



TOP News on Water: September 2022

Committee Mission: *"To achieve a permanent safe drinking water solution, within the current site investigation area in the Town of Peshtigo, at the expense of the identified responsible party."*

THE GOLDEN RULE

I live in a PFAS plume which has impacted the safety of my drinking water. In my case, the company responsible for causing that problem is providing me with a whole house PFAS filtration system, repeated water testing services and bi-weekly bottled water delivery all for free. This is required of them by the DNR and they are complying with that requirement.

Friends and neighbors, only a short distance away, live in the same PFAS plume which has impacted the safety of their drinking water. In their case, the company responsible for causing that problem (as determined by the DNR) has not provided any filtration, testing or bottled water. In my neighbors' case, the DNR is trying to ensure public safety by providing testing and bottled water for those whose wells have detects at or above 20ppt. The DNR has limited funds and has publicly stated they can only do so as long as funds (tax dollars) remain available.

Clearly there are two groups of people, all impacted by the same contamination, caused by the same company, but being treated quite differently.

- So, what do we do about it?
- Do we splinter apart into separate factions, weakening our collective strength?
- Do we fend for ourselves and individual self-interest?
- Or do we hold the line?

HOLD THE LINE

You and I could choose to hold the line. In doing so, we can reasonably expect that we will continue to benefit from the safest water around. After all, it is being treated with whole home filtration systems and supplemented with free bottled water. The law requires that to continue.

- Is it convenient? No.
- Is it free for the homeowner? YES.
- Would holding the line provide the critically needed time for the Town Board, DNR and State to continue pursuing permanent safe water for you AND your neighbors? YES.
- Is the Town Board working tirelessly every single day to accomplish this goal? YES.
- Is it painfully complex and slow? YES.

- Are we making progress? YES (*see below Next Steps and Timeline*)
- Can you receive updates? YES, sign up for notices at townofpeshtigo.org, attend monthly water committee meetings the 1st Thursday of every month, 5:00 pm, Townhall.
- Would holding the line let the company responsible off the hook? No. The DNR has the authority to enforce their current actions (filtrations systems, testing and bottled water).
- Does Tyco/JCI want you to hold the line? NO. They want to divide and conquer and walk away with as little cost as possible.
- Would it quite honestly be the ethical thing to do? ...I believe you know the answer.

NEXT STEPS

- **\$1.67 million Pre-development funding** through a special grant being sponsored by Senator Baldwin (final approval year end 2022). Pre-development costs include such things as: full scale engineering, cost of service and modeling studies, grant application and administration services, legal fees, PSC approval, project management etc.
- **\$150 million** in Federal Infrastructure Law Funding: A Historic Investment in clean water is available to Wisconsin communities through grants and funding resources: 2 primary buckets of money specific to PFAS: One has available \$13 million/year for 5 years and another has \$17 million/year for 5 years. This funding cycle is likely to take place late fall/early winter 2022 with initial awards early 2023.
- The Town approved submission of our ITA (intent to apply letter) for these Grant and Funding opportunities by the October 2022 deadline.
- Through our admission into the Thriving Earth Exchange program, the Town has aligned with Bryce Lord <https://uwm.edu/public-nonprofit-administration/people/lord-bryce/> to assist with grant applications! He runs the non-profit graduate program at UW-Milwaukee and this partnership will be at zero cost to the Town.
- Funding grants and resources are being investigated on an ongoing basis, including through USDA RD Emergency Grant, Environmental Policy Innovation Center, WDNR: SDWLP and Clean Water Fund Program, and the WDOA.
- The Town Board will be discussing the creation of a Utility District on 9/1/22, followed by public hearings.
- On 8/16/22 the Town Board authorized our Environmental Law Firm, Grant and Eisenhofer, to pursue a litigation with respect to PFAS contamination.

There are so many moving parts to this issue, they are ongoing and fluid (no pun intended) but they are not being overlooked or delayed. Current issues range from common questions being ruled upon in the MDL (multidistrict PFAS litigation), EPA timelines for setting enforceable standards for PFOA and PFOS to our own State ground water standards and the related rule making process. The PFAS contamination issue is many things, but it is NOT fast and I won't promise you otherwise. It takes thoughtfulness, hard work, partnerships and cooperation and most of all it takes YOUR SUPPORT. I won't water it down or dress it up for you; but until we have safe permanent water, I am always left with the same question... what choice do we have? We must persist and we will!

TIMELINE UPDATES:

AUGUST, 2022

8/4: The TOP Water Committee hosted a 75 minute PFAS Q&A Forum: a full house was in attendance (thank you) to listen to a discussion between TOP Water Committee Members (Cindy Boyle, Kayla Furton, John Kowalski, Cindy Baur, Trygve Rhude, Jeff Lamont, Keith Jung, Ruth Kowalski and Chuck Boyle) and elected officials (or their representatives) and candidates: Senator Wimberger, Representative Behnke, 89th Assembly District Candidate Jane Benson, Representative Mursau, 36th Assembly District Candidate Ben Murray, and Congressman Gallagher (represented by his environmental aid Pauline). The goal and outcome of the Q&A was to have civil and respectful engagement with elected officials and/or candidates to ensure that they had an understanding of the PFAS contamination crisis facing the Town of Peshtigo and its residents. With that knowledge, our goal was to encourage them to leverage their authority toward legislation and mobilize resources to protect TOP residents. The water committee asked questions and shared statements specifically emphasizing the need for ground water standards, permanent safe drinking water, medical monitoring, remediation and corporate accountability.

8/7: Received 7/22/22 Arcadis update regarding work done in Town rights-of-ways: The following tasks were included in the access agreement negotiations and remain on schedule: *Monitoring Well Installation (utility locating, temporary well drilling/sampling, and permanent monitoring well installation): August 1 through September 30, 2022.*

8/8: Online system for the intent to apply (ITA) for financial assistance for State Fiscal Year 2024 funding through either the Clean Water Fund Program or Safe Drinking Water Loan Program was opened. TOP officials began evaluation of this process.

8/11: WI PFAS funding through Federal Infrastructure Bill

- 2 primary buckets of money specific to PFAS (details still being finalized) totaling \$150 million: 1 @ \$13 million/year for 5 years and another 1 @ \$17 million/year for 5 years
- Funding cycle is likely to take place late fall/early winter
- Awards early 2023
- pre-development funds NOT likely to be included (keeping our eye on earmarked funding through Senator Baldwins office)
- Some specifically designated for small disadvantaged communities
- Completed engineering is likely required so the grant sponsored by Sen. Baldwin may be critical in order to complete the full engineering.
- Technical Assistance dollars will be available through these grants which will be critical for our efforts.

8/15: Thriving Earth Exchange program has been finalized to focus on a grant writing partner! Bryce Lord <https://uwm.edu/public-nonprofit-administration/people/lord-bryce/> has been selected to help us out with the grant application!!!! He runs the non-profit graduate program at UW-Milwaukee and would ideally like to get a student on board to do most of the writing (supervised by him), but says he will do the writing pro-bono if he can't find any takers.

8/16: Town Board authorized its ITA (intent to apply) letter for grants and funding available through the \$150 million dollar Federal Infrastructure Law.

8/16: Town Board authorized Environmental Law Firm, Grant and Eisenhofer, to pursue a litigation with respect to PFAS contamination.

8/26: EPA proposal designating PFOA and PFOS as HAZARDOUS SUBSTANCES

<https://www.epa.gov/newsreleases/epa-proposes-designating-certain-pfas-chemicals-hazardous-substances-under-superfund> (see TOP Press release <https://townofpeshtigo.org/>)

Ongoing: Pre-development funding grants and sources are actively being investigated, including through USDA RD Emergency Grant, Environmental Policy Innovation Center, WDNR: SDWLP and Clean Water Fund Program, WDOA and Senator Baldwins funding request and Governor Evers office. (see insert on following pages)

- EPA updated advisory Health Advisory levels: of .004 parts per trillion (ppt) for per fluoro octanoic acid (PFOA) and .02 ppt for per fluoro octane sulfonic acid (PFOS) GenX chemicals = 10 ppt and PFBS = 2,000 ppt

Talk about orders of magnitude! The new advisory for PFOA is 17,500 times lower than the old 70 ppt. (70 / .004). The new level for PFOS is 3,500 times lower. <https://www.epa.gov/system/files/documents/2022-06/drinking-water-ha-pfas-factsheet-communities.pdf>

- Resource for comparing Water and Blood Testing Data:** <https://pfas-exchange.org/>
- Affordable Water Testing Resource:** <https://cyclopure.com/product/water-test-kit-pro/>

Cindy Boyle – Town of Peshtigo Chair & resident in the Tyco/JCI contamination area.



Bipartisan Infrastructure Law: A Historic Investment in Water

President Biden's leadership and bipartisan Congressional action have delivered the single-largest investment in U.S. water infrastructure ever. The Bipartisan Infrastructure Law invests **more than \$50 billion** through EPA's highly successful water infrastructure programs.

\$20+ billion for safe drinking water.

\$15 billion in dedicated funding to replace lead pipes.

\$12+ billion to ensure clean water for communities.

\$1.8 billion to protect regional waters.

\$135 million for additional water improvements.

With this funding, EPA, states, Tribes, and localities have a once-in-a-lifetime opportunity to strengthen and rebuild America's water infrastructure. EPA will ensure that all communities get their fair share of this federal water infrastructure investment—especially disadvantaged communities. This funding will put Americans to work in good-paying jobs and support a thriving economy.

Safe Drinking Water

There are still an estimated 6 to 10 million lead service lines in cities and towns across the country, many of which are in low-income neighborhoods and communities of color. The Bipartisan Infrastructure Law will deliver resources to remove these lead pipes, in line with President Biden's goal of removing 100% of lead service lines. This means that millions of families will be able to rely on drinking water that is safe from lead and other contaminants.

Clean Water for Communities

The nation's wastewater and stormwater management systems that are critical to safely returning used water to the environment are aging and breaking down. With more than \$12 billion for clean water infrastructure, communities will be able to upgrade these critical systems. This means that more people will be able to swim, fish, and play in their waters and the environment will be cleaner and more vibrant.

Protecting Regional Waters

Investing in regional waters—from the Chesapeake Bay, to the Great Lakes, to the Puget Sound—will better protect the nation's largest and most treasured waters to ensure that they continue to serve as vital economic and recreational assets.

Water is life. It keeps us healthy, sustains vibrant communities and dynamic ecosystems, and it supports the economy. **Water infrastructure** is essential to delivering reliable, affordable, and safe water. When water infrastructure fails, it threatens people's health, peace of mind, and the environment. The **Bipartisan Infrastructure Law** provides a historic investment to replace pipes, upgrade water treatment facilities, and ensure that America's water systems are resilient for the future.

Safe Drinking Water

<https://www.epa.gov/system/files/documents/2021-11/eow-bid-fact-sheet-final.508.pdf>

\$15 billion	Placement through the Drinking Water State Revolving Funds 49% of funds will be provided to communities as grants or principal forgiveness loans. 51% of funds will be available to communities for low-interest loans. State match is not required.
\$11.7 billion	Drinking Water State Revolving Funds 49% of funds will be provided to communities as grants or principal forgiveness loans. 51% of funds will be available to communities for low-interest loans. State match is reduced to 10%.
\$4 billion	Addressing Emerging Contaminants through the Drinking Water SRF Can be used to remediate PFAS in drinking water. All funds provided to communities as grants or principal forgiveness loans. State match is not required.
\$5 billion	Addressing Emerging Contaminants in Disadvantaged Communities Funding through Small, Underserved, and Disadvantaged Communities Grants Can be used to remediate PFAS in drinking water. Provided as grants. State match is not required.

Clean Water for Communities

\$11.7 billion	Clean Water State Revolving Funds (CWSRF) 49% of funds will be available for grants or principal forgiveness loans. 51% of funds will be available for low-interest loans. State match is reduced to 10%.
\$1 billion	Addressing Emerging Contaminants Funding through Clean Water State Revolving Funds. All funds provided as grants or principal forgiveness loans. State match is not required.

Protecting Regional Waters

\$1.7 billion	Geographic Programs Funding directed to 12 federally recognized geographic programs.
\$132 million	National Estuary Program (NEP) Funding to be distributed across 28 Federally recognized estuaries to restore vulnerable coastal areas and communities.

Additional Investments in Water

\$60 million	Gulf of Mexico Hypoxia Task Force (HTF) Funding to be divided equally across 12 Hypoxia Task Force states.
\$50 million	Underground Injection Control Grants (UIC) Funding to support states' efforts to attain Class VI primacy. 100% of funding provided as grants. State match is not required.
\$25 million	Permitting Class VI Wells (Class VI Wells) Support to EPA for carbon sequestration programs.