

### Testimony for the Assembly Committee on Agriculture Assembly Bill 64 April 4, 2023

Thank you, Chairman Tranel and members of the committee for holding this public hearing on Assembly Bill 64. This bill came out of the Speaker's Task Force on Clean Water, on which I served.

Assembly Bill 64 will expand eligibility for the Well Compensation grant program and make an under-utilized program more cost-effective and allow more homeowners to take advantage of it.

Nitrates in our water pose many threats to humans. According to the Environmental Protection Agency, exposure to high levels of nitrates is associated with increased cases of cancer. The federal standard for nitrates is 10 parts per million. To qualify for the well compensation program, your well has to contain more than 40 parts per million, and the well is used for livestock. These standards leave the program underutilized. It's estimated the program has an unused surplus of \$2 to \$3 million.

Assembly Bill 64 eliminates that threshold and makes the program tiered and prioritizes levels at or above 10 parts per million. Remediation grants must focus on the most effective method for the well owner's health and welfare. That may mean using a lower-cost, but effective method of reverse osmosis rather than replacing the well. This saves money and means more homeowners will be eligible for the program.

Finally, the bill adds an accountability measure by requiring the DNR to report to the Joint Committee on Finance the number of applicants to the grant program and the number of grants provided. This yearly report will help us continue to improve the program in the future.

This bill isn't just bipartisan, it also has "buy-in" from both the agricultural community and the environmental community. More than 20 conservation and agricultural-related groups are supporting it.

Thank you for your time and I hope you consider supporting Assembly Bill 64. I am happy to answer any questions you might have.

## ROBERT L. COWLES

Wisconsin State Senator, 2nd Senate District

#### STANDING COMMITTEES:

Natural Resources & Energy, Chair Transportation & Local Government, Vice-Chair Economic Development & Technical Colleges

# Testimony on 2023 Assembly Bill 64

Senator Robert Cowles
Assembly Committee on Agriculture
April 4th, 2023

Thank you, Chair Tranel and Committee Members, for holding a hearing and allowing me to testify on 2023 Assembly Bill 64. This legislation makes a few necessary changes to the Well Compensation Grant Program.

According to estimates from the Groundwater Coordinating Council, about 10% of private well water samples exceed the public health-based standard for nitrates. For humans, high nitrate levels can lead serious health outcomes such as blue baby syndrome for infants and birth defects for pregnant women. In adults, studies have tied increased risks of thyroid disease, diabetes, and certain types of cancer to an overconsumption of nitrates.

Building on investments made in the bipartisan 2021-23 State Budget and borrowing elements from the 2019-20 Speaker's Task Force on Water Quality, we've introduced this legislation to continue advancing cleaner drinking water. Assembly Bill 64 will help more rural, low-income homeowners address their contaminated wells.

Under current law, the Department of Natural Resources' (DNR) Well Compensation Grant Program is only available for nitrate contamination if the well is used for livestock and if the well contains pollutant levels above 40 parts per million (ppm), which is four-times higher than the state's public health standard of 10 ppm. This legislation eliminates those restrictions and sets up a tiered, prioritized system for levels at or above 10 ppm.

To ensure the best use of available funds, AB 64 directs the DNR to consider use of filtration devices over well replacement if that method will still be protective of the applicant's health and welfare. This legislation also allows applicants to seek assistance for a well with high levels of bacteria if that contamination may pose a health risk. Finally, AB 64 requires the DNR to report to the Joint Committee on Finance annually on the number of applicants and number of grants issued to ensure that we can properly oversee the need and use of this important program.

With the Well Compensation Grant Program typically going underutilized due to existing statuary barriers and due to the dramatic need to address nitrate contamination in rural drinking water wells, this legislation is a common-sense step to protect the health and welfare of rural residents throughout the state.

2023 Assembly Bill 64 is directly reflective of components of 2021 Senate Bill 678 and Assembly Bill 727, which passed the Senate on a voice vote and the Assembly Committee on Agriculture on a vote of 13-0.



# STATE REPRESENTATIVE Katrina Shankland

71st ASSEMBLY DISTRICT

### Testimony in Support of Assembly Bill 64 Assembly Committee on Agriculture April 4, 2023

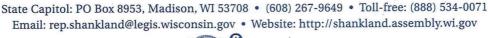
Chair Tranel, Vice-Chair Oldenburg, and members of the committee, I appreciate the opportunity to testify in support of Assembly Bill 64, bipartisan legislation to expand access to the state's Well Compensation Grant Program.

We can all agree that everyone deserves access to clean and safe drinking water. About two-thirds of people in Wisconsin get their drinking water from groundwater. Yet in communities across Wisconsin, we've seen anywhere from a quarter to up to one half of residents in towns and villages are unable to drink their water from the taps, due to nitrate contamination especially. As a result, some homeowners are forced to buy bottled water to drink and cook with because they can't afford to spend thousands of dollars to repair, replace, or treat their contaminated wells.

As we traveled the state in previous sessions as part of our work on the Water Quality Task Force, people in every corner of the state asked us to reform the state's Well Compensation Grant Program, an existing program that helps homeowners to replace, repair, or reconstruct their contaminated wells, as well as treat their water. This program has been drastically underutilized for years due to its archaic requirements and restrictions, and it is long overdue for an update.

Under current law, homeowners with serious nitrate contamination only qualify for the state's well compensation grants if their private well is used as a source of drinking water for both residents and livestock and the well tests above 40 ppm, four times the national health standard. Assembly Bill 64 eliminates the requirement that a homeowner must own livestock to qualify for grants for nitrate contamination, ensuring homeowners can remediate their contaminated well. This bill also changes the requirements so that homeowners above 40 ppm receive first priority, those who test above 30 ppm receive second priority, those who test above 25 ppm receive third priority, and those who test between 10 ppm and 25 ppm receive assistance specifically to help with treatment, unless another solution that meets the needs of their specific situation is warranted. This language ensures that those with the most serious nitrate contamination are prioritized while also taking into account the needs of applicants who may qualify for a costeffective and sufficient treatment option like reverse osmosis. Most importantly, the language in the bill prioritizes the health and welfare of the applicant for the solution that best meets their needs. All of these changes will ensure more people are eligible for the program to connect to a public or private source of water, treat their water, or replace, retire, or reconstruct their wells, granting them access to drinkable water.

The Groundwater Coordinating Council estimates that it could take up to \$440 million to remediate every nitrate-contaminated well in Wisconsin, which is why this bill prioritizes the most significantly nitrate-contaminated wells, ensuring those who are not able to drink, brush their







# Katrina Shankland

### 71st ASSEMBLY DISTRICT

teeth, or cook with their water have first priority. While we fortunately have a supplemental program that is currently helping people access clean drinking water utilizing ARPA funds, that will only cover 2.2% of the estimated need. It's important to note that last session, the state budget allocated \$2 million in general purpose revenue to the existing well compensation program, but no grants have been allocated to private wells contaminated with nitrate since 2019. There is currently approximately \$1.9 million in this fund. It is fiscally conservative and responsible to ensure that the money previously allocated to an unmet need is actually fulfilled.

We know that nitrate is the most commonly occurring contaminant in Wisconsin, yet this program hasn't been utilized since 2019 for a nitrate-contaminant well. It's time to fix this.

This is not the first time I've testified before a legislative committee on a bill to expand access to the Well Compensation Grant Program. Last session, the Senate unanimously passed substantially similar legislation to this, while two sessions ago, the Assembly unanimously passed this legislation. I appreciate that this bill has widespread bipartisan support and the support of 22 different agricultural, health, and environmental organizations. Let's work together to ensure that the Legislature finally sends this bill to the governor's desk, and thank you to those of you who have already signed on as a cosponsor and those who have previously voted for similar legislation. Thank you for your consideration, and I'm happy to answer any questions the committee may have at this time.



# **Testimony on 2023 Assembly Bill 64**

Assembly Committee on Agriculture April 4th, 2023

Thank you, Chair Tranel and Committee Members, for the opportunity to testify on 2023 Assembly Bill 64. On behalf of the Wisconsin Farm Bureau Federation, we would like to express our support for these two important pieces of legislation and appreciation for the bills' authors, Representative Kitchens and Senator Cowles and, as well as those in co-sponsorship, for their continued advocacy Rural Wisconsin.

The provisions in this bill has been before this committee in prior legislative sessions with strong bipartisan support. This bill remains consistent with Wisconsin Farm Bureau's ongoing support for access to clean drinking water.

Assembly Bill 64 expands eligibility for low-income residents with nitrate contamination of a well used for either drinking water or watering livestock. Wisconsin Farm Bureau believes this bill helps to the address shortcomings of the current well compensation program for those uniquely experiencing nitrate contamination and alleviates the high costs associated with remediation and replacement of a contaminated well. Furthermore, the legislation rightly attempts to get the 'best-bang-for-the-buck' by allowing filtration as a method of remediation, if applicable. Wisconsin Farm Bureau supports and appreciates this innovative approach to try to maximize funding to achieve a greater reach for those experiencing well contamination from nitrates.

In conclusion, Wisconsin Farm Bureau Federation supports the improvements that this legislation provides to the Well Compensation Program and asks that you **support** Assembly Bill 64 should it come before you for a vote.



April 4, 2023

### **Assembly Committee on Agriculture**

Testimony in favor of Assembly Bill 64

Good morning Chairman Tranel, Vice-Chair Oldenburg, Ranking Member Considine and committee members. Thank you for the opportunity to provide testimony today in support of Assembly Bill 64.

My name is Chad Zuleger. I am director of government affairs for the Dairy Business Association. Our membership includes dairy farmers, processors and a variety of affiliated businesses combined to ensure producers are successful in our state and that the products they produce remain delicious, nutritious and available worldwide.

Producer members of the Dairy Business Association work hard to be good stewards of the land and water they use, both for their families and the animals they care for. **Assembly Bill 64** is a recommendation from the 2019-20 Speaker's Task Force on Water Quality and furthered with bipartisan support in the 2021-23 state budget. This bill aims to provide a path to improve the quality of water that people drink in their homes.

Assembly Bill 64 makes simple, commonsense changes to eligibility requirements in the DNR Well Compensation Program to ensure it is accessible to families that need it most. The bill expands eligibility to participate in the program by reducing the contamination level required to apply for a grant from 40 ppm to 10 ppm, the same standard as municipal water. In addition, the bill removes requirements that a well be contaminated by nitrates only and serves only livestock. In reducing contamination level requirements, the bill establishes a tiered system that prioritizes wells with a higher contamination level to ensure they will be addressed first.

The bill also directs DNR to consider other forms of mitigation, rather than just well-replacement, for contaminated wells when feasible and protective. For instance, if a well is contaminated at 20 or 30 ppm, a whole-home filtration system could be a far less-costly option for mitigation rather than constructing a new well. This less-costly measure could still meet the benchmark federal standard of 10 ppm or less contamination.

Ongoing water-quality improvements occurring now in the agriculture community will not address the immediate need for clean drinking water many Wisconsin residents have. By expanding eligibility to the underutilized existing DNR Well Compensation Program we can improve access to clean drinking water for those who need help now.

A wide range of agriculture and conservation organizations support this effort. Expanded eligibility to the existing program will help ensure that more of Wisconsin's rural residents will have more options and greater access to clean drinking water.

In conclusion, I'd like to thank the bipartisan bill authors, Rep. Kitchens, Rep. Novak, Rep. Shankland and Rep. Krug as well Sen. Cowles, Sen. Testin and Sen. Ballweg, for their persistence and dedication to improvement. DBA members are passionate about their work in conservation. We encourage your support to increase eligibility to the Well Compensation Program and help rural Wisconsin residents gain access to clean drinking water.

Thank you, Chairman Tranel, and committee members for your time and consideration.



### Wisconsin Land+Water Conservation Association

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Testimony of WI Land+Water Executive Director Matt Krueger in Support of Assembly Bill 64
Assembly Committee on Agriculture
April 4, 2023

Dear Chair Tranel, Vice-Chair Oldenburg, Ranking Member Considine, and Committee Members,

WI Land+Water is a nonprofit, nonpartisan membership organization that represents 800 boots-on-theground county conservation department staff and elected county land conservation committee members across the state. On behalf of those members, I submit my testimony in favor of AB 64.

Wisconsinites are concerned about the safety of their drinking water, particularly from private wells, and they should be. A 2022 Groundwater Coordinating Council Report to the Legislature estimated that over 42,000 Wisconsin wells exceed the human nitrate health standard of 10 parts per million, at an estimated cost of \$440 million to remediate.

To that end, we are encouraged that AB 64 expands eligibility for more Wisconsinites to participate in the well compensation program, by removing the provision that qualifying wells must be used to water livestock, and reducing the contamination threshold that that must be met to quality. These are sensible moves, and we think are great improvements to the program. We also think it is a good idea to prioritize program funding to the wells most in need of remediation, as the bill proposes to do, as opposed to the order that claims were received.

That said, we think it is important to ensure all people in need of support to find safe drinking water should receive it. We also would have liked to have seen further expansions to program eligibility, by increasing the annual family income threshold from \$45,000. Absent an increase to this threshold, we are uncertain how great of an impact the other eligibility changes proposed in the bill will have on program participation. We are hoping this can be addressed in the future.

Thank you for the opportunity to provide comment, and I'm happy to answer any questions committee members may have.

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## **Assembly Committee on Agriculture**

2023 Assembly Bill 64 Nitrate Contamination and the Well Compensation Grant Program April 4, 2023

Good morning, Chair Tranel and members of the Committee. My name is Marty Nessman, and I am the Private Water Supply Section Manager in the Bureau of Drinking Water and Groundwater with the Wisconsin Department of Natural Resources. With me today to assist with questions regarding Wisconsin's well compensation grant program is Sandy Chancellor, Environmental and Natural Resource Grants Specialist with the department's Bureau of Community Financial Assistance. Thank you for the opportunity to testify, for informational purposes, on Assembly Bill 64 (AB 64), related to nitrate contamination and the well compensation grant program.

Wisconsin's existing well compensation program provides state cost-sharing funds for low-income private well owners to replace or remediate contaminated wells. Assembly Bill 64 makes several changes to current law.

First, it expands eligibility for well owners with nitrate contamination by eliminating the livestock watering requirement and 40 parts per million nitrate threshold for a nitrate-contaminated well to be eligible. These long-standing requirements have disqualified many rural well owners who would otherwise be eligible but do not own livestock. Under the bill, the only eligibility requirement for a well that is contaminated only by nitrates is that the well is used at least three months in each year and meets a 10 parts per million nitrate threshold, which is consistent with federal drinking water standards. With these changes, additional income-eligible private well owners would be able to receive state funding assistance to address nitrate contamination.

Second, AB 64 directs the department to prioritize claims for nitrate contamination based on the relative level of contamination, and to determine the most effective remediation method for the health and welfare of the well owner. We expect that we would apply this nitrate prioritization based on the volume of applications received and provide personal technical assistance to each well owner to identify the best method for their situation and property. Additionally, the bill specifies that the department must allocate grant payments for nitrate-contaminated wells according to a priority ranking.

Third, under current law, a private well that is contaminated only by bacteria is not eligible for a well compensation grant unless the well is in an area that is contaminated by fecal bacteria and the contamination is caused by livestock. The bill removes these restrictions and would make grants available for any source of bacterial contamination, including naturally occurring, non-fecal coliform bacteria that are considered indicators of contamination, but are not themselves considered a health risk.



Finally, the bill requires the department to report to the Joint Committee on Finance after the end of each fiscal year on the number of applicants under the well compensation program and the number and amounts of grants provided.

The department is currently administering a federally funded well compensation grant program, funded through the American Rescue Plan Act (ARPA), that includes expanded eligibility criteria above what is proposed in AB 64. The Governor's Budget recommendation also includes expanded eligibility criteria above what is seen in AB 64, including expanding the income eligibility and increasing the annual funding available. Demand for the ARPA program provides some insight as to how the bill would impact the number of applications that the department would receive under the changes proposed in the bill.

Under the statutory well compensation program, the department has issued an average of six well compensation grants per year over the past ten years. In comparison, the department issued 69 grants in the first 4-1/2 months of the ARPA-funded program, including 47 grants for nitrate contamination and 3 grants for bacterial contamination that would have qualified for funding under the eligibility changes prescribed in this bill. AB 64 would significantly increase demand for well compensation grants.

On behalf of the Department of Natural Resources, we would like to thank you for your time today. We would be happy to answer any questions you may have.



Testimony of Erik Kanter, Government Relations Director Assembly Bill 64, Well Compensation Program Assembly Committee on Agriculture April 4, 2023

Clean Wisconsin is a non-profit environmental advocacy group focused on clean water, clean air and clean energy issues. We were founded over fifty years ago and have 30,000 members and supporters around the state.

Thank you for holding a hearing on Assembly Bill 64. We support this legislation as an important but modest step towards confronting our collective failure to address nitrate contamination of drinking water and meet one of the state's most basic responsibilities to its residents; the provision of clean drinking water. Tens of thousands of rural Wisconsin families do not have safe drinking water due to high levels of nitrate contamination, but because of inadequate resources to help homeowners test their wells, we don't know the true number. Nitrate is Wisconsin's most widespread groundwater contaminant, and the excessive restrictions the current well compensation program places on assisting families with nitrate contaminated wells have prevented all but a handful of impacted families from accessing the program.

While not all nitrate contamination of drinking water is a result of agricultural practices, we know that about 90% of it is. Last year, we put over 300,000 tons of nitrogen in the form of commercial fertilizer on farm fields in Wisconsin. This does not include nitrogen from manure spread on farm fields.

For example, the Southwest Wisconsin Groundwater and Geology, or SWIGG, study found that 21% of tested wells in Lafayette County exceeded the nitrate health standard of 10 mg/l. The last agricultural census found that Lafayette County had about 137,000 acres of corn. Assuming a nitrogen application rate of 160 lbs/acre, about the economically optimum application rate for highly productive lands, 21.9 million pounds of nitrogen are put on Lafayette County corn fields every year. When this amount of nitrogen is applied to a corn field, Wisconsin research has found about 34 pounds of nitrogen will leave that field, putting 4.7 million pounds of nitrogen at risk of contaminating groundwater in Lafayette County every year. We have about 5,300 septic systems in Lafayette County that discharge about 20 lbs of nitrogen a year. That's 106,000 pounds of nitrogen from septic systems and 4.7 million pounds of nitrogen from corn fields.

Wisconsin families struggling with nitrate contamination, often through no fault of their own, deserve the help Assembly Bill 64 could offer them by changing the eligibility requirements to allow all families with nitrate contaminated wells over 10mg/l to be eligible for the well compensation program if their family income is below a certain threshold. We believe that threshold, currently at just \$45,000 for full grant eligibility and \$65,000 for partial grant eligibility, should be raised to \$100,000. Each case is unique, but drilling a new well can easily

cost over \$10,000, and families are usually faced with the need to drill a deeper well, at greater expense, in order to avoid shallower, nitrate contaminated water.

We will not fix this problem in a year, or even ten, but we have to start somewhere. Now is as good a time as any; let's not kick the can down the road any longer. We also need to pair improvements to the well compensation program with efforts to reduce the nitrate pollution that is contaminating these wells in the first place. We know many innovative farmers are already taking steps to reduce nitrate pollution from their farms. We recognize that we are all in this together and that we all must work together, supporting families and the farm community, in this effort.

We support Assembly Bill 64 as important components of a more expansive commitment to and investment in helping Wisconsin's families burdened with nitrate contaminated drinking water and engaging the agricultural community to reduce nitrate pollution of our water resources.



Chairman Tranel and members of the Assembly Agriculture Committee, please accept this testimony in support of Assembly Bill 64. My name is Sam Baron, I am the Board President of the Water Quality Association of Wisconsin and also own Maher Water Corporation in Stevens Point.

The Water Quality Association of Wisconsin (WQAW) supports AB 64, which modifies the Well Compensation Grant Program and recognizes that water treatment can play a role in ensuring safe drinking water.

As a water treatment specialist in Central Wisconsin, I am very familiar with nitrates and other water issues facing our area. Regardless of the contaminant, the underlying water issues are always extremely complex and usually will take a great deal of time and money to solve.

Nitrates are essential for plant growth, and it is an unavoidable waste product from raising livestock. We need farmers to feed a growing population at reasonable prices. While we can't solve this problem overnight through regulation, there are inexpensive off-the-shelf proven, and independently certified products that can be used to protect public health as we work to solve the problem.

In our industry, we call this the final barrier, as it is the last step to ensure safe drinking water. These include Point-of-Entry and Point-of-Use options, such as activated carbon, ion exchange, reverse osmosis, and biological treatment.

Activated carbon is an effective treatment for removing both PFAS and nitrates from water. This technology works by adsorbing the contaminants onto the surface of the carbon. Ion exchange is another effective technology, which works by exchanging ions in the water for ions on the resin. This technology is particularly effective for removing nitrates from water.

Reverse osmosis is another treatment technology that can remove both PFAS and nitrates from water. This technology works by forcing water through a semi-permeable membrane, which removes contaminants. Biological treatment is also effective for removing nitrates from water. This technology uses microorganisms to convert nitrates into harmless nitrogen gas.

It is important that we prioritize the use of these technologies to ensure that our water supply is safe and free from harmful contaminants. While these technologies may be more expensive than other treatment options, the cost of not treating these contaminants is simply too high.

As water treatment dealers, we provide water testing and recommendations and truly want to educate our customers. This is what we do. We are state licensed and certified and go through an intensive education course and exam approved by Department of Safety and Professional Services. In addition, our national association has training and we use this.

There is one specific concern we have the bill, and with the existing Well Compensation Grant Program. Currently, Wisconsin law requires DNR to prioritize well remediation above treatment options. This adds a layer of bureaucracy for homeowners, who are required to provide a letter from a licensed well driller ruling out remediation before they will allow reimbursement for treatment options. As we've learned, in many areas remediating a well or digging a new well won't solve the problem, and treatment is the only option. The bill language does specify that the department issues awards based on the "remediation method that is most effective for the health and welfare of the claimant." However, to truly allow this we believe that additional changes need to be made to the bill to remove the prioritization for well remediation and have been talking with the bill authors to amend the bill and address this issue.

Thank you for holding a hearing on this issue and on behalf of the Water Quality Association of Wisconsin, I urge your support of Assembly Bill 64.



Tuesday, April 4, 2023

Assembly Committee on Agriculture

Re: Assembly Bill 64: Relating to: nitrate contamination and the well compensation grant program.

Michelle Ramirez-White - Policy Coordinator, Wisconsin Farmers Union

Chair Tranel and members of the committees, thank you for the opportunity to submit testimony in support of Assembly Bill 64.

Wisconsin Farmers Union's grassroots, member-driven policy reads:

"Wisconsin Farmers Union members are very concerned that if Wisconsin waits any longer, allowing drinking water contamination, where about one-quarter of private wells sampled fail to meet standards, will become an accepted practice with Wisconsin Farmers Union members and their rural neighbors being "on their own" for finding safe water if they can afford it."

"Wisconsin Farmers Union strongly supports steps be taken during the 2023 Wisconsin legislative session to enact the recommendations prepared by the Speaker's Task Force. These include measuring water quality in different parts of the state, determining the sources and causes of contaminants impacting water quality, investigating remedies that will protect a healthy and stable supply of water for residents and industry, and studying best practices for designing and constructing wells."

Wisconsin Farmers Union submits testimony today in favor of Assembly Bill 64, relating to Well Compensation Grants. Our members see this bill as a first step toward ensuring clean drinking water for rural Wisconsin residents.

Wisconsin Farmers Union is an organization of farmers and rural residents, and thus many or most of our members rely on private wells for drinking water. As we learn more about the unsafe levels of bacterial and nitrate contamination in our groundwater, our members are increasingly looking to the legislature to advance both short-term and long-term solutions for ensuring that they have clean water to drink.

Assembly Bill 64 removes the requirement that a well must be used by livestock in order to qualify for the state Well Compensation Program. This is helpful, because even on farms that do have livestock, the well that serves the livestock and the well that serves the humans that care for the livestock may be different, but the aquifer that the wells tap into is

the same. Making sure that both livestock and people have access to clean water is essential for Wisconsin farm families.

Making the well compensation program available for wells with less than 40 parts per million of nitrates, as this bill provides, will also be helpful for our members.

Agricultural areas and those with porous bedrock or sandy soil are most susceptible to nitrate contamination.

DNR's well compensation program helps households offset the cost of remediating contaminated wells. We support increasing funding for the well compensation program and raising the income cap, with priority given to lower income households.

Wisconsin Farmers Union also supports removing the requirement that only nitrate-contaminated wells are eligible. Furthermore, we support the creation of a Well Compensation Grant Program Administrator at the DNR.

Thank you for this opportunity to share Wisconsin Farmers Union's thoughts on this issue.

Sincerely,

Michelle Ramirez-White

Policy Coordinator, Wisconsin Farmers Union