

Private Water Advisory Council Meeting Notes for October 20, 2020

1. Welcome and Introductions

Attending: Marty Nessman, Frank Fetter, Theera Ratarasarn, Ann Hirekatur, Bob Gundrum, Jeff Beiriger, Terry Marshall, Mike Hanten, Pete Chase, Steve Tesmer, Dennis Crow, Tim Ellison, Scott O'Brien (Pentair), Terry Farago, Tim Neleson, Rick Peterson.

2. COVID-19 Pandemic – Impacts to Businesses and Industry

O'Brian - Getting materials (delays) is an issue. Pitless adapters and tanks are in tight supply. Pentair has had a big backlog of orders; low business in March and April, and since has increased dramatically. Home sales driving new business. Pentair has had 50-60 cases of COVID, so labor is driving the backlog as well. Beiriger noted residential plumbing has been strong, but there may be a contraction on the commercial side. Commercial plumbing business has gotten weak due to the fact that commercial real estate has softened. Volume? Repairs have picked up, but business has been essentially normal.

DNR is now doing field work (since June) Staff are still working remotely. Not sure when staff will return to offices. Thanks to drillers and pip for notifying us when they have COVID-positive staff, but field staff may still contact drillers to check.

3. April 2020 Meeting Notes

Meeting notes sent out a few weeks ago. No corrections.
Notes do not need approval.

4. WGNHS Updates

COVID update: UW has been fairly conservative about in-person and field work, but we're up to speed. Budget impact is that significant cuts are imminent, including furloughs for staff and a hiring freeze (down 2 positions that cannot be filled). 2 bedrock projects in the state in Jefferson Co. looking at deep formations. SWGW (SW WI) project possible minimum casing depths? Not sure where that is... Promising initial results...2 projects in Bayfield county depth to water studies (hired Bins well drilling out of Hurley. Equestrian campground well studied as well. S. Bayfield Co. at Pigeon Lake h20 levels up ~10' in the last decade, lakeside buildings flooded, some moved, raised, and some flooded. Some of the trees that have been flooded are >120 years old, meaning that the lake levels have not been this high in at least that long. Some of the wells added to the monitoring network have been shopped. Drillers seem pretty busy. Q: how well has bids for wells been done. Chase: look for local drillers, and these are usually 2" PVC "environmental" wells so there are only a handful of drillers willing to do the work. Also, if the well is over \$5000, needs 3 bids, if >\$50,000, requires a public bid (through DOA). (more wells needed over next 2 years, Milwaukee, Rock Dane, Pierce, and near Eau Claire. Hanten: article in the newsletter or something? Chase: I'm open to suggestions.

5. DNR Updates

a. Staffing Updates (Nessman)

- a. Liesa retired in August. Her position has been posted and should be filled in time for a January start. Kept open longer than hoped due to budget lapse
- b. Mattias Lilliehorn is in Sandy's position full time (for 6 months). We are trying to fill Sandy's position before they run out in February.

b. Contamination Responses (Nessman)

No Updates

- c. 2020 Continuing Education (Gundrum)
 - a. Update on continuing education attendance through Sept. 2020
 - b. 1274 DE requirements, 1043 are complete, 231 have remaining req's., 117 WWWA Late session registrants and CE still needed following late session = 114. 21 of those are rig operators and may just re-register as rig operators. Gundrum commended the WWWA for addressing the issues from COVID and getting as many through as they have given the difficulties...
 - Hanten: How many do we usually lose every year?
 - Gundrum: I don't have those data handy.
 - Hanten: what kind of outreach to the 114?
 - Gundrum: WDNR has sent out notices to everyone, and Jennifer (WWWA) has done some outreach as well.
 - Hanten: I'm curious to see if other state license holders are seeing a larger drop-off in licensing (e.g., DSPS, etc).
 - Gundrum: Op Cert may be able to provide info.
 - Beiriger: a lot of other licensing programs were pushed into more of a waiver program, so we've been lucky that we haven't had to do that.
 - Marshall: is the rig operator re-registering a loophole?
 - Gundrum: No, the CE is only for rig operators that are interested in becoming rig operators.
 - c. Remaining continuing education opportunities for 2020 (See Attached Slides*)
 - i. WWWA late session – October 28th virtual online OSHA (Kouba)
 - 1. WWWA is also planning an in-person session in Stevens Point (Rick Peterson will lead – 4 registrants so far)
 - ii. NGWA Groundwater Week – December 8th – 11th (numerous sessions)
 - iii. Online continuing education calendar
 - d. 2021*continuing education – venue alternatives.
- d. Licensing (Gundrum) (See Attached Slides*)
 - a. Future administration of license exams – department strategy
 - b. Where to go for license exam updates
 - c. The urgent need exam application process Short-term solution; small groups, proctored in-person in Plover, WI. Slots are limited. See website (link) for more info.
 - d. Report on well driller and heat exchange driller license application reviews
 - e. Rig operator training requirement – status on available training
- e. Compliance and Enforcement activities (Nessman/Fetter)
 - a. Fetter:
 - i. 18 NONs since April
 - ii. Most are reporting violations
 - iii. Slow due to COVID and sandy retirement
 - iv. Active case in Green Lake County – Plain Folk
 - b. Well Driller Viewer and Dual Aquifer Wells (Nessman)
Nessman - At issue was a well drilled in Calumet county that the driller used the WDV to see if he was in a dual aquifer area and did drill a dual aquifer well in an area NOT shown as dual aquifer on the WDV. The WDV is only approximate, and there was a 1992 memo from Tom Reiwe about this, but we are required to enforce the code, NOT a memo.

Beiriger: improving the WDV; as a practical matter, how much will it help? At some point, will we rely on the viewer or not? It either needs to be precise and we can rely on it, or we can't.

Nessman: Calumet Co. has the land lot system, so any well drilled before drillers used GPS used land lot, so the locations are problematic in the WDV. DNR does need to improve well locations in WDV for Calumet County.

Nessman: What do we need to communicate to the drillers? SWCDAs are working well in the WDV, but the dual aquifer area is not a SWCDA, just an area where drillers need to follow NR 812.14(10); we need to make the map better and make the disclaimer more understandable.

Marshall: make the dual aquifer area a SWCDA.

Nessman: we just revised the code and kept this provision in it, so we'll still need to enforce that

Beiriger: advocated for some better flexibility and letting the driller be responsible. We're advocating for using the WDV, and then this erodes the confidence in the WDV.

Walker: how well can the WDV communicate the "gray areas" for issues like this?

Nessman: we currently have a disclaimer for the landfill area; maybe we need to add one for the dual aquifer area.

Marshall: I think this situation needs to be dealt with as a learning issue, and not a punitive issue; both sides have valid points. Put out a memorandum on this? I also feel this should be made a SWCDA.

Beiriger: we are moving toward using the WDV, so maybe "call to arms" to advocate to administration and legislature for the required resources to make the WDV as accurate as needed.

Walker: what if a red line that designates a landfill is found to be incorrect. Is the driller at fault if a well is found to be within the 1,200-foot setback? When SHOULD we rely on the WD Viewer?

Nessman: the well driller viewer is a tool, and it being improved as we are able, but it's not perfect.

Beiriger: so, what's the plan?

Nessman: WDV boundaries will be updated, and then the DNR will communicate the changes, what the lines mean, and how they relate to the requirements of NR 812.14(10). However, if the driller encounters dolomite over shale outside the line, he/she still needs to follow NR 812.14(10).

Beiriger: If we don't encounter this geology INSIDE the boundary, would we be bound by NR 812.14(10)?

Nessman: no, but that would be rare.

Marshall: I think this needs more discussion with the drillers in the area.

Nessman: Sure. Would the group be interested in seeing the revised layer and the messaging before we send it out?

Consensus: yes.

Chase: I don't know anything about the case in question but in general, drillers are being asked to use their knowledge and experience interrupting what they encounter. No one knows for sure until the well is drilled what's there. I like the wide line or gray area on the map idea as a heads up, but the driller is ultimately responsible. We can continue to improve the maps as we learn more and the WDNR can provide a variance if it's appropriate.

Nessman: More discussion to come.

- f. NR 812 Revisions (Fetter)
 - a. Status of revision effective 7/1/20
 - i. Fetter:

1. Fairly quiet and no major issues; but code -related questions are increasing.
 2. More factsheets to come
 - a. One correction to be made this week: NPC factsheet flow chart has a reference to NR 812.17, which no longer appears in code.
 3. Interested in fact sheet ideas if available
 4. NR 812 Appendix – available via hyperlink in online code, but not obvious on the LRB website, and was not contained on DNR Wells Website until it was added 10/13/20.
- ii. Mud and Cuttings so far has been the only issue that has come up.
1. Main issue is in the “boulder geology” in N. & NW WI.
 2. Some drillers were unaware of the rule change; one driller was unaware that there had been a code revision at all.
 3. Marty – boulder issues requires upper enlarged drillhole that requires mud and cuttings to prevent air escape when driller switches from mud to air. When problems encountered with grouting, they call the department.
 4. Tremie cannot be dropped to required depth, department works with them to provide variance.
- b. Future Revisions – PVC Study Group recommendations (Fetter) Include link to summary document.

6. Old Business

7. New Business

Mike Hanten would like to talk about Lab Sample entry into the WDNR database. What's going on is that the DNR portal has requirements that has created some issues, such as when the samples for different Parameters are sent to different labs; makes it impossible for labs to enter their data. Nessman: that should be fixed soon, if it hasn't been already.

Hanten: Do you plan on sending out year-end reports to well drillers this year? Nessman: winter workgroup may work on that and hopefully get it out in the spring. Hanten: compliant sampling improves when the regulated community knows that the reporting is being tracked. Nessman: we think it's important as well...

8. Future Meeting Dates

- January 2021 – (likely Zoom; a new section chief will be in place at that time.)
- April 2021 – Madison area (?)