

GROUNDWATER COLLABORATION
SHORT TERM SOLUTIONS IN RELATION TO CONTAMINATED WELL
WATER IN KEWAUNEE COUNTY WORKGROUP

DRAFT FINAL REPORT DATE: 12-7-15

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WORKGROUP

Short Term Solutions in Relation to Contaminated Well Water in Kewaunee County

Purpose

The purpose of this workgroup is to review and define issues faced by individuals in Kewaunee County who have wells which are contaminated by bacteria and/or nitrate. The scope of the workgroup activities will address concerns from these and other concerned citizens and seek to find avenues to provide a safe drinking water source, and/or clear information for those with contaminated drinking water to quickly and efficiently obtain a safe drinking water source.

Expected Outputs / Products

The workgroup will compile and review existing statutes, administrative rules, and policies, creating clear and understandable guidance detailing the current tools available through the state and county. The workgroup will also outline the limitations of potential sources of aid available through the state or county. The members of this group will then work together to create a list of recommendations or suggestions to address these outlined limitations. The workgroup will seek consensus on all recommendations. Where consensus is not possible, the final guidance will include majority and minority perspectives. The full workgroup will attempt to complete written guidance, fact sheets, and/or recommendations by October, 2015; however, additional time will be allotted if necessary.

The recommendations are intended for: impacted citizens, WDNR, and other interested stakeholders, including, but not limited to, local government officials.

Composition

The workgroup consists of invited participants representing a cross-section of interests concerned with the groundwater quality issues observed in Kewaunee County. The workgroup does not have any formal authority.

Workgroup Members:

- Kyle Burton, Wisconsin DNR Drinking Water and Groundwater(chair)
- Russ Rasmussen, Wisconsin DNR Division of Water
- Marty Nessman, Wisconsin DNR Drinking Water and Groundwater
- Jodi Parins, Kewaunee County
- John Pagel, Kewaunee County, Pagels Ponderosa

- Davina Bonness, Kewaunee County Conservationist
- Cindy Kinnard, Kewaunee County Health Department
- Dick Swanson, Kewaunee County
- Sara Williams, Midwest Environmental Advocates
- Lynn Utesch, Kewaunee CARES
- Tom Davenport (or representative), US Environmental Protection Agency
- Andy Wallander, Kewaunee County
- Ron Heuer, Kewaunee County
- Dale Konkol, Door County

Meeting Schedule and Information

Meeting #1 – August 25th, 8:30am-11:00am

Location – James P Caughlin Center, 625 E County Rd Y, Oshkosh, WI 54901



Aug25_Groundwater Aug25_Groundwater
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Meeting #2 – September 28th, 12:30pm-4:30pm

Location – Kewaunee County Fairgrounds Expo Hall 625 Third St. Luxemburg, WI



Sept28_Groundwater Sept28_Groundwater
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Meeting #3 October 21st, 8:30am-12:00pm

Location – Kewaunee County Fairgrounds Expo Hall 625 Third St. Luxemburg, WI



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Meeting #4 November 16th, 8:30am-12:30pm

Location – Kewaunee County Fairgrounds Expo Hall 625 Third St. Luxemburg, WI



November16_Ground NOTES_November16
water Collaboration S_Groundwater Collab

Meeting #5 December 16th 8:30am-12:00pm

Location – Kewaunee County Fairgrounds Expo Hall 625 Third St. Luxemburg, WI



NOTES_November16
_Groundwater Collab

WORKGROUP GROUND RULES

Members agree to:

1. Contribute to an environment of civility.
2. Focus is on learning and problem solving.
3. Remain open to new concepts/information/perspectives different from your own.
4. Everyone will participate and take ownership of group projects and, when appropriate, sub-groups will be assigned to work on specific activities.
5. Focus on underlying interests rather than positions.
6. Make statements, then invite questions and comments.
7. Share all relevant information.
8. Test assumptions and inferences.
9. Everyone has a chance to speak without interruption.
10. No one should dominate the conversation or topic.
11. Disagree openly with any member of the group.
12. Agree on what important words mean.
13. Jointly design ways to test disagreements and solutions.
14. Discuss difficult issues.
15. Keep the discussion focused.
16. Do not that cheap shots or otherwise distract the group.
17. Make decisions by consensus; where consensus is not possible, document majority and minority perspectives.
18. Exchange relevant information with other stakeholders.
19. The workgroup owns all ideas and concepts; do not talk disrespectfully about team activities in public.
20. Recognize regional/geographic differences and avoid singling out individual entities.
21. At their own discretion, decide whether or not to respond to comments and questions from the audience.

Guidelines for non-Members who attend Workgroup meetings:

- Comments are always welcome to be submitted to the workgroup chair at Kyle.Burton@Wisconsin.gov.
- Written comments may be submitted at all meetings.
- As time permits, audience members will have opportunities to share comments and concerns with the workgroup, consistent with the ground rules listed above.

Recommendations

During the course of the workgroup's meetings many recommendations and strategies for addressing the issues faced by individuals with contaminated wells were discussed. Several of these recommendations have already begun to be put into place, while many will need to be considered by one or more of the stakeholder groups listed in the scope document. Below is listed a compilation of the workgroup's final recommendations. These recommendations are first grouped by theme (Funding, Communication, Specific Solutions, Regulatory, and Prevention/Other) and then by particular stakeholder or stakeholders (Wisconsin State Legislature, Wisconsin Department of Natural Resources, Kewaunee County, local citizen/farmer groups, or a combination of groups) that may consider addressing them. Note, individual stakeholder participation in this group does not equate to full implementation of any specific recommendation, or complete agreement by the entire stakeholder group.

Funding

The funding of emergency water supplies and contamination remediation for individuals in Kewaunee County was an important topic often discussed by the workgroup. In principle the workgroup agrees that the Wisconsin Department of Natural Resources, Kewaunee County, and potentially local farmers should consider funding initiatives that would include providing emergency supplies, remediation, and/or replacement to households whose wells are impacted by offsite livestock contamination. Specific funding related recommendations made by individual workgroup members are as follows:

State of WI Legislature

1. Consider increasing funding to the state Well Compensation program if changes in policy or statute cause a funding deficit.
2. State legislators appropriate for \$300,000 in, onetime, special funds to provide reparations, including, providing emergency safe water supplies, treatment systems, and new well construction, to households with wells impacted by offsite livestock contamination.

WI Department of Natural Resources (WDNR)

1. Consider increase funding for follow-up sampling and investigation in relation to E coli positive samples in which offsite livestock contamination is the probable cause.

Kewaunee County

1. Consider annually making \$10,000 and staff available to provide emergency water supplies free of charge to those households with wells impacted by offsite livestock contamination.

2. County actively seek and obtain grants and other programs whose funds would be appropriated to paying for a semi-annual well testing program, emergency water supplies, and potential remediation of contaminated wells.

Local Groups

1. Area farmers or other local citizen groups consider forming a group to create a fund to provide emergency water supplies free of charge to those households with wells impacted by offsite contamination.
2. Local Non-Profit groups consider contacting United States of Agricultural (USDA) in regards to the USDA “Household Water Well System” Grants

Communication

Another much discussed topic during the workgroup meetings and agreed upon overall recommendation is, improved communication by regulatory agencies to the public on all aspects of the groundwater contamination issues facing residents of Kewaunee County. Group members have discussed many ways to better inform the public, and several of the suggestions have already been put into progress. The specific recommendations from individual group members are below, those in progress are noted.

State of WI

1. WDNR create a brochure / fact sheet detailing bacteria contamination with information on potential sources, contamination definition, remediation, and funding assistance. This document should be shared with all stakeholders including laboratories in Wisconsin certified for bacteria analysis.(In progress)
2. Develop a communication plan for distributing to the public the recommendations discussed and findings of the Short Term Solutions workgroup. This may include consideration of coordinating and holding a public meeting or series of meetings and participation by all workgroup members. (In progress)
3. If E. coli contamination is detected and evidence suggests livestock contamination or a contamination event occurs, letters are sent to nearby households that are determined to be potentially impacted. (Partially in progress)
4. Develop clear guidance at the county and WDNR level regarding respective processes for responding to a contamination event. (In progress)

Kewaunee County

1. The Kewaunee County Health Department work with WDNR to create and distribute a letter to all county well owners detailing the importance of private well sampling. This letter should include information about obtaining sample kits, contaminants to sample for, follow up to results, and specific contact information for WDNR and Kewaunee Co. (In progress)
2. Provide informational materials to county well owners that include easy to use contact information lists (i.e. refrigerator magnets) and up to date well safety and maintenance checklists.

3. Develop clear guidance at the county and WDNR level regarding respective processes for responding to a contamination event. (In progress)

Specific Short Term Solutions

“Short term solutions” have been defined by the workgroup as actions taken in the time period beginning after well contamination is confirmed and until a long term solution is decided upon or put in place. The specific recommendations below are intended to lessen the burden on the owners of wells impacted by offsite livestock contamination and remove as many barriers as possible to efficient and low cost (or no cost) emergency water supplies.

State of Wisconsin

1. WDNR consider beginning an investigation on all E.coli positive samples reported to them from well owners in Kewaunee County. If offsite livestock contamination seems plausible investigation will include Microbial Source Tracking (MST) sampling at no cost to the well owner. (In progress)

Kewaunee County

1. Develop a protocol to immediately provide an emergency supply of drinking water for owners of wells impacted by offsite contamination until another source of safe drinking water can be provided or a long term solution is in place.

Kewaunee County Citizens

1. Community groups are working with local municipal drinking water systems to set up a method for owners of wells impacted by livestock contamination to attain a safe emergency water supply from them as a temporary solution until other recommendations are implemented. (In progress)
2. Agricultural producers consider making emergency water supplies available for owners of wells impacted by livestock contamination.

Regulatory

Throughout the course of the meetings the group was briefed on and discussed specific authorities granted WDNR through various State Statutes and Administrative Codes. The following recommendations are intended to affect direct statute or code changes or involve WDNR altering its current implementation policies.

WDNR

1. Prioritize investigating the possibility of streamlining the creation of Special Areas of Eligibility for Well Compensation in Kewaunee County based on the potential for groundwater contamination by livestock due to vulnerable geologies and common land use practices.

2. Use its authority under Chapter NR738 of Wisconsin Administrative code to provide emergency water supplies to well owners whose wells are impacted by offsite livestock bacterial or nitrate contamination that are located within an area of Special Eligibility for Well Compensation.
 - a. If DNR does not allow for nitrate contamination to trigger compensation in Areas of Special Eligibility for Well Compensation then it should consider modifying the definition of hazardous substance in NR738 to include nitrate contamination from livestock.

WI Legislature

1. Consider taking action to make revisions to Wisconsin State Statute 281 which includes the provision for the Well Compensation program. Specific revisions to include:
 - a. Raising or removing income limitations
 - b. Clarify potential payment procedures
 - c. Raise or eliminate any total payment limitations.
 - d. Alter specific sampling requirements to foster a more efficient process for well owners that may be in a pre-determined Area of Special Well Compensation Eligibility.
 - e. Include other agricultural contaminants as eligible indicators of livestock contamination. (i.e. nitrate, viruses, and other detectable pathogens)

Recommendations beyond Scope

Throughout the course of the workgroup meetings many topics were discussed that stretched outside the formal scope of the groups focus. Many of these topics involved some kind of contamination prevention methods in reference to manure storage and spreading, which will be specifically covered by the Sensitive Area and Best Management Practices group. Other recommendations outside the scope of this workgroup revolved around providing funds for county well owners to regularly sample their wells, and educating the public about low cost sampling tools that may help them determine if their wells are being impacted. It was the opinion of the majority of the participating members that the work of this workgroup be continued and expanded into a “Long Term Solutions in Relation to Groundwater Contamination in Kewaunee County” workgroup.

DRAFT documents in preparation via workgroup recommendations



Info Sheet-When to Treat Bacti-Contam P Well Owner Letter_KL
