



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #464

PFAS Public Water Supply Sampling (Natural Resources -- Waste, Remediation, and Air)

[LFB 2021-23 Budget Summary: Page 436, #4]

CURRENT LAW

Under various federal and state laws, public water systems are required to test for various chemical and biological contaminants that could be health risks if consumed. The Department of Natural Resources (DNR) administers testing programs for public and private potable water supplies for bacteria, nitrates, and arsenic under Chapter 280 of the statutes, as well as under Chapter NR 809. Additional testing parameters can include manganese, strontium, fluoride, pesticides, lead, copper, and volatile organic compounds (VOCs). No statutory measures have been established specifically for PFAS testing in these water supplies.

DISCUSSION POINTS

1. The Wisconsin PFAS Action Plan notes that the U.S. Environmental Protection Agency (EPA) between 2013 and 2015 monitored large municipal public water systems serving populations of 10,001 or more, as well as a representative number of small public water systems, for six PFAS substances. Systems in La Crosse, Rhineland, and West Bend detected PFAS in drinking water. Since 2013, the PFAS Action Plan notes that approximately 30 sites with PFAS groundwater and soil contamination have been reported to DNR at other locations around the state.

2. Assembly Bill 68/Senate Bill 111 would provide \$750,000 SEG in 2021-22 in a new continuing appropriation of the environmental management account of the environmental fund for sampling and testing public water supplies for PFAS. DNR indicates that \$750,000 would support a contract with the State Laboratory of Hygiene for sampling and testing of 1,373 municipal public and private potable water supply wells in Wisconsin, and additional limited-term employee (LTE) staffing for analytical support. The one-time funding would be available under a continuing appropriation

until fully expended. DNR reports that state funding would complement \$254,000 that the state has received from the federal Public Water System Supervision Grant Program under the Safe Drinking Water Act to assist with PFAS sampling; the Department indicates that this funding is insufficient to sample all wells. DNR reports that the federal grant would cover the costs of testing 330 of a total 1,703 wells.

3. While evaluation and promulgation of standards for PFAS are ongoing, the Department of Health Services (DHS) has recommended groundwater enforcement standards for certain PFAS as low as 20 parts per trillion. DNR is currently promulgating administrative rules to establish drinking water maximum contaminant levels for certain PFAS. DNR indicates that sampling for PFAS in public water supplies is not currently required by federal or state law but will become required upon state drinking water standards taking effect. Water system sampling has generally been voluntary, or when public water supplies have been suspected of PFAS contamination.

4. DNR reports that the \$750,000 SEG would be allocated as follows: (a) \$549,200 for sampling and testing of 1,373 water systems at \$400 per system; (b) \$60,000 for 1.0 LTE position; and (c) \$140,800 for confirmation and follow-up samples where there are exceedances of standards. DNR indicates that state funding would likely assess the occurrence of PFAS in: (a) smaller municipal public water systems serving fewer than 3,300 people; (b) community water systems, such as those for subdivisions not connected to municipal systems, or those for manufactured home communities; (c) certain systems known as non-transient, non-community water systems, which regularly serve at least 25 of the same persons over six months per year, and which include some schools, day care centers, and factories. DNR reports these systems tend to have completed less sampling than larger water systems.

5. It should be noted that in March, 2021, EPA announced requirements for PFAS sampling to begin in 2023 for certain community water systems serving 3,300 persons or more. The sampling would ensue in the three years following enactment of the rule, meaning that new sampling results from municipal water supplies would not be available until 2025 or later. The proposed state funding in the provision would provide sampling and testing for the water systems described in the previous discussion point, which are not federally required to test supplies. State funding would also likely expedite sampling relative to the schedule expected for larger systems.

6. DNR argues that without having significant understanding about the PFAS that could be present in public water systems statewide, the agency cannot establish practices, recommendations, or requirements to address the public health concerns or adequately allocate agency resources. The PFAS Action Plan notes that Wisconsin is among few Great Lakes region states not to have completed or started the process of sampling public water systems. According to DNR, Michigan, Ohio, Indiana, and Illinois have completed or are in the process of completing such sampling.

7. PFAS water supply testing funded by the provision could yield information useful to DNR and managers of smaller water systems. The Committee could approve one-time funding for water supply system testing in 2021-22 [Alternative 1]. The Committee could also consider providing \$690,000 to accommodate the proposed testing without LTE funding [Alternative 2], or \$549,200 to accommodate the initial testing at the planned sites [Alternative 3]. The Committee could also take no action [Alternative 4].

ALTERNATIVES

1. Provide \$750,000 environmental management SEG in 2021-22 in a new continuing appropriation for sampling and testing public water supplies for PFAS, as well as LTE staffing and costs of follow-up sampling.

ALT 1	Change to Base
SEG	\$750,000

2. Provide \$690,000 in 2021-22 in a new continuing appropriation for initial and follow-up sampling and testing of public water supplies for PFAS.

ALT 2	Change to Base
SEG	\$690,000

3. Provide \$549,200 in 2021-22 in a new continuing appropriation for sampling and testing public water supplies for PFAS.

ALT 3	Change to Base
SEG	\$549,200

4. Take no action.

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