PFAS External Advisory Group

June 17, 2022
Welcome
Agenda

• Welcome and Introductions
• Drinking and Groundwater Program – Drilling Fluids Discussion
• Certification Processes – Limitations and Opportunities

Break
• DNR and Federal PFAS updates
• EAG Member Open Forum
• Public Comment
## Roll Call

### External Advisory Group Members

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<tr>
<th>Name and Organization</th>
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<tr>
<td>Jason Culotta, Midwest Food Products Association</td>
<td>George Klaetsch, Wisconsin State Fire Chiefs Association</td>
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<td>Brian Grefe, Wisconsin Airport Managers Association</td>
<td>Lawrie Kobza, Municipal Environmental Group – Water Division</td>
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<td>Joe Grande, American Water Works Association – Wisconsin Section and Madison Water Utility</td>
<td>Scott Laeser, Clean Wisconsin</td>
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<td>Chris Groh, Wisconsin Rural Water Association</td>
<td>Rob Lee, Midwest Environmental Advocates</td>
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<td>Toni Herkert, League of Municipalities</td>
<td>Scott Manley, Wisconsin Manufacturers and Commerce</td>
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<td>David Johnson, North Shore Environmental Construction, Inc.</td>
<td>Sharon Mertens, Milwaukee Metropolitan Sewerage District</td>
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<td>Meleesa Johnson, Marathon County Solid Waste Department and Wisconsin Solid Waste PFAS Group</td>
<td>Lynn Morgan, Waste Management</td>
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<td>Paul Kent, Stafford Rosenbaum LLP</td>
<td>Mark Thimke, Foley &amp; Lardner LLP</td>
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<td>Ned Witte, Godfrey &amp; Kahn S.C.</td>
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<td>Lawrie Olah, Citizens for Safe Water Around Badger</td>
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<td>John Osborne, GZA GeoEnvironmental, Inc.</td>
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<td>John Robinson, Wisconsin’s Green Fire</td>
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<td>Pat Stevens, Wisconsin Paper Council</td>
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Private Water Well Product Approval Process

Marty Nessman, June 17, 2022
Product Approval - s. NR 812.091

• Only for products used for drilling under Chapter NR 812
  • Private wells and non-community public wells
• Community wells require NSF-60 or NSF-61 certification
• Other programs refer drillers to the list
What Needs Approval?

- Drilling aids and additives
- Grout and sealing materials
- Filling and sealing materials
- Well rehabilitation materials
- Chemicals placed in a well or drillhole
- Well head components including well caps and seals
- Pitless adapters, pitless units, above ground discharge units and any treatment equipment installed in or on a well
No Prior Approval Required For:

• Drinking water treatment chemicals that comply with NSF/ANSI Standard 60
  • Started in July 2020

• Drinking water system components in contact with potable water that comply with NSF/ANSI Standard 61

• Water treatment devices that have a plumbing product approval from the Dept. of Safety and Professional Services
Application for Approval

• List of all ingredients and instructions for use
• Department may ask for additional information before approval is granted
Approval Review

• Desktop review
• Potential to harm drinking water and groundwater
• Consult with WI Dept. of Health when needed
• Minimum material standards specified in code – s. NR 812.11 and ss. NR 812.28-812.41
• DNR rarely tests products
• S. NR 812.11 (4) LEAD PROHIBITED. All material permanently installed in a well by a well driller must be lead-free as defined by the Safe Drinking Water Act
Approval Conditions

- Department may impose more stringent conditions to protect:
  - Public safety
  - Drinking water
  - Groundwater resources
Prohibiting Products or Components

• If the DNR finds there is substantial evidence that the product poses a significant hazard to safe drinking water or groundwater

• Any decision to prohibit the use of a product may be appealed
Approved Products and PFAS

- No products on the list are known to contain PFAS ingredients
- NSF reports that none of the products certified under Standard 60 had PFAS or fluorinated hydrocarbon ingredients
NSF-60 Certification

• Standard for water treatment chemicals (includes drilling materials and additives)
• NSF is a non-profit association
• Manufacturers voluntarily apply for certification
  • Must submit full list of ingredients
  • Products are tested by 3rd party
  • NSF conducts audits of facilities
  • Unannounced annual audits
  • Manufacturer pays fees
Approved Products and NSF-60

• 120 of 253 (47%) approved products also have NSF-60 certification

• Includes 5 of 9 foaming agents and surfactant products

• Most drilling products are flushed from the well after use and do not remain in contact with the well or water
Fracking a Water Well

- Hydrofracturing (AKA ‘fracking’) a well is a process to increase yield by injecting water, or water and an inert material, into an aquifer under high pressure to fracture the formations.

- Per s. NR 812.22 (1) (c) 2., Hydrofracturing of an aquifer may only be done with chlorinated water and clean, washed, inert, non-toxic material such as sand.
  - Hydrofracturing in limestone may only be done after notification to the department.
Certification Processes - Limitations and Opportunities

Group Discussion
Community Needs

Group Discussion
BREAK
Resume at 1pm
Firefighting Foam

- NR 159 (WA-07-20) Firefighting Foam Rule
- Foam Collection & Disposal Program
Water Standards

• Public Drinking Water Systems

• Surface Water Quality
Bipartisan Infrastructure Law

A Historic Investment in Water

Bipartisan Infrastructure Law: The largest and most transformative investment in our nation’s infrastructure, providing $1.2 trillion for roads, bridges, transit, rail,umbilical cord, drinking water, broadband, and other projects.

Safe Drinking Water

$15 billion to replace lead pipes and provide lead service line replacement through the Drinking Water State Revolving Fund.
40% of funding will be available for low-income communities with lead service lines. State match is reduced to 10%.

$11.7 billion to provide grants to communities as grants or principal forgiveness loans.
51% of funds will be available for low-income communities.
State match is reduced to 10%.

$4 billion for addressing emerging contaminants through the Drinking Water State Revolving Fund.
Can be used to remediate PFOA and PFOS in drinking water.
State match is required.

$5 billion for addressing emerging contaminants in disadvantaged communities.
Funding through the Drinking Water State Revolving Fund.
Can be used to remediate PFOA and PFOS in drinking water.
State match is required.

Clean Water for Communities

$11.7 billion for Clean Water State Revolving Fund.
49% of funds will be available for states for drinking water and wastewater projects.
State match is reduced to 10%.

$1 billion for addressing emerging contaminants through the Clean Water State Revolving Fund.
Funding to support states’ efforts to attain Class VI priority.
101% of funding provided as grants.
State match is not required.

Protecting Regional Waters

$1.7 billion for geographic programs.
Funding to implement 11 federally recognized geographic programs.
State match is required.

$132 million for the National Estuary Program (NEP).
Funding to be distributed across 29 Federally recognized estuaries to restore vulnerable coastal areas and communities.

Additional Investments in Water

$60 million for Gulf of Mexico Habitat Action Plan.
Funding to revitalize coastal wetlands.
State match is required.

$50 million for Underground Injection Control Grants.
Funding to support states’ efforts to attain Class VI priority.
50% of funding provided as grants.
State match is not required.

$25 million for support to EPA for carbon sequestration programs.
Federal Updates
Open Forum
External Advisory Group Members
Wrap-up and Next Steps
Public Comment

- Submit questions or comments via the chat function in Zoom (please indicate if you’d like to read aloud)

OR

- “Raise Hand” and you’ll be unmuted to provide your comment

• We will attempt to address comments and requests to speak in the order that they are received

• Please keep comments to 3 minutes