium.
 - i. Challenges with this option:
 1. A very high standard must be met in order to declare a [development moratorium.](#)

2. A development moratorium is limited to twelve months, with a possible 6-month extension.
- c. Enacting noise mitigation requirements.
 - i. Challenges with this option:
 1. The State of Wisconsin sets building code standards for [Commercial Buildings](#) and [Residential Buildings](#).
 2. Municipalities cannot exceed maximum standards, nor fail to meet minimum standards.
 - a. Requiring a certain amount of noise reduction would be prohibited by state statute.

B. Recommendation(s):

- a. Encourage use of sound mitigation techniques.
 - i. Explore options for encouraging sound mitigation. In the few situations where the city can require it, such as with developments receiving city funding, noise mitigation should be required.
- b. Pursue changes to the State's min-max code to add a carve-out a provision for noise mitigation requirements for areas around airports.
- c. City staff work with District 12 and 18 Alders to rezone property at 2202 Darwin Road from Planned Development – Mobile Home Park (PD-MHP) to an appropriate zoning district consistent with long term land use recommendations for Employment, rather than Residential use on this property.
- d. No other specific zoning changes were identified.

~~C. Residential zoning changes, if any, should be done on a **parcel-by-parcel** (suggestion: **project-by-project?**) basis.~~

~~a. Large-scale changes would render current property owners and occupants in the areas around the airport as "[non-conforming](#)." Homeowners could not sell their homes for residential uses.~~

~~b. **[LIST PARCELS & SUGGESTED CHANGES -- PLANNING]**~~

2. PFAS Mitigation

Consideration(s):

- a. Health impact assessments of PFAS exposure led by the [Wisconsin Department of Health Services](#) (WisDHS).
- b. The Truax National Guard Base remedial investigation of PFAS contamination is being undertaken by the National Guard Bureau in coordination with the [Wisconsin Air National Guard](#).
- c. The Dane County Regional Airport PFAS investigation and mitigation is being overseen by the Wisconsin Department of Natural Resources (WisDNR) and lead

by Dane County and [Dane County Regional Airport](#) in coordination with the City of Madison and Wisconsin Air National Guard.

- d. F-35 construction management standards related to PFAS are directed by WisDNR and Wisconsin Air National Guard.
- e. Public fish consumption advisories and communications are managed by [Public Health Madison Dane County](#) (PHMDC), [WisDHS](#), and [WisDNR](#).
- f. PFAS standards development and rulemaking are run by [WisDHS](#) and [WisDNR](#).
 - i. The WisDNR has proposed a permanent administrative rule – [DG-24-19](#) – on [new drinking water Maximum Contaminant Levels \(MCLs\) for Per- and Polyfluoroalkyl Substances \(PFAS\) including perfluorooctanesulfonic acid \(PFOS\) and perfluorooctanoic acid \(PFOA\)](#).
 - 1. [Draft Rule Plain Language Analysis](#): “...*The MCL standards for PFOS and PFOA are based on recommendations from the Wisconsin Department of Health Services (DHS) and are set at 0.000002 mg/L (20 parts per trillion (ppt)) for PFOA and PFOS individually and a combined standard of 0.000002 mg/L (20 ppt).*”
 - a. Staff representing both the City of Madison Water Utility and the WisDHS, respectively, [presented to Work Group members](#) and reported that the City of Madison’s wells are below these proposed standards.

Recommendation(s):

- 3. Continue to educate the public on PFAS’ health impacts; especially as they relate to fish consumption.
- 4. See PFAS Outreach Strategy for further details.

PFAS Outreach Strategy

City of Madison PFAS Outreach Recommendations

President’s Working Group on Environmental Justice

Recommended Approach and Strategies for City of Madison PFAS Outreach:

- 1. **Targeted Engagement on Fish Advisories:** Engage with subsistence anglers, the Hmong community, and others to learn about their reasons for fishing and whether there are other ways to connect them with local protein options that meet their needs (health, cultural, budget, etc.), following RESJI best practices. Report back quarterly on progress, findings, and outcomes.
- 2. **General Outreach at Community Meetings:**
 - a. Meet people where they are. Continue offering City staff availability to attend neighborhood meetings and events. Set targets for annual outreach activities.

- b. Listen first. Adopt a practice of first entering community meetings/discussions in listening mode. Hear the community out regarding their questions, concerns, and experiences. Then recognize their concerns, share information as relevant, and tell them how to get additional information.
- c. Cross-train on PFAS-related issues so that all staff engaging with the community can speak to key points from various departments.

3. Improved Information Access:

- a. People want non-siloed and easy to understand information. Prepare a short infographic-type document that answers the questions: What is PFAS, PFAS in Madison, Fish consumption advisory status, Contamination mitigation/remediation status, Drinking water status, How to find more information. Update quarterly.
- b. Website: Develop a PFAS landing page on the City website for online wayfinding/navigation to the PFAS information on the Water Utility, Public Health, and potentially other websites.

4. Regular Updates:

- a. Provide a quarterly update briefing to a Council committee (possibly the Sustainable Madison Committee’s Environmental Justice subcommittee)
- b. Update the “Your Guide to PFAS in Madison” document quarterly
- c. Update PFAS related news, activities, and updates on the Public Health webpage monthly

The following figure outlines tactics for sharing public information from the Madison Water Utility and Public Health Madison Dane County.

