

Advisory Council Meeting Notes: November 10, 2021

Present: Eric Schuette, Matt Niffenegger, Michael Hanten, Pete Chase, Bruce Walker, Steve Tesmer, Scott O'Brien, Jeff Beiriger, Tim Butterfield, Marty Nessman, Frank Fetter, Bob Gundrum, Stacy Steinke

DNR UPDATES

- Well Compensation Grants – Bill 678: Marty will be testifying today and will leave at 9:30
 - Makes bacteria and nitrates eligible for well compensation grants
 - Prioritizes high nitrate wells – by highest concentration
 - Requires DNR to report to the joint finance committee on the number of grant applications, grant applications approved, and the \$ amount grants approved.
 - Questions:
 - Jeff B. – Is the DNR taking a position on the bill?
 - Marty – Not there to take a position, but to inform and report on potential impact and to point out that not all bacteria are harmful. Simple chlorination will be a solution in some cases. Want to make sure that the bill addresses cases with bacteria that causes a health issue.
 - J.B. – The bill gives the DNR to ability to recommend and approve treatment methods.
 - Marty – want to make sure the bill addresses harmful bacteria and does not open the door to remediating wells with samples that show only non-harmful bacteria.
 - The language that is currently in the bill states that well compensation is not available unless the well is being used for the purpose of watering livestock. Doesn't deal directly with human consumption and safety. Is the background on this requirement (livestock) known?
 - Marty - Not sure, there were concerns about compensation for bacteria contamination and the amount of grant requests that would result overwhelming funds available. The intent may have been to have it address chemical contamination caused by regulated activities. Nitrate is a concern for livestock if the level is above 40. They may have been trying to limit grants to farmers with livestock and nitrates in the 80s.
 - The DNR is supporting the bill. Allows DNR to select the best treatment for nitrates for situation.
 - Does not affect funding or staffing. Does not change income eligibility requirements for the grant. Income eligibility limits grant availability as well.
 - J.B. – there will likely be some discussion at the WWWA board meeting tomorrow.
 - E.S. – Are they looking to increase the amount of funds that are available?

- An extra million \$ per year was added for this biennium in the budget, but eligibility was not increased until now. Funds are available now. When money is not spent, it is rolled over into the next year. Annual report allows review of available funds remaining and whether adjustments need to be made.
- M.H. – do you know what the income eligibility requirements are?
 - Family income < \$65,000 and is reduced for every \$ over \$45,000
 - Maximum grant level has been raised to \$16,000 recently. (%75 of the total cost up to \$16,000.
- E.S. – That has to be on the individual’s primary permanent residence, correct?
 - Marty – Yes
- M.H. – what action does the department need to take to increase the eligibility limits?
 - Marty - It would require a bill to change the statute.
- M.H. – was that ever part of this bill? Thought there was discussion to increase the income level and not sure what happened with that discussion.
 - Marty - There were bills in the past including this one that included measures to raise the income limits, but it was removed from this bill.
 - J.B. – the likelihood would be that they would increase funding and eligibility together. They also need to consider the taxability of the grant to the individual who receives it. There is a combination of things that needs to be cleaned up in the language before income limit can be raised. This is a bipartisan bill. As of yesterday, there was no assembly companion bill so this would need to go through the senate completely to go to the assembly. There may be an assembly companion that will bring the two together to expedite.

STAFF UPDATES

- Stacy Steinke – field supervisor, Emily McParlane – full time permanent – Sandy’s position WCR approvals.
 - Still some backlog of WCRs submitted in May and June. Emily is getting up to speed quickly.
- Stacy filling positions in the field.
 - New field position gives 10 water supply specialists in the field.
 - Replacement need for Stacy’s previous position.
 - These hires will likely happen early in 2022.

IT UPDATES

- Mass uploading of private well sample results – almost ready
 - M.H. – It will take some IT work on each of the labs part to make this happen properly, but it looks promising and would be a huge step forward for the Private Water division.

- Marty – we are trying to make same as what is done on the public water side. Want to make the process seamless if possible.
- Marty – the department is looking to update the background process for that portal as it is based on outdated technology. Should be updated in the next year or two.
- Nitrate penetration data in Well Driller Viewer – coming in January
 - Groundwater section is working on layer to assist drillers and well owners make informed decisions about nitrate in their drinking water.
 - Layer is not totally intuitive but provides information on how deep nitrates have infiltrated into the aquifer within a township.
 - Will be included in the well driller viewer
 - Will have a 1-hour training session at the WWA conference in January.
 - Will also likely have a 1 hour recorded session that will be included in the WWA training offerings.
 - Some training will be required for drillers to understand the data.
 - M.H. – where was the data derived from?
 - Marty – data came from all available resources. Driller first sample data, GRN, state lab of hygiene, any source where sample could be tied to a location. Based on depth of the water table and how far into the water table if the well is cased into the water table.
- Online variance submittal – available now
 - NR 812 approval tracking system has been used internally at the department.
 - DNR staff have been using it to track variances, create approval letters and scan the letters into this new system.
 - System is available online now for drillers. It requires a WAMS ID,
 - Not required to submit online but is available if drillers want to use it. Gov Delivery message will go out tomorrow morning with details.
 - Will provide ability to search for a variance
 - Past variances will be scanned and uploaded as well. This will take a while.
 - Currently what is available are those records created since the NAT system was put in place.
- GRN well inventory data uploaded to WCR system – by July 2022
 - Groundwater Retrieval Network – Well data is being uploaded to the WCR system.
 - Will be available for search.
 - Any well compliance data with well casing depth measurement will be added.
 - These will be assigned WUWNs and added to the WCR system.
- GRN laboratory data available online – in the works
 - Working to make available in WCR system and the Well Driller Viewer.
 - Expanding the ways to look for sample laboratory data
 - M.H. – Are you saying that well data from a private well will be online and available for anyone to view? Does anyone see a problem with that?
 - Marty – The data is available in GRN now. Availability is not changing, just making it available through other systems.
 - M.H. - What data goes to GRN?

- Marty - Any sample data that is reported to the DNR for regulatory purposes ends up in GRN.
 - First well sample
 - Samples for pump work
 - Transient noncommunity samples
 - Public well samples
 - M.H. - So sample data from private wells is available online for anyone to see?
 - Marty – In GRN, yes.
 - Stacy – access to this data is not really new. It has always been available to review. Some drillers were not aware of it.
- New well notification system – July 2022
 - New process for purchasing well notification permits online.
 - Will be moved from Go Wild and moved to a system that ties in with the WCR system and new variance system.
 - Goal is that when a notification is purchased, the information can be pulled into the WCR and populate a variance so you can see when a permit was pulled and when a well was drilled.
 - Goal is to go live in July of 2022, but IT contractor has not looked at the application yet and it is unknown how long it will take for him to accomplish this.
 - It is based on the current WCR system and not totally new, so will not require developing from the ground up.
 - Will keep the industry updated
 - E.S. – If it is taken out of Go Wild, will the only option be to do it online vs going to a location (gas station) where there is current Go Wild availability? Some areas in the north have little to no internet service. Will that option still be available?
 - Marty – Go Wild locations will no longer be available, but DNR service centers will still be available.
 - E.S. – The Go Wild system did provide a relatively easy and convenient option for obtaining well notifications.
 - This is something that was covered in the surveys that were taken.
 - E.S. – for a majority of drillers it is not going to be an issue, but there will be a few who will be affected by the change.
 - Maybe another means of contacting the DNR or mailing notifications could be done so that drillers are not held up from going on site when they need to.
 - For Eagle River, nearest service center is in Rhinelander and maybe one in Woodruff. Sometimes with recent COVID precautions, the office hours have been different.
 - Expect that this may be a problem for people north of 29 or 64.
 - Marty – maybe they could notify field staff in the area
- Updates to geology coding in WCR system – by January 2023
 - All WCRs will need to be submitted electronically starting in January of 2023.
 - Coding will provide ability to describe geology encountered in the field and get it into the WCR.

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NR 812 DRAFT RULE REVISION

- Public Hearing on Draft rule 10/7/21:
- Presented 3 options:
- Draft Rule Language
- WWSA Proposal (variance process only)
- No Change to Current Rule
- Comments at hearing evenly split between Pro and Con
- 11 Written comments (6-3 in favor of Option Draft Rule vs. Variance...2 in favor of No Change)
- All comments: 6=Option #1, 6=Option #2, 3=Option #3
- Currently slated for December NRB meeting
- As of today, no changes to Draft Rule
 - Marty – discussions with J.B.
 - WWSA board to meet on Thursday and they will discuss the rule revision
 - Possible that this could be pulled back from the December NRB meeting if something can be worked out.
 - J.B. – Further discussion was held on Monday with the intent to present something to the Thursday WWSA board meeting
 - Some ideas on where do we go with the next steps
 - Once these discussions are held, we will have a better idea on what direction the board wants to take.
 - J.B. to provide Marty with an update on meeting outcome of Friday morning sometime.
 - The intent is to keep moving forward, but not too quickly and be careful of what it is that we are doing.
 - The opportunity to continue the dialogue with WWSA is appreciated.
 - Marty - with the NRB meeting, we have some control but have deadlines that need to be met.
 - If we don't get in front of the NRB by January, then we are going up against other deadlines that could cause this to be bumped out another year.
 - We could also be facing the deadline to complete the rule. Rules "timeout". Rules can be worked on for 30 months and then it either dies or you have to start the process all over.
 - The department feels an obligation to come to the NRB with something because the NRB requested a scope statement to review this issue and create rule language. We need to give them something to work with.
 - It may seem like we are trying to move fast, but we need to meet the deadlines.
 - We have some time for dialogue to see if there can be a consensus and modification before going before the board.
 - Frank – if we don't get final language before the legislature by this coming spring, then the scope statement expires, and we will have to start over. March 10th is where we at least need to have something scheduled.
 - M.N. – what were the comments that were made for or against?

- Frank – 6 comments in favor
 - Agrees with WWSA proposal
 - The others prefer moving slower and sticking with option 2 rather than option 1,
 - Option 3 was those who did not want expansion to the use of PVC casing whatsoever.
 - Drilling through PVC casing was taken out with Option 1
 - M.N. – what were the concerns of the people who were not in favor of it?
 - Frank – Primary concern was with drillers using PVC without having the needed training or experience needed with the new material that could lead to potential problems with wells. There were also specific concerns of PVC used with certain geology.
 - J.B. – PVC may have a role that we can all agree on a couple years down the line when we revisit NR 812. The WWSA focus is on water quality and not on the use of a less expensive material. PH and iron content were mentioned by the WWSA as concerns. There are limitations in bedrock where there are no Wisconsin drillers who have experience with PVC in bedrock. NR 146 requires experience in drilling 10 wells using a particular process in order to legally be able to do it without supervision from someone who has experience. There is no one in the state with this experience of PVC in bedrock. So, can we control the growth of this for a while to make sure we know what we are doing and limit its use to certain situations and then evaluate when we look at NR 812 the next time to see if this would be an appropriate time to apply the experience that has been obtained to the language for expansion to PVC. The WWSA would like to see a more measured approach. Let's move with caution and learn from experience over the next couple of years.

COMPLIANCE AND ENFORCEMENT

- Stacy – Goal is to reach an inspection level of around 10%. Reasons for being less than 10% do partially due to the pandemic, but the bulk of it is due to staffing and vacancy issues. Staff have been taken out of the field to fill in provide support where needed to address vacancies. There has been an increase in office work that affected time in the field.
- Frank –
 - Annual report summary. Some data disconnects are at the DNR, Lab and other sources. Next report due to come out in March by which time Frank hopes to have determined the source of data errors that are occurring.
 - Few NONs issued due to reporting violations. Expect that to ramp up in the near future as Emily begins to get up to speed.

LICENSING UPDATES

COVID 19 IMPACTS TO BUSINESSES AND INDUSTRY

- Frank: Mask mandate still in effect for the department. Would like to get back to in-person meetings. Department attendance at Lake Delton is not yet determined.

- Stacy: Things are pretty much back to normal in the field with staff maintaining social distance. Continued COVID precautions have not affected field staff as much as it has people in the office.
- Frank: The department has adjusted pretty well and continue to carry on business. Hopefully the regulated community has not experienced any issues in working with the department during the pandemic.
- J.B. – Can anyone comment on supply chain issues that they are dealing with? Availability of materials? Product? Lead times? Some trades are waiting for product with a lead time of June, so curious what is being seen in the industry here.
 - E.S. – there have been some issues with supplies, some worse than others. Pressure tanks have not been available for 2 months and there does not appear to be any on the way. Suppliers indicate that it will get worse before it gets better. We are making changes to inventory typically on hand and keeping more on-hand than usual for this time of the year.
 - T.B. – Pricing on material is getting out of hand. Steel pipe – is a problem in addition to how bad the supply chain is going to get. Controllers and Pentek drives have been difficult to get.
 - Stacy – there have been reports from field staff and the industry that the price steel has gone up with lumber but has not come back down. Difficult getting certain equipment. Reports from many in the industry that they are overwhelmed with work and not able to keep up. In the north, a lot of the work appears to be coming from people who are teleworking and may have had a seasonal cabin that they are working from.
 - Pete Chase: The survey has been trying to get wells installed around the state, many of which are not deep and not “money makers” for a driller. As a result, we have had difficulty even getting people to bid on those projects. It appears to be because they are overwhelmed with work.
 - E.S. – We have been looking at the spring of 2022 since the first part of September for fear of what the winter will bring weatherwise. We want to be careful not to take on more work and then not be able to get it done. Stacy is right that a lot of it in north is due to people updating and staying up-north while teleworking. Eagle River school district had 80 new students enroll this year. So, it appears that people are moving from metropolitan areas to the north. It’s a good thing for me, other than being a little overwhelmed with the amount of work to be done.
 - Frank: Enrollments in the Sun Prairie school districts are dropping.
 - J.B – Appreciate people providing this insight. Not sure what the impacts will be on the customer side. It may be hard to quote a job when materials are going up at 10% in one month or may not ship for 6 months. This makes doing business a complex thing.
 - Stacy – one thing to add on the customer side is that there are people with problem wells that are struggling. For drillers who are very busy, they don’t have time to deal with the “small problems” faced by these individuals. People

call regularly with iron bacteria issues and drillers do not have time to deal with addressing the needs of these homeowners.

- J.B. – It is important that we make sure that customers understand our issues too.
- Stacy – yes, we do explain to them and it is frustrating for everyone, customers and people in the industry. Having a lot of work is a good thing until it becomes too much. Everyone appears to be getting stressed with the workload right now.
- E.S. – Regarding Stacy’s reporting problem addressing problem well issues. Some contractors do not do the service part of the business when things get busy. They don’t have the time for the small jobs. Some of these contractors do not have the business integrity to take care of their own customers. There are a handful of contractors that work this way. We get phone calls from people who were told by their contractor to call Hedberg. They are put on a waiting list and the work is done at short notice when we are in their area.
- B.W. – You can’t find new employees like you could two years ago. There is a widespread lack of workforce. Can’t find help. The industry is competing with other industries for available workforce. A competitive wage needs to be paid if the industry is going to bring in new employees. This is outdoor work that is in the weather. You have to pay your workforce more at the same time that prices for materials is going up and are unavailable. Contractors are being squeezed from different directions, from payroll and cost of goods.
- J.B. – Going back to the numbers that Bob Gundrum laid out on decreasing license holders. In this and other industries, the great resignation is taking its toll with people retiring early or deciding to retire rather than continuing to work. This industry is screwed towards older rather than younger workers in terms of who is in the work force. If we are struggling to get people to come in the entrance, this problem is going to manifest itself over the course of the next 10 years. This is a problem that is going to be with us for a while, even if the market slows down, there will not be enough people available unless we start gearing things up and it’s a very competitive market to try to recruit to entrants.
- B.W. – At a recent geothermal board meeting, I suggested that they need to partner more rather than hire new drillers because there is a lot of risk when drilling any heat exchange borehole. There are a lot of factors that can impact your profitability as a drilling company. There is sometimes a reluctance in the industry to partner with and share the risk. However, there are a number of drillers in the state who are not willing to bear that risk anymore, so they are migrating out of the heat exchange drilling industry because it is not profitable for them. This is not going to improve unless there are changes in the industry by everyone involved.
- Frank: It was a concern already in 2010 that there were not enough young people coming into the industry to replace those who are or will be retiring.
- We have known for 30 years that this problem was coming and have not been doing what should have been done to address the issue. The great resignation

is exacerbating the problem as the industry faces competition with people not being willing to 5:30 in the morning to 7:30 at night. That works for ownership, but for someone looking for more of a work / life balance, it's not desirable. This will be challenging for the industry. It will be interesting to see how "we play this one out".

- Stacy – There has been a technical college that has reached out and is interested in providing introductory training for well drilling. Discussions are in the preliminary stages. There is an interest and a definite need. Anything that can train people for the industry would be helpful.
- Bob – This is something that should be put out there for consideration by the WWSA. Discussions were had with Northcentral Technical College that led to the DWD Bureau of Apprenticeships lead developer. He mentioned that an apprenticeship program would depend on the interest in the industry, if there are enough individuals who would be willing to offer their input as far the training that would be required. If there is an interest, the bureau would need 1 – 5 employers to be involved. They require 2000 hours of job learning experience and 144 hours of classroom training.
- J.B. – It is something that will be brought before the WWSA. It may be good if it is not an impediment. It may be good if training can be made available online rather than having people travel to Northcentral Technical College.
- M.H. – If done properly, the WWSA would be on board.
- E.S. – There are other industries that are having issues with keeping people in apprenticeship programs (plumbing for example). They have people that come in at ages 18 – 25 on apprenticeship programs who work for a year and then they are gone. Its hard to compete with other jobs that are available. We have raised pay rates and gone to high schools and contact to attract people, but its hard because of the type of work we do with unemployment in the winter and working and 60 – 70 hours/wk in the summer. You have to make attractive to people and not to selective with the hires. We like to have people come in green so we can train them the way we do things, but it is hard to have them commit for any length of time. They will get their CDLs and then an opportunity for a 40 hr/week job comes up and they are gone. We have lost people to the township because we can't compete with the benefits, hours and the wages.
- B.W. – I completely agree and that is the crux of the problem. We can't compete with other entities are vying for the same work force. As a general rule, we have not kept up with competitive wages of other industries. We need to make the industry attractive by what we pay and offer on the job.
- J.B. – What is the policy issue that a legislator would want to be looking at and engaging in as a solution? It's a complex issue that requires a solution. If we lose another 25% of the drillers in the state, prices are going to have to go up. Having people wait weeks for service because the nearest driller is 80 miles away instead of 20 miles away is a huge problem for the development of those areas. This is going to be a real challenge.

- E.S. – I don't see anything legislative that can be done to help with the workforce issue. Society in general has changed. We need to get young people to look at what we do, and it has to be a good fit for them. Its hard to have people go through the training for 2 to 3 years and then loose them.
- B.W. – Would the DNR consider widening protocols for accepting continuing education related to business practices related to pricing or to hire and retain employees? Something that would educate the industry more on responsible business practices?
- J.B. – Historically, that used to be the case. What Bruce is describing is the way that it used to be. The question is a matter of perspective. Is the department a regulator of the code or a regulator of the industry? The perspective that the Association has had is that the department is a regulator of the industry. The code operates within the context of how the industry does business. It is one aspect of the business. There was a policy change by the department that was not related to a change in code requirements. It was a shift in the thinking of the department at that time. What is being suggested is having a balance in providing training on code requirements as well as continuing education that offers training on the business side.

APRIL 2021 MEETING NOTES – no comments

WGNHS UPDATES

- The Survey is seeing upward pressure on prices for work throughout the state. Prices are up easily 25% in the last 2 to 3 years.
- Projects currently involved in:
 - Chequamegon-Nicolet National Forest – forest wide sampling of wells, springs, lakes and streams. Documenting change in groundwater chemistry from now to 10 years back.
 - a number of campground wells have been taken out of service due to unsafe water samples
 - Hydrogeology of Bayfield Peninsula – Some pressure around the periphery of the peninsula from large scale agriculture.
 - Attempting to increase county understanding groundwater resources within the county and how quickly water recharges through that system.
 - Wells installed by Binz Brothers last summer. Depth to water is over 300' in sand and gravel. The question is how long it takes for rain and water to re-saturate that 300' zone to get back into the groundwater system.
 - Groundwater flooding at Pigeon Lake – houses inundated by rising lake levels.
 - Manure spreading and changes to NR 151 in northeastern Wisconsin – Door County down through Sheboygan and over to east shore of Lake Winnebago. Looking at the amount of manure that you can spread and how it varies depending on the depth to bedrock. Resources used to estimate depth to bedrock are not always accurate. DNR funding provided to look at springs in Door and Calumet County that are in agricultural watersheds. Realtime nitrate monitors have been installed in the springs to monitor the effects of recharge and the timing of manure applications.

- Two different farms, one in Door County and one in Calumet. Farmer in Door County allowed access for testing new NR 151 manure application standards on one of his fields. Research includes looking at previous manure application rates. Intent is to determine if new application rates are making a significant difference on groundwater quality. Hope to have continued funding for 5 or more years to see if there are differences in groundwater quality with the application rates on those fields.
- Bedrock mapping in Grant and Lafayette County – and Jefferson County. Funding is through the USFS. Additional funding is allowing for supplemental projects including depth to bedrock and groundwater quality susceptibility based on depth to bedrock and overlying surficial material. Also including hydro lithologic framework into this mapping.
- Aerial electromagnetic study in Grant County and NE WI, depth to bedrock – related to manure spreading rates. Looking to similar study in Grant and Lafayette Counties.

OLD BUSINESS

- Bulk entry of lab data – already discussed at start of the meeting.

NEW BUSINESS

- Stacy – updates from the field: French Island sampling continuing. Everyone who needs water is having it provided. Alternatives are being evaluated in the Town of Campbell for long term solutions.
- DNR attended Farm Tech Days – much interest in water sampling for nitrates. Over 200 samples analyzed. Some came back high but most came in below the limit of 10 mg/l.
- St. Croix County special well casing depth area. Boundary was updated in July. Webpage dedicated to this area went live this summer. Informational meeting was held to provide the background on this site. There has been a funding change for the Junkers Landfill plume with TCE contaminant. Funding has been paying for treatment systems and water sampling. Due to uncertainty for future funding, variances for shallow wells with treatment systems installed will no longer be the norm. Most new wells will need to be drilled much deeper. More information is available at the website.
- Staff has been getting out doing inspections.

NEXT MEETING JANUARY 2022 – WWA CONVENTION – LAKE DELTON.

- E.S. – Virtual meetings works well. Wait until January meeting and plan from there for April 2022.
- M.H. – Maybe we should continue to make virtual an option even when we do return to in-person.