

Final Public Notification Recommendation Memo –
Revision 2

To: EGLE MPART

From: CAWG

Date: January 13, 2023 (*submitted to MPART on February 23, 2023*)

On November 13, 2017, Governor Snyder signed Executive Order 2017-4 regarding MPART.

The following excerpt is foundational to this memo in which the CAWG makes the following recommendations to MPART regarding prompt notification to all stakeholders, most notably citizens, about PFAS contamination investigations that could impact drinking water wells, surface water, and/or other exposure pathways near a PFAS investigation site.

“[MPART] shall direct the implementation of the state's action strategy, which includes, but is not limited to research, identify, and establish PFAS response actions relative to the discovery, communication, and mitigation of PFAS. To the extent practicable, the [MPART] shall do each of the following...

D. Perform state and local public outreach to ensure that residents in the impacted areas, including all community members, local government, corporate and non-profit partners, and affected stakeholders are informed, educated, and empowered.”

On March 9, 2021 the Michigan Department of Environment, Great Lakes and Energy (EGLE) Michigan PFAS Action Response Team (MPART) Executive Director charged the Community Action Work Group (CAWG) Engaging the Public Subcommittee (the Subcommittee) to develop a proposal to inform citizens about PFAS contamination investigations that could impact drinking water wells, surface water. and/or other exposure pathways near the investigation site.

Members of the Subcommittee have attended over 21 PFAS informational, local, leaders or town hall meetings held by MPART since March 9, 2021. Of the 17 unique sites addressed by these meetings, one had PFAS contained at the site, five had only surface water detections of PFAS compounds, six had surface water and residential well contamination by PFAS compounds, and five had surface water detections of PFAS compounds and likely drinking water well contamination above at least one of the State of Michigan PFAS Minimum Contamination Levels (MCLs).

To date, MPART has identified 230 PFAS sites, and the Subcommittee realizes that there could be hundreds of additional PFAS site investigations in the future. Public health must be the paramount concern as these investigations continue. Informing the public of PFAS contamination near their residences and community needs to be done as each investigation begins.

Therefore, the MPART Informing the Public Sub-Committee is recommending that the CAWG consider proposing to MPART the following actions for implementation by MPART.

Policy and Guiding Principles. The State of Michigan should notify all potentially exposed individuals as soon as it has sufficient information to commence an investigation of possible PFAS contamination or exposure and to keep those individuals apprised of all material developments throughout the investigation. The following recommendations are intended to provide guidance for implementing that policy. These recommendations should be interpreted in all instances to effectuate this policy's fundamental and guiding principles, which are:

(i) that potentially impacted individuals have the right to know the relevant and available information about the risks of the possible PFAS exposure(s) being investigated, and (ii) that those individuals have the right to make their own timely and informed health decisions (and to provide input to the State) when an investigation is begun and as it unfolds. Accordingly, whenever there is doubt or uncertainty as to whether, when, or the extent to which an individual should be notified, the State should err on the side of notification without delay.

1) **Qualifying Investigation Trigger for Notification** – EGLE/MPART should notify the public of all Investigations of PFAS that have the potential to impact any household or other water supply, body of surface water, or other exposure pathway. This notification shall be provided at the beginning of any investigation or as part of any current (ongoing) investigation. Direct notification at a minimum, must be given to local units of government and potentially impacted households and individuals.

2) **What Constitutes Initial Notice** - Prior Subcommittee discussions concluded that notification should include a notice to impacted and potentially impacted households and individuals, regardless of property ownership status, as well as local governmental and non-governmental entities, including but not limited to local government, health departments, and local media outlets.

It's critical that potentially affected residents and their community representatives be notified at the same time as responsible parties when a site investigation begins. If there is enough evidence to initiate a site investigation and notify a polluter or potentially responsible party, there is enough evidence to notify potentially affected residents.

Notice should include a brief summary of the following:

- a) The basis for the Investigation – e.g., a summary of historical records, sampling, type of facility, witnesses, etc.
- b) What PFAS chemicals are likely or possibly involved -including known associated health risks
- c) Extent of the contamination – to the extent known. If not known, explain why & provide a timeline
- d) Next steps – if known, including expected sampling schedules, testing planned, and drinking water treatment.
- e) Residential well sampling and testing – directing residents to information and expertise on how to sample their own well water if concerned.
- f) Contact information – provide the names of state and local officials familiar with the site, with the investigation(s) and PFAS contamination generalities and specifics.

As an example, in a case where there are potentially affected private well owners, EGLE/MDHHS should notify potentially affected private well owners located within a 1 mile radius (at a minimum) for each of the following events: (a) at the beginning of an investigation (whether by EGLE or by potentially responsible party); (b) when EGLE becomes aware of a historical or current release of PFAS that has a high likelihood of contaminating the groundwater or soil; and (c) when laboratory analytical data becomes available of PFAS groundwater contamination that exceeds the Michigan Drinking Water Standards. EGLE or the local Health Department should notify potentially impacted well owners by letter or home visit as soon or phone alert as soon as reasonably possible upon (and not later than two weeks after) the occurrence of each of the above events. We encourage EGLE and local Health Departments to work with local units of government or County GIS offices to help identify parcel owners that may be impacted by PFAS contamination.

Other examples are provided in the attached Public Notification Guidance matrix. Additional or updated examples may be provided in further guidance materials developed from time to time by the CAWG. The examples are illustrative only and are not intended to cover every circumstance in which public notification should be given.

3) Need for Ongoing Investigation Progress Notification – Water and other test results and other relevant information should be released for public access, with notification, as soon as the analytical and related data are verified to have met testing laboratory Quality Assurance/Quality Control (QA/QC) criteria. If responsible parties are not investigating as required, notify neighbors and the media. Rather than waiting for all testing to be completed, smaller batches of qualified analytical test results should be released to the public as they become available.

4) Provide Education Resources – including an on-line easily-accessible periodically-updated PFAS 101 informational course that includes content on residential drinking water wells and water quality, as well as links to local

resources, including names and contacts for the local health department and medical expertise.

5) Continued Enhancement of the Web Based PFAS Contamination Location System. The computerized mapping system allows private drinking water well owners across the state to independently gauge PFAS hazards in their area based on available information.

Public Notification Matrix

LARGE PFAS SITES	SCENARIO	WHO	WHERE-AREAL EXTENT	WHAT MESSAGE	WHEN TELL RECEPTORS	HOW TELL RECEPTORS
<p>Airports</p>	<p>No on-site data, drinking water wells in the area, nearby waterbodies</p> <p>Review MSDS sheets for AFFF use from certified commercial airports to determine if an investigation is necessary</p>	<p>If AFFF was used, notify everyone within a 1 mile radius of airport, post PFAS warning signs on shorelines of nearby surface water bodies if PFAS foam was detected</p>	<p>1 mi radius from site perimeter until groundwater flow directions are confirmed</p>	<p>Notify residents that there is a concern for PFAS exposure and that an investigation is pending.</p>	<p>Within one week the of notification of the PRP/Owner.</p>	<p>Health Department will notify residents by letter.</p>
<p>Landfills/Dumps</p>	<p>Limited data, no PFAS sampling, residential wells monitored for non-PFAS contaminants</p> <p>MPART will monitor existing wells, leachate, and surface water within a mile radius for PFAS</p>	<p>Groundwater users, surface water users if PFAS is detected on site above WQS. Test fish if surface water concentrations exceed WQS. WWTPs receiving leachate, require WWTP to test for PFAS in its outfall and receiving water body</p>	<p>If PFAS was detected on site, 1 mi radius from site perimeter until groundwater flow directions are confirmed</p>	<p>Notify residents that there is a concern for PFAS exposure and that an investigation is pending.</p>	<p>Within one week the of notification of the PRP/Owner.</p>	<p>Health Department will notify residents by letter.</p>

LARGE PFAS SITES	SCENARIO	WHO	WHERE-AREAL EXTENT	WHAT MESSAGE	WHEN TELL RECEPTORS	HOW TELL RECEPTORS
<p>Small Public Water Supply per EGLE definition</p>	<p>Not the source, ongoing PFAS monitoring, using groundwater as source for drinking water</p>	<p>Notify all customers and groundwater users if PFAS is above or below MI PFAS.</p>	<p>If PFAS drinking water standards are exceeded, notify everyone within a 1 mile radius.</p>	<p>Notify residents that a PFAS investigation has started.</p>	<p>Within 1 week of notification to the owner.</p>	<p>Health Department will notify residents by letter. Also notify the public by local TV news channel, newspaper, radio, PFAS alerts on phones, postcards or letters, NGOs.</p>
<p>Fire Training Center</p>	<p>No data, unknown PFAS use, unknown history, mix of municipal water and residential wells</p> <p>Review MSDS Sheets for AFFF use (current and historical)</p>	<p>Everyone within a 1 mile radius of the fire training center if reasonable expectation of AFFF usage expect</p>	<p>1 mile radius until groundwater flow direction confirmed. PFAS sampling of all public and private wells and nearby surface water bodies</p>	<p>Notify residents that there is a concern for PFAS exposure and that an investigation is pending.</p>	<p>Within one week the of notification of the PRP/Owner</p>	<p>Health Department will notify residents by letter. Also notify the public by local TV news channel, newspaper, radio, PFAS alerts on phones, postcards or letters, NGOs.</p>

LARGE PFAS SITES	SCENARIO	WHO	WHERE-AREAL EXTENT	WHAT MESSAGE	WHEN TELL RECEPTORS	HOW TELL RECEPTORS
Plater/Recycler	No groundwater data; storm water discharge from parking lot has PFAS, discharges to county drain and river; area served with municipal water	If municipal water supply draws its water from the river downstream of county drain or if its source is groundwater, MPART/Muni Water Supply immediately analyzes the raw and treated water for PFAS; if above MI drinking water standards, the water supply owner notifies all customers to stop drinking water; MPART notifies everyone within a 1 mile radius for notification to all potential private well users	Municipal Water Supply and everyone within a 1 mile radius.	PFAS Investigation Launched	Same day as Municipal Water Supply's PFAS sampling results show exceedance of the MI standards	Municipal Water Supply will notify customers. Health Department will notify residents by letter. Also notify the public by local TV news channel, newspaper, radio, PFAS alerts on phones, postcards or letters, NGOs.
PEAS Calls	Tanker fire on highway, runoff to ditch	First responders determine jurisdiction of the fire and contact EGLE and the appropriate jurisdiction. Review Material Data Safety Sheets for the foam; if foam contains PFAS; cleanup will require removal of wet soil in the ditch	Property owners adjacent to or near tanker fire	Notify residents that there is a concern for PFAS exposure and that an investigation is pending.	Day of Tanker Fire	In person visit and notification on door if not present