



STATE REPRESENTATIVE

Katrina Shankland

71st ASSEMBLY DISTRICT

**Testimony in Support of Assembly Bill 686
Assembly Committee on Environment and Forestry**

February 6, 2018

Chairman Mursau and members of the committee, I appreciate the opportunity to testify in support of Assembly Bill 686, legislation to increase access to well compensation grants and create a private well testing grant program. This bill is about ensuring that everyone has access to clean and safe drinking water.

Roughly four in ten households in Wisconsin rely on private wells as their primary source for their drinking water. Yet studies show that nearly half of all private wells are contaminated at levels above health standards. Some homeowners may not even be aware they are drinking contaminated water, while others are buying bottled water to drink and cook with because they can't afford to spend thousands of dollars to replace a contaminated well. Given the damaging effects of water contaminants on our public health, property values, and quality of life, we must stress the importance of testing water sources and incentivize the testing of wells.

The DNR recommends that homeowners test their private wells at least once a year for coliform bacteria, nitrates, arsenic, pesticides, and other hazardous contaminants. Unfortunately, some homeowners are unaware of how to submit samples to a certified lab or simply can't afford the testing fees, which can average \$70 or more. Most importantly, many homeowners said in a survey that they were unaware they needed to test their well because their water clarity and taste was fine.

Assembly Bill 686 provides \$100,000 annually for the DNR to administer a private well testing grant program. Under the program, local governments would apply for funding, and in turn, would disburse grants to eligible residents to help offset the cost of testing their wells. Local governments receiving funding through the program would be required to notify the public of the availability of these grants. Educating the public about the importance of annual well testing and offering to cost-share or fully cover the testing fee is a powerful way for local governments to help homeowners know what is in their water and work to prevent further contamination.

The Well Compensation Grant Program is an existing program that helps homeowners replace, reconstruct, or treat their contaminated wells. However, many homeowners have found that they are ineligible for the program due to the income threshold and other restrictions. Homeowners with serious nitrate contamination only qualify for well compensation grants if their well is used as a source of drinking water for both residents and livestock, causing many families to be barred from eligibility, including Tim and Karen Hannon (*see attached for their testimony*). Assembly Bill 686 eliminates the requirement that a homeowner must own livestock to qualify for grants for nitrate contamination, ensuring homeowners remediate their well instead of buying bottled water.

Additionally, this bill expands funding for the Well Compensation Grant Program to \$1 million annually, raises the family income limit to \$100,000, and increases the maximum grant award from \$9,000 to \$12,000. Because this legislation will improve drinkable water access, the Wood County Board passed a resolution supporting this bill, and the Portage County Planning and Zoning Committee unanimously recommended its passage recently.

Incentivizing well testing and increasing eligibility for well compensation grants are significant yet simple steps the legislature can take to recognize the problem we are facing with access to clean water in Wisconsin. Assembly Bill 686 would empower homeowners to monitor their private wells, know what's in their drinking water, remediate contaminated wells, and work with their communities to identify solutions to contamination sources. I hope you will join a bipartisan group of legislators in supporting this legislation. Thank you.

My husband and I live in Stevens Point. Our home is a 100 year old farmhouse on 25 acres, which we have spent the last 40 years restoring and landscaping. Our property is what we consider the dividing line between subdivisions and farmland.

In June, 2014 I took a water sample to the water lab at UWSP to have it tested as I noticed a change in our water. We began to notice rust in fixtures and black spots on clothing. My hope was that a water softener would solve our problem.

Results of the water sample came back with nitrate levels at 68.5. Water is not safe for human or animal consumption above 10 mg/L. Over the past 3 1/2 years we have had our water tested monthly. Nitrate levels have fluctuated between 35 and 71.5. At no time have the levels been low enough to consider Reverse Osmosis filtration.

We have been fortunate enough to have worked with a number of agencies over the past 3 years to help determine the source of the nitrate contamination. Those agencies have included the Water Lab at the University, DNR, Portage County Land and Water Conservationists and the US Geological Society. We have ruled out a number of sources including failed septic systems. We are awaiting results of recent testing which may point us toward a source.

The inability to safely drink our water has changed our lives. We purchase bottled water 2-3 times a week. We are very careful to use only bottled water for cooking if the water will be absorbed into the food. Warnings regarding high levels of nitrate have been out for years for babies and pregnant women. The DNR now has a bulletin out which warns that high nitrate levels in drinking water may be associated with head and neck and gastric cancers. On one of my recent visits to the Doctor we discussed what kinds of signs/symptoms to watch for and what kinds of tests we might consider in the future. My husband and I are very concerned as to how the high nitrate levels and inability to get safe drinking water has impacted the value of our home should we ever decide to sell it.

Initially my hope was that these high levels of nitrates would simply go away. They have not. We met last summer with a hydrogeologist from the DNR. He did an incredible amount of research looking at groundwater flow maps and well depths and determined our best bet was a new and shallower well about 60 ft north of our current well.

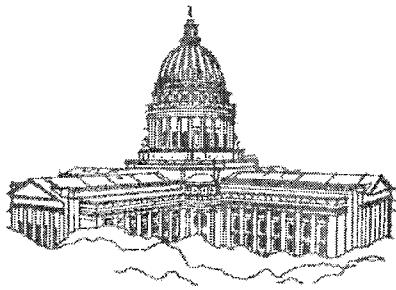
New wells are expensive. I was referred to the DNR and looked at the Well Compensation Grant Program. My husband and I are retired. We met the contamination requirements and the income limitations. We do not have live stock that consume 100 gallons of water/day so we do not qualify for the grant.

In all likelihood the nitrates are coming from an agricultural source, either manure spread on fields or contained in barnyards or a combination. Ironically the source of the nitrate contamination (farms) would qualify for the grant but those impacted by it do not.

We urge you to consider this bill removing the requirement to have livestock in order to qualify for the grant.

I have spent the last three years serving on the Town of Hull Water Committee and talking with friends, neighbors about the importance of having well water tested regularly. I believe if there was money available for education and testing more people would have their wells tested and be able to provide safe drinking water for themselves and their families.

Thank you for your consideration.
Tim and Karen Hannon



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

**Assembly Committee on Environment and Forestry
Public Hearing
Written Testimony in Support of Assembly Bill 686
February 6th, 2018**

Good Morning Chairman Mursau, Vice-Chair Krug and members of the Assembly Committee on Environment and Forestry. Thank you for the opportunity to submit written testimony on AB 686, relating to testing of private wells, compensation for well contamination and abandonment, granting rule-making authority, and making an appropriation.

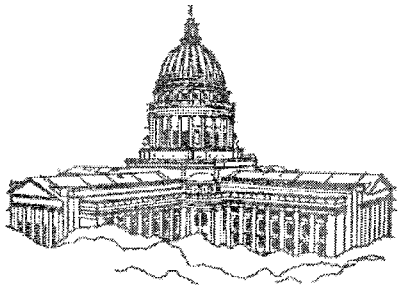
Approximately 1.8 million, roughly 30%, of Wisconsin residents rely on private wells for their household water supply. Unlike those who receive their water from municipal water systems, residents who use private wells are not required or guaranteed to have their wells source tested and/or treated for potentially life threatening contaminants. You cannot see, smell, or taste common contaminants such as coliform, lead, nitrates, and arsenic. Moreover, private wells are overwhelmingly located in the more rural areas of our state that are at a significantly increased risk of herbicide and insecticide contamination as well.

Clean, usable water is a fundamental need of human life; we all know this. Beginning with the federal Water Control Pollution Act of 1948, which was extensively expanded in the Clean Water Act of 1972, water protection and preservation has been acted upon legislatively as a public health necessity at both the federal and state level. Clean water has been the subject of numerous international treaties around the world, and was even codified in 2010 by United Nations as a human right. As legislators, any time we have the ability expand access to clean water for the people of our state, we are doing something right. Clean water is too essential to all of our lives to allow a select few limited access to it based on the geographic location of their residence.

The grant program provided for in this legislation works to prevent this. While it is up to property owners to proactively test their private wells and take any necessary steps thereafter to protect themselves and their family from contaminated water, should additional steps be necessary, financial barriers should not prevent them from taking place. The costs associated with testing well water, replacing a pump, installing necessary protections from sewage or agricultural waste for a well's capture zone, and/or connecting a well to municipal water lines are large and can put considerable financial strain on Wisconsin families. If it is found that private well water is contaminated, families should not have to enter dire financial straits just to ensure they have access the clean water that is necessary for everyday life.

AB 686 prevents this by raising the annual income limit for families to access a DNR grant to \$100,000 for covering the costs associated with fixing a contaminated well. It also raises the award limit to 75% of no more than \$16,000 of a project's total costs. It also changes current law so that families are not treated like livestock for wells contaminated only with nitrates. This bill provides an option for families to access the cash assistance that may be necessary for them to access what has been called a basic human right.

I thank the committee for providing this bill a public hearing. I encourage your support of this measure, as no family in our state should face a financial barrier to accessing as fundamental a necessity as clean water based on where they live.



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Senator Lena Taylor
Wisconsin 4th District



PLANNING AND ZONING DEPARTMENT

1462 STRONGS AVENUE, STEVENS POINT, WI 54481 • PHONE: 715-346-1334 • FAX: 715-346-1677

To: Chairman Mursau, Vice-Chairman Krug and members of the Assembly Committee on Environment and Forestry

From: Jen McNelly, Portage County Water Resource Specialist

Date: February 6, 2018

R.e.: ~~2017 Assembly Bill 686~~

I want to thank the Chair and Committee members this morning for allowing me the time to testify in favor of Assembly Bill 686.

My name is Jen McNelly and I am the Water Resource Specialist for Portage County, WI. As part of my work I often provide assistance to homeowners on well related questions and concerns. I am one of the first points of contact in the County when an owner has a contaminated well. In my time working for Portage County I have never been able to recommend the well compensation fund to a single homeowner due the list of requirements, especially the requirement that livestock be present on the property, that have made it largely prohibitive.

This isn't to say that there isn't a need for the Well Compensation Fund. Quite the opposite actually. Over 20% of the tested private wells in Portage County exceed the state drinking water standard of 10 mg/L for nitrate-nitrogen, a level twice the state average, and 5% exceed 20 mg/L. According to the Wisconsin Well Water Viewer, the highest concentration in the last 25 years has been recorded at 76 mg/L. Homeowners are often left to find and pay for a solution to a problem that they played little to no role in creating. The Well Compensation Fund is an opportunity to offer these homeowners assistance to safe drinking water. When a homeowner doesn't qualify for this fund, I'm left to try and piece together funding from other sources or more often than not, the problem isn't fixed because it is too large of a financial burden. This leaves citizens and families at risk and exposed to potential health effects.

However, the Well Compensation Fund only addresses issues for those private well owners who know they have a contaminated well. Fortunately, Assembly 686 begins to address another water quality concern, which is the lack of water testing amongst private well owners. We ask private well owners to serve as their own water managers and to monitor the safety of their water through regular water testing. However, according to a recent survey in Portage County only 27% of survey respondents have their well tested regularly. Private well owners often are unaware that they should be testing their water or find that the fees to do so are cost prohibitive. Without the knowledge of what is in their drinking water, there is no way to begin to address contamination concerns.

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Assembly Bill 686, begins to address both of these issues by providing funds meant to increase private well water testing, as well as expanded eligibility to funds to correct identified contamination. The simple act of incentivizing private well testing not only encourages private well owners to test their drinking water and become aware of they are consuming, but also allows us to better identify contamination concerns and sources. It is only in knowing what is in our water, that we can begin to address these issues. The expansion of the Well Compensation Fund will allow us to work with more homeowners to address costly well contamination and ensure that they have access to safe drinking water.

It is with these needs of your constituents in mind, that I ask you support Assembly Bill 686 and begin to take steps that address water quality concerns not only in Portage County, but throughout the State.

My husband and I live in Stevens Point. Our home is a 100 year old farmhouse on 25 acres, which we have spent the last 40 years restoring and landscaping. Our property is what we consider the dividing line between subdivisions and farmland.

In June, 2014 I took a water sample to the water lab at UWSP to have it tested as I noticed a change in our water. We began to notice rust in fixtures and black spots on clothing. My hope was that a water softener would solve our problem.

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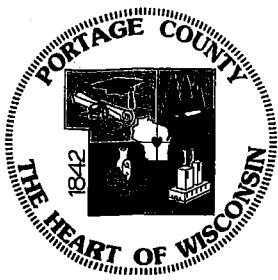
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PLANNING AND ZONING DEPARTMENT

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To: Wisconsin Assembly Committee on Environment and Forestry
From: Jeff Schuler, Director *JPS*
Date: February 6, 2018
Re: Support for Passage of Assembly Bill (AB) 686

Thank you for taking the time today to take comments from the public on AB 686. I am the Planning and Zoning Department Director for Portage County, and would like to offer my comments for support of AB 686 and for the topic of water quality improvement more generally. During this hearing you will also receive testimony from Portage County Water Resource Specialist Jen McNelly, who will provide more direct commentary on the technical aspects of how this Bill provides important relief for our County's residents.

Water quality issues are no new topic for our County, located in the Central Sands region of Central Wisconsin, and with a substantial agriculture base to our economy. Portage County has made groundwater a high priority topic since the mid-1980's:

- 1988: adoption of the first County-wide Groundwater Management Plan, identifying threats to groundwater, and steps to address them;
- 1980's/'90's: creation of the Portage County Groundwater Citizens Advisory Committee, made up of primarily non-elected Town and Village representatives charged with identifying and discussing groundwater issues, and making recommendations to County Oversight Committees;
- 2004: adoption of the first Groundwater Management Plan update;
- 2015-'16: complete update and adoption of the Portage County Farmland Preservation Plan, which included substantial discussion of groundwater resources and the agriculture industry;
- 2015-2017: complete update and adoption of the Portage County Groundwater Management Plan;
- 2017-2018: discussion of different groundwater-related implementation strategies.

Maintaining safe, healthy, and plentiful groundwater is one of the most important issues regarding both Quality-Of-Life and economic prosperity facing both State and local governments today. And while we local jurisdictions work constantly on long-term sustainability and equitable use of such a precious resource, the primary authority for groundwater regulation lies with the State of Wisconsin. In January 2018, the Portage County Groundwater Citizens Advisory Committee and County Planning and Zoning Committee voted unanimously to support AB 686, with the full County Board set to take up that recommendation at their February 20th meeting.

This proposed Bill takes welcome steps toward expanding resources and their availability to residents with some of the greatest negative impacts to their private wells - those with extremely high levels of nitrate-nitrogen. Portage County has a growing number of homeowners who are either now or will become eligible for the programs as defined by the Bill, and this expansion of assistance will help. We encourage and beseech you to move forward with AB 686, as a specific piece of relief for some Wisconsin homeowners, and to also re-double your efforts to further discover local experiences with groundwater quality issues, and bring forward additional legislation wherever possible to guide a consistent and effective approach to use and preservation of all water, ground and surface, in the State of Wisconsin.