

PRIVATE WATER ADVISORY COUNCIL
Clean Water Testing, Appleton
Meeting Notes – October 9, 2019

1. Introductions

Council Member Attendees: Liesa Lehmann (DNR), Roger Lang, Wyatt Buttke, Gary Kuhn, Steven Tesmer, Mike Hanten, Bill Hanser, Eric Schuette, Pete Chase (WGNHS)

Other Attendees: Kyle Burton, Marty Nessman, Frank Fetter and Bob Gundrum (DNR), Terry Marshall

2. Notes from April 2019 meeting

No comments.

3. PFAS 101 (Per- and polyfluoroalkyl substances) – Kyle Burton, DNR

Kyle Burton, Field Operations Director for DNR's Drinking Water and Groundwater program, gave a presentation on PFAS compounds which are a family of manmade chemicals that have been around since the 1940s – see attached PowerPoint slides. Federal health advisory in place, no MCL. DNR is proposing a drinking water standard. Discussion questions/comments included:

- What treatment technologies are effective? GAC–Granulated Activated Carbon is known to be effective. Possibly R-O or ion exchange.
- Are PFAS compounds “sinkers” or “floaters”? Floater or neutral – compounds follow the water.
- Why run municipal water to a PFAS-contaminated area rather than just drilling deeper private wells? Deeper wells may still need treatment; municipal water is reliable, and can be managed and treated as a single source.
- PFAS compounds bioaccumulate in the protein (meat) of fish and deer.
- What's being done to address production and disposal? Incineration may be a solution, but it's too soon to know for sure. Netflix documentary “The Devil We Know” points out how formulations are being revised with regulation.
- Cross-contamination when collecting a sample is a problem, because PFAS are so ubiquitous that the sampler may contaminate the sample due to personal care products, clothing, etc.
- Advances in testing indicate US population blood levels for common PFAS are dropping, but testing for the new and emerging compounds is not necessarily occurring.
- Suggestion to include PFAS as a topic for driller/installer continuing education.

4. WGNHS Updates – Pete Chase, WGNHS

Southwest Wisconsin Groundwater Study:

- 1st round >300 wells tested - 42% were impacted by *E. coli* or nitrates >10 mg/L
- 2nd round >500 wells tested - 27% impacted
- 3rd round (previous contaminated) - 91% impacted
- Next phase: evaluate well construction. Many are old and may have noncompliance issues. Is there a casing recommendation? Are there better/worse aquifers, etc.?

Central Sands Lake Study

- High groundwater levels in lakes study area (south of Stevens Point) - 2 of the 3 study lakes were previously dry. Now many homes around Long Lake have flooded/saturated basements. Legislature asked for demonstration of ground-surface water connection. Demonstration/test plan involves pumping out of well adjacent to lake to attempt to draw down lake. Study on hold - legislature pulled funding.

5. **DNR Updates**

Staffing Updates (Nessman/Lehmann)

- La Crosse position filled by Steve Janowiak, starting October 14. Updated coverage map will be sent out as soon as we have a phone number for Steve.
- Madeline (“Maddy”) Fontaine is a new ½-time LTE helping Sandy Hershberger to do compliance reviews for well construction and well filling/sealing reports and sample results. Maddy will provide compliance support after Sandy retires and before Sandy’s replacement is hired. Sandy and Judy Gifford are both expected to retire in the next year.

NR 812 Revisions (Lehmann)

Lehmann summarized 2019 rulemaking activity. The Natural Resources Board (NRB) approved proposed rule revisions in May 2019, but directed DNR to prepare a new Scope Statement and new rulemaking to address 3 issues raised by the industry: casing depth in limestone/dolomite, flowing wells, and thermoplastic (PVC) casing. DNR staff met with industry representatives in summer 2019 and agreed to resolve 2 issues (casing depth and flowing wells) with language changes in the current rulemaking process, and address the third issue (PVC casing) in a future rulemaking process. DNR will return to the NRB in January 2020 to request approval of the language changes, and the final rule revisions are expected to be effective in May or June 2020. Marshall complimented DNR on working with the industry post-NRB meeting, and asked if the 24-hour grouting requirement was addressed so that drillers don’t lose a day. Nessman will review language and respond. Hanten asked if DNR still plans to provide 2 hours of training on NR 812 revisions at the WWSA convention. Lehmann indicated yes, but since the convention is prior to the NRB meeting DNR will emphasize that it’s expected rule changes but not yet final.

Contamination Response (Nessman)

DNR staff responded to a couple of brown water calls in Brown County. First case was *E. coli*-positive sample in well near land spreading field; DNR was not able to confirm livestock impacts because sample was taken after water had cleared. Second case was lawful manure spreading near 3 private wells; livestock confirmed as the source and temporary water being provided by a local farmers organization. Lehmann encouraged industry to encourage well owners to report suspected manure contamination to DNR promptly. This helps to identify the possible contamination source, trigger a supply of temporary water, and support eligibility for Well Compensation grant funds for low-income households. Well comp. household income threshold is \$65,000. Hanten asked if drillers and installers recommend to their customers to contact, and if they decline, is there another way to convince them? Nessman commented that the local health department is also an important contact. Burton indicated that temporary emergency water is NOT income based. DNR private water supply staff get involved for any suspected livestock-related private well contamination. Marshall asked if there is any talk with DATCP about areas where these problems are occurring. Lehmann indicated that DNR updated NR151 to require targeted farm performance standards for NE Wisconsin, and SW Wisconsin may be added next. The Legislature Speaker’s Water Quality Task Force has also been hearing about these issues and is expected to propose legislation and resources to address. Two DNR web pages with more information: [Manure and drinking water](#) and [Well Compensation Grant Program](#).

Compliance and Enforcement (Fetter)

Fetter reported that DNR has issued 40 Notices of Noncompliance (NONs) for field violations so far in 2019, and 114 for sampling and reporting violations. Six cases have gone to secondary enforcement (Notice of Violation/Enforcement Conference), including pump installing without a license, a well driller failing to use de-sanding equipment in a high nitrate county (Outagamie), and a driller with 3 previous NONs for reporting violation who has still not made significant progress toward compliance. Two pending cases are referred to the Wis. Department of Justice for

prosecution. Hanten emphasized the importance of making the industry aware of ongoing enforcement actions and to provide as much detail as possible. This helps drillers and pump installers to reflect on their own work and whether they may be doing something non-compliant. Also, drillers who think they can do whatever they want with no regard to code requirements may think again if they are aware of enforcement actions and possible repercussions.

Pump Installer/Driller licensing exams (Gundrum)

In response to input from the advisory council, Gundrum will lead a DNR effort to update exam questions and create new exam study guides. A workgroup will start in November and be completed by June 2020 in time for the August 2020 exam to coincide with NR 812 code revisions. Existing questions will be evaluated for accuracy, clarity and fairness, and new questions will be developed, to create a question bank of more than 100 questions that can be used to randomly-generate a 100-question exam. Study guides will replace the current study materials which are primarily administrative codes and publications. Study guides will emphasize topic areas of desired competencies for each license type, and hopefully improve exam passing rates. DNR is interested in industry input on the new study guides, especially identifying key competencies. Hanten asked if exam preparation classes are offered or have been considered; Lehmann indicated no. Schuette asked if there are plans to require experience before someone can take a pump installer exam. Lehmann indicated it would require a code change. Council members pointed out concerns including home inspectors doing work they are not qualified for, inspectors doing the inspection improperly, or not documenting inspection details on the form. Suggestion that in the meantime, the pump installer exam should be more comprehensive and tied to core competencies. Lehmann suggested putting this on the agenda for a future council meeting, to allow further discussion on possible code revisions related to pump installer licensing.

Rig Operator Training program (Gundrum)

Gundrum is working on criteria for training requirements, and involving WWSA to provide industry input and involvement in administering the training. DNR also evaluating how to apply previous training meet new requirements, and looking at various training providers, for example tech schools for welding, GEFCO for drilling, etc. Council members commented that outside training providers may not meet real-world needs for the industry. Comments that might be a new business opportunity, but probably not enough demand to support a stand-alone business. Suggestion that WWSA step up to provide resources/training.

DNR Program Guidance Process (Lehmann)

A new law requires agency guidance documents to be posted for public comment. DNR has developed a process and procedures. See [Proposed DNR program guidance](#) web page for more information and to subscribe to receive notices.

Property Transfer Well Inspection form and fact sheets (Lehmann)

Updated form and new fact sheets will be posted on the new program guidance website soon for public comment. DNR will send email to all license holders about the guidance process and the opportunity to comment on these documents.

2020 Continuing Education (Lehmann/Gundrum)

DNR plans to provide Program Updates and 2 hours of training on NR 812 revisions at the January WWSA convention.

6. Old Business

None

7. **New Business**

a. DNR Enforcement related to Property Transfer Inspections (Gary Kuhn)

Kuhn expressed frustration about situations where a different pump installer made a blatant mistake and DNR does not take enforcement action. He cannot get any backup for customers, and civil litigation is not an option financially. Kuhn noted two examples including a non-compliant pit where well was under the slab. He is looking for DNR support to address, and feels it is difficult to initiate litigation unless there is some basis provided by DNR. Kuhn noted a pump installer who built relationships with unscrupulous realtors by turning a blind eye to problems found during property transfer inspections. Kuhn believes DNR needs to do visual inspections in order to stop contractors who do not follow the code. Lehmann responded that part of this issue is the level of DNR staffing and resources – with current resources DNR focuses on inspecting new wells under construction and contamination response. Nessman added that this is no different than how DSPS handles plumbing inspections. Fetter noted that if DNR receives a complaint that there is a clear noncompliance, we can investigate and take action as appropriate. However, DNR does not do inspections associated with property transfers and does not take a position when there is disagreement between two inspectors about a “gray area” of the code. Lehmann emphasized that DNR will initiate enforcement if there’s a clear code violation.

b. Legislative Updates/Activities (Mike Hanten) - Hanten asked if DNR aware is aware of any legislative initiatives, for example changes to the well compensation fund? Lehmann indicated that the legislative Speaker’s Water Quality Task Force has completed its hearings, and we expect to see some legislation introduced but have not seen anything yet. DNR was asked to provide recommendations and recommended expanding well comp. eligibility for nitrate contamination.

c. Missing Sample Enforcement (Mike Hanten) - Hanten stated that the lab should not be responsible for correcting problems or re-entering data when contractors submit samples on the wrong form or with incorrect/missing information. Lehmann indicated that sometimes there is no other way to get data correctly submitted. Lehmann emphasized the importance of drillers/installers including the unique well number (WUWN) whenever it is available, which will connect to other information in DNR’s database and help fill in missing information. Hanten requested that the form be revised to reduce problems. Lehmann indicated that there are 2 DNR-provided forms; Hanten said he provides 3 forms to customers. Lehmann will follow up with Hanten to sort out.

d. Bacteria treatment in revised code – what is inspection process, what paperwork, how will it affect new well construction (Mike Hanten)

Hanten expressed concern that under the revised code with no approval requirement for treatment, drillers will just use UV for new wells that test positive for bacteria. Marshall said the code recognizes that in some areas it may not be possible to construct a bacteria-free well. Lehmann indicated that drillers are still expected to construct a well properly and follow-up on bacteria-positive results, and UV treatment may be chosen. Hanten indicated that instead of fixing a more systemic issue, a driller or well owner may opt for a panacea/quick fix. Several indicated this is not different now, and the cost of a UV system will minimize this issue.

e. Meeting Length. Suggestions that we make council meetings longer. They often run long and are important. Lehmann will poll members about extending the meeting times.

8. **Future Meeting Dates**

- January 8, 2020 – Wisconsin Dells
- April 2020 – Madison area
- October 2020 – central Wisconsin