

# FINAL REPORT OF THE PRESIDENT'S WORK GROUP ON ENVIRONMENTAL JUSTICE

\_\_\_\_\_, 2022

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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.

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## THE FOLLOWING IS A LIST OF RECOMMENDATIONS FROM THE WORK GROUP

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

#### 1. F-35 Mitigation

**Consideration(s) for 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. Zoning for an overlay district the only way to get sound (dB) contours.
  - ii. Re-zoning area(s) around airport to prohibit development would render the land, buildings, and dwellings currently there as "[non-conforming uses](#)."
- b. Enacting a development moratorium.
  - i. High bar to declare a [development moratorium](#).
    1. Limited to 12 months, with possible 6 month extension.
- c. Enacting noise mitigation requirements.
  - i. State of Wisconsin sets building code standards for [Commercial Buildings](#) and [Residential Buildings](#).

1. Municipalities cannot exceed maximum standards, nor fail to meet minimum standards.
  - a. Requiring a certain amount of dB reduction would be prohibited.

**Recommendation(s):**

- Encourage use of sound mitigation techniques.
  - o 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.
- Pursue changes to the State's min-max code to add a carve-out a provision for noise mitigation requirements for areas around airports.
- Residential zoning changes, if any, should be done on a parcel-by-parcel basis.
  - o 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.

**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):**

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

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**PFAS Outreach Strategy**

[INSERT PFAS OUTREACH RECOMMENDATIONS]