PRIVATE WATER ADVISORY COUNCIL
Schmeekle Reserve Visitor's Center, Stevens Point
Meeting Notes – April 15, 2024

1) **Welcome & Introductions:**

Council Member Attendees:

- Representing Well Drillers
  - Tim Jenks / Jenks Well Drilling - WWWA appointee
  - Kevin Olson / Ken Olson Well Drilling & Pump Service - DNR appointee
  - Tim Butterfield / Tim Butterfield Drilling - DNR appointee
- Representing Pump Installers
  - Dennis Crow (virtual attendee & co-chair) / Pure Water Labs - WWWA appointee
  - Terry Marshall / Marshall Well Drilling - WWWA appointee
  - Bob Aune / Aune Well Drilling - DNR appointee
- Representing Heat Exchange Drillers
  - Bruce Walker / Wisconsin Well & Water - Wisconsin Geothermal Association appointee
- Wisconsin Pump and Well Suppliers Association appointees
  - Scott O'Brien (virtual attendee) / Pentair
  - Brian Broga (virtual attendee) / Pentair
- Wisconsin Geologic and Natural History Survey appointee
  - Pete Chase / Hydrogeologist

Other Attendees:

- Rick Peterson / Clean Water Testing & WWWA President
- Jeff Beiriger / WWWA, Wisconsin Geothermal Association, Wisconsin Pump and Well Suppliers Association
- Bernie Friedenfels / Licensed Pump Installer, Master Plumber, Bernie's Well & Water
- Darrell (Butch) Eucker / Licensed Pump Installer, Checklist Management
- DNR Attendees:
  Marty Nessman co-chair, Stacy Steinke, Greg Roanhouse (virtual attendee), Jim Kasdorf (virtual attendee), Adam Scheunemann, Bob Gundrum

2) WGNHS Updates (Pete Chase)

a) WGNHS has 22 staff members, 6 of which are administrative. Remaining staff are involved in various agency projects. Most projects involve mapping. A majority of funding for projects is through USGS grant program called "State Map".

b) **Maquoketa Shale State Map Project**:

i) Only geologic unit in the state with specific regulation regarding well drilling/construction. It is a confining unit and regulation does not allow wells that perforate the Maquoketa Shale.

ii) Maquoketa Shale State Map project establishes depth to, and thickness of the Maquoketa Shale.

iii) Primarily mapping is being done in areas north and east of Lake Winnebago. The rate of manure spreading allowed here is dependent on depth to bedrock.

iv) Water quality below the Maquoketa shale is saline. To reach good water when drilling through the Maquoketa Shale requires several hundred feet of casing.

v) Depth to bedrock data is acquired using airborne aeromagnetics. Drilling is done in line with airborne data to "ground-truth" depth to bedrock in specific areas.

vi) Section views depicting dolomite and shale stratigraphy were presented. Data depicts transitioning from dolomite to shale and back to dolomite.
vii) WGNHS contracts with Illinois Geologic Survey for drilling. Illinois Survey has full time drilling crew available year around at a reasonable rate.

c) City of Abbotsford High School Nitrate Project

i) Abbotsford is located in the central part of the state where Precambrian bedrock is shallow. A thin layer of sandstone (10 – 20 feet) overlays the Precambrian bedrock.
ii) City water demand is outpacing available groundwater supply. Sixteen wells provide water to 8000 residents.
iii) Leasing of city land used for corn and soybean production was discontinued. Nitrate concentration in drinking water is of concern to the city. The area west and north of the city was reseeded with prairie plants and trees. Future monitoring will determine how quickly water quality improves with discontinuation of fertilizer applied to crops.
iv) Abbotsford is located on a groundwater divide. The exact location of the divide and direction of groundwater flow in the area is uncertain. Four municipal wells on the property impact groundwater flow direction. It is uncertain what direction the water from those wells is coming from. Not enough groundwater data is available to determine exactly where the divide is. Shallow monitoring wells are being drilled to determine groundwater flow direction and the impact the municipal wells have on groundwater flow in the area.
v) The intent is to have high school students involved in the project from the beginning. The scope of the project is to install wells and model groundwater flow direction. Students will be trained in the process and will be involved in capturing needed groundwater data. It is hoped that student involvement will lead to interest groundwater quality and flow. Potentially, a new generation of well drillers will emerge from the Abbotsford area.
vi) A question was raised regarding a well with nitrate levels that increase when lake levels decrease. The trend reverses when lake levels go up, nitrate levels go down. (TM)
vii) Conceivably, when lake levels go down, gradient towards the lake may be increasing which brings groundwater towards the well. When lake levels go up, there may be an increase in "bank storage" from the lake with lower levels of nitrate flowing towards the well. Nitrate levels in surface water are typically less than in groundwater. (PC)
viii) Wells in the area are typically 60' screened wells. It is a bar & restaurant business where samples taken at different times of the year result in higher or lower levels on nitrate depending on whether lake level is high or low. (TM)
ix) If the well close to the shore, the water may be coming from deeper in the aquifer until the gradient reverses and then a shallow component of groundwater flow contributes to higher nitrate levels.

3) DNR Updates

a) Proposed Updates to PTWI Form – Greg Roanhouse

i) The workgroup conducted property transfer well inspection outreach to real estate professionals in the 6 counties of southeast Wisconsin. The real estate market has been booming over the past 2 years in this area. There has been high volume of calls from buyers, sellers, pump installers, inspectors and real estate agents.
ii) The goal of workgroup was to identify questions and concerns regarding property transfer well inspections. Realtor Associations were used as the platform to communicate with real estate professionals. The workgroup consisted of 5 individuals located across the state. Outreach was to as many DNR internal and external people as possible.
iii) The purpose of the outreach was to reduce the number of phone inquiries that come in to the DNR related to property transfer well inspections.

iv) Property transfer well inspection related questions were tabulated, and a PowerPoint presentation was prepared to address questions and provide clarification on the role the DNR plays in the property transfer well inspection process. The slides cover setback distances, contamination sources and water quality issues. Public water sources, ARPA and DNR online sources were other topics covered in the presentation. Online fact sheets and the well driller viewer were presented as possible resources for information.

v) Currently outreach has been completed to 4 of the 16 Realtor Association regions across the state. It is important for the presentations to be given in person rather than remote to allow for development of relationships and open Q&A.

vi) Form 330-221 related input is being collected. Future efforts will focus on evaluation of the form and improvements to make it more user friendly.

vii) Rick Peterson reported giving presentations to 8 realtor offices so far this year with 4 more scheduled in upcoming months. It was suggested that the DNR work together with WWWA going forward to make sure what is presented to realtors by both parties is consistent. The information presented here is valuable and it would be good to meet to make sure that DNR and WWWA are on the same page with everything that is being presented. (RP)

viii) A question was raised as to whether these efforts also apply to realtors for commercial properties? There is a contact available for commercial realtors if needed. (JB)

ix) Public Water Supply is represented in the workgroup. A portion of the presentation covers Private vs Public water systems and the different types of public water systems. The contact information for the commercial side would be of value and would be shared with the member of the group from that represents the Public Water side of things. (GR)

x) Working with realtors is a waste of time. The makeup of the realtor industry has changed over the past few years. Often it is the path of least resistance that is taken with regard to real estate transactions and property transfer well inspections. Many times in the southeast region of the state a property will receive 4 or 5 offers the first day that it is on the market. Realtors are looking for a rubber stamp. They want to work with someone who will get them through the closing with no delays. Many times, inspectors will not check the box on form 330-221 that indicates complying or noncomplying. (BE)

xi) The form is used as a piece of paper to complete the closing process. Form 330-221 works well. Not sure if any revisions are needed and is recommended that it not be changed. (BE)

xii) It may be time for the DNR to start reviewing well inspection forms for accuracy. There were 63,000 home sales in Wisconsin last year. If these forms were submitted to the DNR for review, realtors would start to be more self-regulating. (BE)

xiii) The majority of realtors in this region are doing home sales on the side as a part time job. The industry has changed from when people worked full time in real estate sales. (GR)

xiv) The Wisconsin Realtors Board in Madison does not care about what is happening in the local associations. There is a void in integrity at the top of leadership. That may be a good place to focus efforts. More might be accomplished if change is implemented from the top down. (BE)

xv) I typically include a separate sheet that addresses functionality of the well system when doing property transfer well inspections. Form 330-221 only addresses code compliance. How many times are functionality questions raised that are not a code related question? A well system could be code compliant, but that doesn't mean that it is repairable. (BW)

xvi) We receive a lot of those types of questions. Big ones are 5" rock wells and non-pressurized conduit. The 330-221 form is a minimum requirement. If the minimum

requirements are met through a visual inspection, you can add an additional sheet to the inspection report that addresses functionality. This is why the third box was added that says "*Complies with NR 812, Wis. Adm. Code, except that a more comprehensive search or additional research is needed to evaluate potential violations that may exist but are not fully identifiable as part of the basic visual inspection". (GR)*

b) Changes to Primary Enforcement Tracking – Adam Scheunemann

i) A method for consistency in enforcement across the state is being developed.
ii) Enforcement tracking and documentation processes have been reviewed for improvements.
iii) A tracking system has been developed that allows input from the field or while in the office. The system provides a central location for storage of communication history, enforcement data and documents.
iv) The system is not public facing or searchable by the public.

c) Variance Feasibility Statement Clarification – Jim Kadsdorf

i) A formalized process with "model" statements that are required inputs to variance application submittals was presented. An application template will be made available online for use.
ii) A question was raised regarding the length of time required to process a landfill variance application. (TB)
iii) Required lead time for processing applications is dependent on volume and backlog of applications. Input from the waste program is needed at times. Volume of applications has increased over the last few years. (MN)
iv) Variance applications submitted for approval 20 years ago required no action. Testing, sampling, special casing due to geology was not required. Recent variance application approvals have been the same with no action required. The amount of review required for variance approval has not changed. (TB)
v) The use of the Well Driller Viewer has increased availability of information and awareness of what is located in a given location. This has resulted in an increase in volume of applications. (TJ)
vi) There is a limited amount of data available on many of the landfills that are delineated on the well driller viewer. No one really knows what may be in there or what the potential for contamination may be. (PC)
vii) Can the next revision of NR 812 provide a definition for the word "feasible"? Other areas of the DNR define it as "practical" or "suitable". In drinking water and ground water, the word "feasible" is synonymous with "possible". (BW)
viii) We should be able to address or clarify the language in the variance section of NR 812 with this next revision.
ix) The next step will be provision of a GovDelivery message with an update on availability of the form online. The online application will reflect the latest revisions that came out of the workgroup. The NAT system will also accommodate continuing obligations, residual contamination and residual contamination site applications.
x) The NAT system allows the user to log in an application and allows the DNR to track the variance application process.
xi) A two week or one month delay is like an eternity to a home builder. Anything that we can do to improve turnaround time is valuable. (TB)
xii) Recently there was an emergency out-of-water landfill variance situation. It was on a Friday when sometimes it can be difficult to reach someone. What should be done when

there is an urgent request that needs to be addressed in a hurry? It took a week for a verbal approval in this situation. Also, is a signature required on a landfill variance?

xiii) If you are unable to reach someone by phone, be sure to leave a message. Other regional staff can also be contacted if regional staff in your area are not available. Send a text message if needed with the work "EMERGENCY". A signature is required. If drilling commences without the required approvals in an emergency situation, the driller is accepting the risk of reparations required. (DNR Staff)

d) Pump Installer Sample Tracking / Proposed Form Revisions – Steve Janowiak

i) The DNR sample submittal tracking process has provided inconsistent and inaccurate sample submittal data to DNR staff. In the past, samples have been submitted by pump installers to labs as required, but the sample submittals do not appear to be entered in the database when queries are run by DNR staff. This (at times) has resulted in inaccurate reporting on sampling submittal compliance by the DNR. What is presented here are efforts to determine the cause of inconsistent sample submittal data and what is being done to resolve the problem.

ii) Further investigations confirmed that labs completed sample analysis and submitted sample results to the DNR. Eventually, DNR tech staff were able to find the sample submittals in the DNR database. What has been determined is that the process for compiling DNR sample submittal data is complex with a number of process inputs that can impact accurate retrieval of sample submittal data by the DNR.

iii) Water Test Request **Form 3300-265** is submitted by the pump installer or by a pump installer employee. Submittal of the request form can be delegated by the pump installer to the homeowner.

iv) Inaccurate and inconsistent entries into **Form 3300-265** will cause inconsistent sample submittal data outputs from the DNR's database.

(1) Name misspellings or inconsistent address entries such as "road" instead of "street".

(2) Incorrect entries can affect correlation of samples submitted by the well driller and those submitted by the pump installer for the same well.

(3) Code allows 30 days from completion of pump service work for collection and submittal of a water sample. The form does not provide a field for pump service work completion date. Only a sample "**Collection Date**" field is provided.

(4) **Form 3300-265** requires entry of the "**Collector's License #**" . If the collector is a pump installer employee, he may not have a license #. He may enter the license number of his supervisor, or he may enter the business registration number of the company he is employed by. Otherwise, this field might be left blank by an unlicensed pump installer employee.

(5) For the Unique Well # field, the driller has 30 days following well construction to submit the well construction report. The pump may be installed prior to well construction report submittal. There may be no unique well number assigned at the time the pump is installed. This field on **Form 3300-265** is then left blank by the pump installer.

(6) Labs submit sample data to the DNR using an online form. Entries to the online form are completed by lab staff who pull the information from the paper Form 3300-265. The intent going forward with this project is to make entries to the online form from the paper form more straight-forward for lab staff.

(7) Progress has been made with improving data entry processes for new pump installations. In the future, the focus will be on alignment of data from historical pump service work sample submittals.

(8) Rick Peterson reported that he collects samples for a number of businesses. The business will provide a list of wells where samples need to be taken for a new pump installation. On **Form 3300-265**, Rick enters his name for "**Collected By**", but he enters the pump installers license number for "**Collector's License #**". This is where the form may be causing inconsistencies in data entry ("Collected By" and Collector's License#"). Others who may be putting their own license number down on the form instead of the pump installer's license number. (RP)

(9) Is there any way to assign the unique well when the well driller purchases the permit (well notification number)? (TB)

(10) That may resolve the issue for new pump installations, but not for existing wells that do not have unique well numbers. There are old wells that may have had a number of pump installs and sample submittals where no well number was assigned. (SJ)

(11) On Form 3300-265, if the verbiage in the "**Collector License** #" field needs to be changed. (RP)

(12) There should be a central location for all DNR required forms. (BF)

(13) There is a location on the DNR website that has required forms. (SS)

(14) Steve has shown how complicated and convoluted the back end of the DNR management system is. This is still a work in progress. (SS)

(15) What is the pump installer supposed to do if the homeowner refused to pay for or allow the pump install to collect a sample? (BA)

(16) It should be emphasized to the homeowner that sampling is part of what is required by law. If someone absolutely refuses you to collect a sample, you should just document it. (MN)

(17) Doing a count test after having multiple positive coliform tests might be a good idea. (TM)

(18) There are times when the occurrence of positive coliform is an indicator of a problem. (TB)

(19) Pete Chase has emphasized in the past where different layers can contribute to water flow within the well. Pumping may impact which layer is contributing more or less water. This can cause variations in water quality depending on which layer is contributing more to the water drawn and any specific time. (SJ)

e) Staffing Updates (Nessman/Steinke)

i) Jake Sedivy has been appointed Field Expert for pump installing and pump work.

ii) Stacy Steinke has accepted a new position and will be departing the Private Water Section as of May 6th.

f) Compliance and Enforcement activities (Steinke/Nessman)

i) People are now being put on the waiting list for ARPA well grants.

ii) Prior approved ARPA well grant applications will be honored. The money has been set aside of all approved applications.

iii) The EPA announcement on MCL for PFAS will have some effect on well compensation. This will make more people eligible for well grants (not ARPA) if PFAS levels are above the standard.

iv) Now that the EPA has set a PFAS standard, what is the timeline for this to be adopted for private wells in Wisconsin? Adoption of the PFAS standard has to be done by rule. (JB)

v) Our code refers to NR 809.40. Establishment of a state MCL is going to require some time.

vi) Public systems will have 3 years to come into compliance with the federal standard.

vii) The effect on Private Water policy will be primarily with well compensation if it is shown that PFAS levels exceed the EPA standard.

viii) More time is needed to sort out exactly how the EPA standard will affect Private Water.

ix) The well comp fund could be depleted rather quickly with the new standard unless there is more money going into it. (JB)

g) Rule Revisions (Nessman/Gundrum)

i) **Online renewal processing** – a scenario depicting what transition to a required online renewal process might look like was presented.

(1) Notice of required online renewal would be given in late June/early July.

(2) An opt-out provision would be available for those with a valid reason for not renewing online. Those who opt out online renewal would need to do so by August 1st.

(3) Those who opt-out of online renewal and renew by mail would be required to complete continuing education prior to October 15th.

(4) Those who opt out of online renewal would receive a hard copy of the renewal application by mail.

(5) Is the DNR allowed to charge the 6% online processing fee that is required for the online renewal transaction? That is above what the license fee is that is required by statute. (TM)

(6) There is a way to process the transaction online with a direct transfer from a bank account that does not require the convenience fee. (BW)

ii) Changes to 2025 continuing education approval criteria

(1) Continuing education approval criteria can be made without a change to rule language.

(2) Those who do not complete continuing education requirements for the current calendar year by December 31 would be allowed to fulfill continuing education requirements and renew their license with a late fee in the following calendar year. Credits allocated to a past year's requirement could not be allocated to attendance requirements in the following year.

iii) Advisory Committee requests for implementing pump Installer license applicant experience requirements

(1) Statute requires only passing a license exam to obtain a pump installer license in Wisconsin. Adding an experience requirement for pump installer license exam eligibility has been requested by Advisory Committee members and has been discussed at length if the rule revision meetings.

(2) The DNR is reviewing whether a condition code can be applied to a pump installer license limiting activity to property transfer well inspections. A separate exam would be established for a license with the condition code applied to it. The exam would focus on core competencies required for property transfer well inspection. The exam would serve as a means to better align qualifications with the license credential held for property transfer well inspections.

(3) A pump installer license applicant might apply for a full license that would include core pump installing activities, property transfer well inspections as well as well filling and sealing. An exam for the full pump installer license would test core competencies in all three areas.

(4) A practical component to pump installer license exams is also being considered and a means to better align competencies with the pump installer license credential that is held.

iv) **Definition of "Pump installing" in NR 812/NR 146 -** Revision to the current rule language would have NR 146 referring to NR 812 where the term "pump installing" would be clearly defined.

i) The question was raised as to whether stat. 280.13 Additional Powers of department (*The department may exercise such powers, and may promulgate such rules, as are reasonably necessary to carry out and enforce the provisions of this chapter*.) and 280.11 (*The department shall, after a public hearing, prescribe, publish and enforce minimum reasonable standards and rules and regulations for methods to be pursued in the obtaining of pure drinking water for human consumption and the establishing of all safeguards deemed necessary*)… can that be applied to requiring more strict regulation for the pump installing industry? (BW)

(1) The broad authority provided here needs to be tempered with other sections of statute 280 where it specifically requires experience for driller exam eligibility, but not for pump installer exam eligibility. The statute narrows the broad authority given with requirements for one license relative to another. So, it does not give the department authority to add experience requirements for the pump installer license when it currently is not required when experience is required for the well driller license. To require experience for the pump installer license would require a change to statute. (MN)

ii) Current senate is not likely to pass legislation on licensure. The more the department can get creative working with existing rule language, the more likely it will be that you are able to move closer to what is needed. (JB)

iii) Has there been any discussion regarding a license requirement for point drivers (someone who installs sand points for hire? (TJ)

iv) The statute does not consider point driving to be well drilling. To require a license for point driving would require a change to statute. (MN JB)

v) Concern was expressed regarding "bad actors" entering the industry and doing work that they are not prepared to take on. More in the way of background checks should be done to determine if an applicant is of good moral character.

vi) It was suggested that the department put new pump installer licensees on notice. Once the license is granted, put the pump installer on notice for the first projects complete. (AS)

1) **Licensing & Continuing Education** (Gundrum)
   a) First Quarter 2024 License & Registration Data
   b) DNR Criteria for Continuing Education Approvals
      i) Additional suggestions for continuing education topics were how to write a contract and how to put a lien on a property of someone who refuses to pay their bill. (BE)
2) **New Business**
   a) Tim Jenks agenda item requests:
      i) Emergency Variances
      ii) Problems with DNR Online Systems
3) **Old Business**
4) **January 2024 Meeting Notes**
5) **Future Meeting Dates**
   a) October 2024 – Location TBD