

## PRIVATE WATER ADVISORY COUNCIL

Meeting Notes – January 9, 2019

1. **Council Member Attendees:** Liesa Lehmann (DNR), Michael Hanten, Bill Hanser, Alan Hoyer, Jeff Kramer, Gary Kuhn, Roger Lang, Terry Marshall, Tim Nelesen, Eric Schuette, Troy Van de Yacht, Bruce Walker.

**Other attendees:** Marty Nessman (DNR), Jeff Beiriger, Terry Farago

### 2. **Advisory Council Membership**

Terry Marshall and Jeff Kramer have reached their term limits, and Tim Nelesen will be stepping off the Council. Thanks to Terry, Jeff and Tim for their years of service. WWSA has appointed Terry Farago as a Well Driller to replace Terry. DNR will appoint another Pump Installer to replace Jeff. WPWS will appoint another representative to replace Tim.

### 3. **Notes from October 2018 meeting**

Not available.

### 4. **DNR Updates**

#### **New DNR Administration**

Lehmann announced that Governor Evers has appointed Preston Cole as the DNR's Secretary. Preston Cole has recently served as chair of the Natural Resources Board. Several other appointed positions at DNR have not been announced yet.

#### **Staffing Updates (Lehmann)**

- Tom Puchalski transferred to the Private Water Field Specialist position in LaCrosse.
- Frank Fetter will start as the new Private Water Policy Coordinator on January 22.
- Dorie Turpin retired on October 1. The hiring process has started for a new half-time Licensing Coordinator who will likely start in February/March.
- Randell Clark is retiring January 16. A new hydrogeologist will be hired and is expected to start in March/April.

#### **Hydrogeologist workload transition**

Lehmann indicated that Randell's primary assignments are landfill variances, well grant technical review, and geothermal approvals. Randell is training interim reviewers to handle these until a new hydrogeologist is hired. DNR is seeing an increase in landfill variance applications, probably due to drillers finding landfill location information on the Well Driller Viewer. Lehmann indicated that drillers should plan for longer turnaround times on landfill variance applications, and make sure applications are complete.

#### **Special Well Casing Depth Areas**

DNR described increased reports of bacteria-positive private wells after recent flooding in the Town of Middleton, Dane County. DNR staff are considering expanding the existing SWCDA to address this. Regarding the Nor-Lake / Junker landfill site, DNR staff are evaluating new sample results from the consultant. The SWCDA boundary will likely be updated to reflect the most recent data.

#### **Contamination Responses - PFAS**

Recent media coverage is highlighting concerns about groundwater contamination by Perfluoroalkyl and polyfluoroalkyl substances (PFAS). PFAS are a large group of human-made chemicals that have been used in industry and consumer products worldwide for several decades, and are widespread in the environment. DNR has created a web page: <https://dnr.wi.gov/topic/Contaminants/PFAS.html> with more information and links to resources about PFAS.

**eLicense Renewal** - Lehmann described that electronic license renewal was piloted successfully by 100 license holders. This option will be provided to all license holders in fall 2019.

**Compliance and Enforcement activities** – DNR announced a successful criminal prosecution of an individual in western Wisconsin who was convicted on multiple counts of unlicensed work and fraud. Hanten recommended that DNR should highlight numbers whenever possible so industry knows that it could happen to them.

### **NR 812 Revisions**

Lehmann provided copies of the draft rule and 4-page fact sheet about the proposed code changes. The public comment period is open through January 29. Lehmann gave an overview of how the draft rule is organized, and explained how to read the language to understand what is new and what revised. The current schedule for rulemaking is:

- January 11 - Presentation at WWSA Conference
- January 15 - Public Hearings
- Spring 2019 - Natural Resources Board for rule adoption
- Summer/Fall 2019—Review by Governor and Legislature
- Early 2020—Revisions go into effect

Council members expressed concerns that the industry has not seen rule language or been allowed to comment before now. Lehmann indicated that DNR convened a group of well drillers for the Subchapter II rewrite, and contacted individual well professionals on other sections. The current statutory deadlines for rulemaking do not allow as much time for stakeholder involvement, so DNR is using the fact sheet, presentation and WWSA Conference and a longer public comment period during the winter season to ensure that the industry has enough time to review and provide comments.

### **5. Old Business**

- Property transfer well inspection form re: <6-inch diameter wells – Lehmann shared a draft form revision that includes an additional checkbox for an inspector to indicate that they are unable to determine if the well terminates in bedrock, and an additional checkbox to indicate that the well complies based on the visual inspection but more research is needed. The form revision will be accompanied by two fact sheets that Dorie Turpin was working on before she retired.

### **6. New Business**

- Nitrate Sunsetting – DNR's public water program has historically allowed small public water systems to continue operation if the system has nitrate above 10 ppm, but below 20 ppm. Due to EPA requirements, DNR will be ending this practice, and is developing an implementation plan to work with the 263 noncommunity systems that will be affected. Well drillers may be asked to assist public water systems with well replacement. DNR guidance is expected in late 2019.
- NR 812.36 – Hanser identified confusing language saying alcove is a pit. DNR said that an alcove is a type of pit based on code definition of "pit". Proposed NR 812 revisions will clarify this further.
- Driven point wells – Hanser asked if it is possible to have separate code for driven point wells. DNR indicated that they are addressed in a separate section of NR 812 and this is planned to continue.

### **WGNHS update**

Chase provided information about the Southwest Wisconsin Groundwater study that has been in the news recently. The study is evaluating bacteria and nitrate in private wells in Iowa, Lafayette, and Grant Counties. Chase also described a multi-year Central Sands study being conducted by DNR and WGNHS, evaluating impacts of irrigation to local groundwater levels. Council members suggested that a WGNHS update be a standing agenda item at each council meeting.

### **Future Meeting Dates**

- April 2019 – Madison area
- October 2019 – Clean Water Testing, Appleton