

To: All Legislators

From: Rep. Katrina Shankland

Date: January 14, 2019

RE: Co-Sponsorship of LRB 1197, relating to: testing of private wells, compensation for well contamination and abandonment, granting rule-making authority, and making an appropriation

**Deadline: Monday, January 28 at 4:00 p.m.**

On November 3, 2018, the *New York Times* featured Wisconsin's private well contamination crisis, entitling it "Rural America's Own Private Flint." Here is one example: Karen and Tim can't drink or cook with their tap water, and when their grandkids visit, they don't want them to bathe with their water. Their private well has tested at over seven times the federal health standard for nitrate, which is linked to multiple cancers. When they got their private well tested, their doctor discussed various tests for the family members to ensure they did not have any illnesses linked to nitrate consumption. They live in Central Wisconsin. **It's the 21<sup>st</sup> century. Everyone deserves access to clean, safe, and plentiful drinking water.**

With roughly four in ten households in Wisconsin relying on private wells, we must do more to ensure people are testing their wells and acting to remediate their contaminated wells. Recently, it was revealed that of the 301 wells tested in Grant, Iowa, and Lafayette Counties, 42% did not meet the health standards for nitrates or bacteria. In the Central Sands, a recent well sampling in the towns of Armenia and Port Edwards demonstrated that 42% of wells tested for nitrate above 10 mg/L, the federal health standard, and 25% of the wells were above 20 mg/L. In the village of Nelsonville, 47% of the wells tested for nitrates above the health standard.

One in five private wells in Wisconsin are unsafe to drink from due to nitrate contamination, affecting roughly 90,000 households, and in some communities, over half of the wells are contaminated. Yet people are only eligible for well contamination grants for dangerous nitrate levels if they own livestock. Meanwhile, a 2015 study determined that only roughly half of Wisconsin households tested their wells in the last decade, and only 22% tested their wells within the last 1-5 years.

Given the damaging effects of water contaminants on the public health, especially on our elders, children, infants, pregnant women, and people living with chronic conditions, we must stress the importance of testing our water sources and incentivize the annual testing of private wells. 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. This legislation will empower homeowners to monitor their private wells, know what's in their drinking water, remediate more contaminated wells, and work with their communities to identify solutions to contamination sources.

This legislation significantly expands the grant program for remediating contaminated wells to more households and to those who do not own livestock but have unsafe nitrate levels. While the best solution is to prevent contamination from occurring at all, a first of its kind state private well testing grant program will help local governments identify hot spots and work with

stakeholders to mitigate contamination in the first place. The expanded well compensation grants will also aid homeowners grappling with significant and costly well remediation.

### **Private Well Testing Grants**

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 \$50 or more. Most importantly, many homeowners said in a survey that they were unaware that they needed to test their well because their water clarity and taste was fine. Research shows that homeowners are four times more likely to test their well when someone they know tests their well – this highlights the importance of educating the public on well testing and providing opportunities to test wells.

This bill provides \$1 million per biennium 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 and share the information with the DNR. They would also be required to provide information to homeowners participating in the well testing program about the well compensation grant program.

Educating the public about the importance of annual well testing and offering to cost-share the testing fee is a powerful way for local governments to help homeowners know what is in their water and to work together to prevent further pollution. Local governments would also be required to share the data with the DNR, but the bill specifies that individual privacy should be protected while reporting on a section level instead of an individual level. This will empower the DNR to identify hot spots of contamination and work with local governments across the state to identify water quality issues and larger scale trends.

### **Well Compensation Grants**

The Well Compensation Grant Program is an existing program that helps homeowners replace, reconstruct, or treat their contaminated wells. However, many homeowners with contaminated wells have found that they are ineligible for the program due to the income threshold and other restrictions. Homeowners with serious nitrate contamination, for example, only qualify for well compensation grants if their contaminated well is used as a source of drinking water for both residents and livestock.

This bill eliminates the requirement that a homeowner must own livestock to qualify for grants for nitrate contamination. Many homeowners whose private wells test at two to three times the federal health standard also are not eligible. This bill eliminates the requirement that nitrate-contaminated wells must test above 40 mg/L to be eligible. Instead, it provides first priority to nitrate-affected wells at 40 mg/L, second priority to wells above 30 mg/L, third priority to wells above 25 mg/L, and the final priority to wells above 20 mg/L. It also adds funding for reverse osmosis for wells between 20 mg/L and 25 mg/L. Additionally, it expands funding for the Well Compensation Grant Program to \$1 million annually, raises the family income limit to \$100,000 (with a sliding reduction in grant awards beginning at \$65,000), and ensures the maximum grant award is \$12,000. This will ensure more people are eligible for the program to connect to a public or private source of water or replace, reconstruct, and treat their wells, granting them access to drinkable water.

The Groundwater Coordinating Council estimates that it would take up to \$440 million to remediate all the nitrate-contaminated wells in Wisconsin. That's why this bill prioritizes the most significantly contaminated wells, ensuring those who are not able to drink, shower, bathe, or cook with their water have first priority. For example, while remediating the estimated nitrate-contaminated private wells in Wisconsin above 10 mg/L would cost at least \$440 million, remediating nitrate-contaminated wells above 30 mg/L would cost \$67.2 million.

Additionally, it would take nearly \$4.5 million to test all private wells in Wisconsin that are above 10 mg/L in nitrate contamination. This bill prioritizes well testing in areas where there is a statistically significant number of wells with nitrates above 20 mg/L, while also providing preference to disburse private well testing funds to regions where a statistically significant number of wells have tested above health standards for other harmful contaminants, such as coliform bacteria.

We have the power to provide substantial relief to rural homeowners across Wisconsin through expanding access to well compensation grants. We can also establish a meaningful state private well testing program that will provide homeowners and local governments with the data they need to empower them to act to prevent pollution in the future. I encourage you to join me in supporting this bill and look forward to having conversations with you about protecting and expanding access to clean and safe drinking water in Wisconsin.

**If you would like to cosponsor this bill, please reply to this email or call my office at 7-9649 by 4:00 p.m. on Monday, January 28, 2019.**

#### ***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Natural Resources to administer a program to provide grants to counties, cities, villages, towns, and American Indian tribes and bands (local units of government) for the testing of privately owned wells. The bill also makes changes to the well compensation grant program currently administered by DNR.

The bill provides that local units of government may apply for grants once in a fiscal biennium for testing privately owned wells, with an option for a second grant if adequate funding is available. A local unit of government must provide matching funds equal to the amount of the grant and must provide test results to DNR within three months of conducting testing. DNR is required to award grants equitably across the state, giving priority to regions where a significant number of private wells contain nitrate contamination above specified levels and regions where a significant number of wells contain coliform bacteria or other contaminants at a level that exceeds applicable standards for public health.

Under current law, an individual owner or renter of a contaminated private well may apply for a grant from DNR to cover a portion of the costs to treat the water, reconstruct the well, construct a new well, connect to a public water supply, or fill and seal the well. To be eligible for a grant, the well owner or renter's annual family income may not exceed \$65,000. In addition, if the well owner or renter's annual family income exceeds \$45,000, the amount of the award is reduced by 30 percent of the amount by which the annual family income exceeds \$45,000. The bill increases the family income limit to \$100,000 and increases the amount of annual family income that triggers a reduction of an award to \$65,000.

Under current law, a well that is contaminated only by nitrates is eligible for a grant only if the well is a water supply for livestock, is used at least three months in each year, and contains

nitrates in excess of 40 parts per million. The bill eliminates these requirements and requires DNR to prioritize grants for wells with nitrate contamination above specified levels.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.