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Joint Committee on Finance

Paper #602

PFAS Management Staffing (Natural Resources -- Waste, Remediation, and Air)

[LFB 2023-25 Budget Summary: Page 453, #2]

CURRENT LAW

The statutes direct the Department of Natural Resources (DNR) to serve as the central unit of state government to protect, maintain, and improve the quality and management of the waters of the state, ground and surface, public and private. DNR also has general authority for implementation of the state's direct-response hazardous substances cleanup programs, and for establishment and administration of cleanup standards for contaminated media, such as groundwater, soil, surface water, sediments, other materials, and indoor air. DNR also manages fish and wildlife populations to ensure their general preservation and conservation, and in the case of game animals, their abundance and suitability for consumption.

DISCUSSION POINTS

1. Since 2013, multiple sites with PFAS groundwater, drinking water, surface water, sediment, or soil contamination have been reported to DNR at locations around the state as a result of various private and governmental uses of the chemicals. DNR indicates that the number of PFAS-contaminated sites are unknown. Currently, the DNR remediation and redevelopment program's online database lists 129 sites associated with PFAS contamination, including such sites as manufacturers of PFAS-containing products, airports, military installations, landfills, and sites with no known responsible party or sources. Data for 124 public water systems shows detectable levels of at least one PFAS compound in these systems since January of 2021.

2. In December, 2020, the Wisconsin PFAS Action Council (WisPAC) published the PFAS Action Plan, including numerous recommendations to address PFAS contamination in the state. The PFAS Action Plan recommended multiple actions for DNR and other state agencies to

address PFAS contamination, including: (a) establishing PFAS standards for air and water, as well as standards and practices for disposal and cleanup; (b) identifying potential PFAS sites and publishing confirmed sources in an interactive public web application; (c) standardizing PFAS sampling methods; (d) testing all public water systems for PFAS; and (e) increasing research of PFAS baseline concentrations in various media, as well as means of PFAS transport through media or biological systems.

3. In August of 2022, WisPAC published a progress report outlining the accomplishments made towards implementation of the 2020 Action Plan's recommendations. These included: (a) development and implementation of administrative rules for drinking water and surface water standards for PFOA and PFOS, which went into effect in August of 2022; (b) implementation of a hazard index approach for evaluating potable well sampling results using the Department of Health Services recommended groundwater standards; (c) release of a best management practices document and list of resources for disposal of PFAS-containing waste and biosolids management; (d) publication of a website showing locations of PFAS-tested wastewater, municipal drinking water, private wells, and surface waters; and (e) implementing a collection of firefighting foams from Wisconsin fire departments, and developing best management practices for foam use.

4. Assembly Bill 43/Senate Bill 70 would provide \$729,400 in 2023-24 and \$934,200 in 2024-25 with 11.0 positions to remediate and manage PFAS. Table 1 summarizes positions under the bill by DNR program area. All positions shown would be funded from the environmental management account of the environmental fund, except those for wildlife management, which would be supported by the fish and wildlife account of the conservation fund.

TABLE 1

PFAS Management Positions and Funding -- Assembly Bill 43/Senate Bill 70

<u>DNR Program / Positions</u>	<u>2023-24</u>	<u>2024-25</u>	<u>Positions</u>
Drinking and Groundwater			
Water Supply Specialists	\$176,900	\$226,200	3.00
Water Quality			
Wastewater Specialists	125,600	164,400	2.00
Air Management			
Air Management Engineer / Air Management Specialist	175,700	214,600	2.00*
Remediation and Redevelopment			
Hydrogeologist Program Coordinator / Hydrogeologist	125,600	164,400	2.00
Waste and Materials Management			
Hydrogeologist	62,800	82,300	1.00
Wildlife Management			
Toxicologist	<u>62,800</u>	<u>82,300</u>	<u>1.00</u>
Total	\$729,400	\$934,200	11.00

* Includes 1.0 four-year project position.

5. The 11.0 staff would be intended to have the following responsibilities:

(a) 3.00 drinking and groundwater staff would sample and address contaminants in drinking water and continue to develop and implement federally-compliant administrative rules relating to PFAS contamination;

(b) 2.00 water quality staff would continue to develop water quality standards for PFAS based on Department of Health Services recommendations and assist in PFAS effluent monitoring;

(c) 2.00 air management staff would identify sources of PFAS air emissions and operate the state's ambient air deposition monitoring network to monitor for PFAS;

(d) 2.00 remediation and redevelopment staff would develop guidelines for PFAS sampling and establish procedures related to sampling, lab analysis, site screening, and cleanup standards;

(e) 1.00 waste and materials management position would develop safe disposal and treatment methods for PFAS-containing wastes and evaluate landfills for potential waste disposal; and

(f) 1.00 wildlife management position would develop PFAS sampling methodologies for wildlife, educate local communities impacted by PFAS in wildlife, and coordinate with DHS to establish health advisories for consumption of PFAS-impacted wildlife.

6. DNR reports that at least 20 staff persons in the Environmental Management Division are currently involved in PFAS activities as part of, or in addition to, their original position responsibilities. The Department reports that, to date, PFAS-related work has largely been incorporated into existing staff workload, including meeting ongoing demands for technical assistance, engagement, and coordination with local governments to support communities impacted by PFAS contamination.

7. Table 2 shows PFAS-related all-funds staffing expenditures for the 2019-20 through 2022-23 fiscal years, with data for 2022-23 through May 1. Funding shown includes costs for permanent and project position salaries, limited-term employees, and fringe benefits for all employee types. The table does not include amounts for detection and management of emerging contaminants generally. Most expenditures have come in the DNR remediation and redevelopment program, which has general authority for cleanup of contamination. Overall staffing costs have been \$4.7 million since 2019-20.

TABLE 2**DNR PFAS-Related Expenditures**

<u>Program Area</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23*</u>	<u>Total</u>
Remediation and Redevelopment	\$588,100	\$827,200	\$677,500	\$367,300	\$2,460,100
Water Quality	171,200	239,400	158,300	69,500	638,400
Drinking and Groundwater	39,500	56,800	176,900	258,500	531,700
Air Management	66,500	153,500	108,400	32,300	360,700
Waste and Materials Management	80,700	77,400	51,900	27,200	237,200
Fisheries Management	10,400	53,900	76,200	66,400	206,900
Environmental Analysis and Sustainability	58,400	19,400	12,700	9,100	99,600
Law Enforcement	1,500	27,500	45,900	22,800	97,700
Environmental Management Administration	14,000	28,100	300	0	42,400
Fish and Wildlife Management	3,000	3,700	100	0	6,800
Wildlife Management	1,500	3,900	200	100	5,700
Information Technology	400	0	0	0	400
Grand Total	\$1,035,200	\$1,490,800	\$1,308,400	\$853,200	\$4,687,600

*Preliminary as of May 1, 2023

8. DNR indicates that the responsibilities for additional work could not be further incorporated into existing positions' workload and responsibilities within the Department without further reallocating staff from other non-PFAS activities. DNR contends that ongoing demands for technical assistance, engagement, and coordination with local governments merits these 11.00 additional positions. It could be argued that because DNR-recorded expenditures for staffing costs in each of the fiscal years shown exceed the amounts under AB 43/SB 70, the agency has realized workload and incurred costs that justify the amounts.

9. DNR also contends that positions are needed in the range of subprograms to address the various ways in which PFAS may affect the environment and wildlife. The department indicates that the 2.0 Remediation and Redevelopment positions would be the highest priority, but that all proposed staffing are considered essential to the state's comprehensive response to PFAS.

10. Alternatives 1 through 6 provide the options of approving any of the additional positions by DNR program area as shown in Table 1. Alternative 7 also provides the options of approving the positions as two-year or four-year project positions. Project positions can authorize additional staffing for an agency to accomplish defined objectives without committing the state to budgeting the positions on a permanent basis. However, agencies may find project positions difficult to recruit and keep filled under current labor market conditions.

ALTERNATIVES

1. *Drinking and Groundwater.* Provide funding of \$176,900 SEG in 2023-24 and \$226,200 SEG in 2024-25 with 3.0 water supply specialist positions.

ALT 1	Change to Base	
	Funding	Positions
SEG	\$403,100	3.00

2. *Water Quality.* Provide funding of \$125,600 SEG in 2023-24 and \$164,400 SEG in 2024-25 with 2.0 wastewater specialist positions.

ALT 2	Change to Base	
	Funding	Positions
SEG	\$290,000	2.00

3. *Air Management.* Provide funding of \$175,700 SEG in 2023-24 and \$214,600 SEG in 2024-25 with 1.0 air management engineer and 1.0 air management specialist four-year project position.

ALT 3	Change to Base	
	Funding	Positions
SEG	\$390,300	2.00

4. *Remediation and Redevelopment.* Provide funding of \$125,600 SEG in 2023-24 and \$164,400 SEG in 2024-25 with 1.0 hydrogeologist position and 1.0 hydrogeologist program coordinator position.

ALT 4	Change to Base	
	Funding	Positions
SEG	\$290,000	2.00

5. *Waste and Materials Management.* Provide funding of \$62,800 SEG in 2023-24 and \$82,300 SEG in 2024-25 with 1.0 hydrogeologist position.

ALT 5	Change to Base	
	Funding	Positions
SEG	\$145,100	1.00

6. *Wildlife Management*. Provide funding of \$62,800 SEG in 2023-24 and \$82,300 SEG in 2024-25 with 1.0 wildlife management toxicologist position.

ALT 6	Change to Base	
	Funding	Positions
SEG	\$145,100	1.00

7. Approve any of the positions under Alternatives 1 through 6 as one of the following:
- a. Two-year project positions; or
 - b. Four-year project positions.
8. Take no action.

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