

## **Appendix W**

### **Written Public Comments**

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### **February, 1999**

The WDNR sought public input on the development of the SWAP for eighteen months prior to submission of the program plan. At the end of this period, a 30-day public comment period was held from December 21, 1998 through January 22, 1999 to correspond to the public hearings/informational meetings held the week of January 4, 1999. No comments were received during the 30-day public comment period. However, a set of comments was received from the Sierra Club on February 1, 1999, 10 days after the end of the public comment period and only 5 days before the SWAP submittal deadline. These comments and the WDNR's responses are given below.

**Comment 1:** Are preliminary efforts reflective of longer-term approaches? If so, inclusion of populations with higher sensitivity such as the immune system compromised and elderly populations have been neglected.

**Response 1:** Two members of the SDWA Ad Hoc Advisory Council (AHAC) represent Wisconsin's Department of Health and Family Services' Division of Health. These two members have experience with the environmental health issues associated with a large range of sensitive populations including immune-compromised and elderly citizens.

**Comment 2:** Use of the wellhead protection newsletter, public meeting notification and scheduling has not inspired public participation. Wisconsin should explore other methods of inclusion to insure adequate public participation.

**Response 2:** As documented in Chapter 2 of the SWAP plan, the WDNR implemented many methods to inspire public participation. In addition to the surveys in the Wellhead Protection Newsletter and facilitating public meetings the WDNR set up the AHAC and two technical advisory committees, contributed articles to other newsletters, made numerous personal presentations for interested groups and created a web page with the draft SWAP plan on it. Comments on the SWAP were solicited in all of these activities. Based on the input received through the AHAC and other forums, and the lack of opposition to the program plan at the public hearings held in January, 1999, we believe that adequate public participation has occurred. We welcome specific suggestions on other methods of including interested citizens and groups that might encourage more participation in the program's implementation .

**Comment 3:** Where are they (assessment results) being posted and how is the public being notified?

**Response 3:** As stated in Chapter 3 of the SWAP plan the WDNR will report the availability of the assessments in the Wellhead Protection Newsletter, consumer confidence reports and press releases. The results of the assessments will be reported directly to the public water systems where they will be publicly available. Less detailed versions of the assessments will be available on the WDNR's source water protection website. Paper copies of the assessments will be available on demand.

**Comment 4:** Budgeting is an issue. Why are you not utilizing greater amounts of state funds to get (t)his implemented? Due to the nature of the Amendments and their ability to waive monitoring and testing costs, there should be a front-loading of costs to insure that there will be an expeditious completion of the assessment and implementation of protections for source waters.

**Response 4:** Input from the AHAC showed no support for state funding of source water assessments (see Appendix E). The comment above is the first show of support for additional state support of the SWAP. Regarding "expeditious completion of the assessment and implementation of protections for source waters" it should be noted that: 1) Wisconsin's SWAP promotes expeditious completion of the assessments, but 2) implementation of source water protection relies on public water system and local government involvement and cannot be insured by funding.

**Comment 5:** Even though the plan prominently mentions the Milwaukee *Cryptosporidium* event. Stating that this event was the largest documented outbreak of waterborne illness in U.S. history. Milwaukee draws its drinking water from Lake Michigan. Yet the plan states "There are 20 public water supply systems which use surface water, these systems serve 1.5 million of the state's 5 million residents. All but one of these systems have intakes on Lake Michigan, Lake Superior or Lake Winnebago. The size of these lakes and their watersheds is so large that detailed assessments of source water will not be attempted." The plan goes on further to state the presence of existing water protection programs: The use of outstanding resource classification/Exceptional resource classification and antidegradation program; Lake Superior Binational Agreement and Program (Zero Discharge and Mercury Reduction).

Efforts to place Lake Superior, the largest and most pristine of the Great Lakes, under special designation as Outstanding Natural Resource Waters by the Wisconsin Department of Natural Resources have been met with little success. Delays and stonewalling have delayed any special designation for these waters. The Lake Superior Binational Program is strictly voluntary and to this date over six years of dialogue on the Binational Forum have brought Lake Superior no closer to achieving "zero discharge." The "Mercury Reduction Program," which has a strong template for implementation based on reduction efforts placed into effect in Minnesota and Maine, is just now getting underway, receiving little fanfare or attention. Within Wisconsin's Great Lakes airshed lies The Vulcan Chemical plant located at Port Edwards. This plant emits over 1000 pounds of mercury to the environment a year, has operated for decades, yet has not been addressed by any regulations or reduction efforts by the state.

While these programs exist, no credence should be placed on their ability to solve issues affecting the Source Water Assessment and Plan and the public should not be misled by this documentation placed into the report by the WDNR.

"The draft states that the Ad Ho(c) Advisory Committee (AHAC) indicated "strong stakeholder interest in less detailed contaminant inventories for surface water systems. This primarily reflects two factors:

All surface water systems in Wisconsin treat drinking water; and Assessments for surface water systems will cover a much larger land area than those for groundwater.

The enormous land area included in surface water system source water areas (approximately 22% of the state) makes detailed potential contaminant source inventories difficult, if not impossible with the resources available.”

This is unacceptable, there is no precedent for leaving this out of the assessment. At the minimum there should be a 2000 ft. setback from tributary and shoreline if not inclusion of the entire watershed.

**Response 5:** The decision process for determining the assessment strategy for surface water systems is documented in Sections 1.4, 2.5, 2.8, 2.10, 2.12, 2.14 and appendices E,F,G,I, R of the SWAP plan. This strategy was significantly shaped by the AHAC and other public input and was not opposed by any other comments. A 2000 ft. setback area from tributaries and shoreline would be in direct contradiction to this advice and could only be implemented by reallocating resources now designated for groundwater systems’ assessments for use in completing assessments of these proposed setback areas.

**Comment 6:** p. 4 Transient non-community systems are defined as those which “serve at least 25 different non-resident persons per day for at least 60 days of the year and includes places like campgrounds, roadside rest areas, gas stations, restaurants and churches.”

p. 5 “Groundwater monitoring by state agencies to determine the extent of groundwater contamination in Wisconsin and identify the sources of contamination has found that the primary contaminants of concern are volatile organic compounds (VOCs), pesticides and nitrates. ...Eighty different VOCs [that] have been found in Wisconsin groundwater...”

p. 16 “Therefore the contaminants of concern for transient noncommunity water supply systems are, at a minimum, nitrate nitrogen and bacteria. In addition, assessment for transient noncommunity systems will consider the Ground Water Rule being developed by EPA and will include a susceptibility determination for viruses.”

p. 28 “A more limited approach will be used for determining transient noncommunity wells’ susceptibility. For these systems, pathogens and nitrate will be the focus of the susceptibility analysis.”

These excerpts from the draft indicate that there is a lack of continuity through the efforts to protect the public’s health. Short-term exposure to pregnant women of other contaminants besides nitrates and pathogens can cause irreversible damage to her unborn child.

**Response 6:** As stated in section 2.6 (p.18) of the SWAP plan, the large number of transient systems in Wisconsin (~10,000) and the lack of control by these systems over potential contamination sources off the property make doing detailed assessments for these systems a poor investment of limited SWAP resources. USEPA guidance acknowledges this by allowing assessments for transient noncommunity systems to focus on potential sources of nitrate and microbes as contaminants of concern.

**Comment 7:** p. 17 “A Minnesota study showed that one-year time-of-travel capture zones for transient noncommunity wells in unconfined porous media are unlikely to exceed 155 ft. in the upgradient direction (Appendix III of Appendix O). A one-year time-of-travel is recommended by the U.S. EPA to protect wellheads from bacteria and viruses. Therefore, a 200-foot radius would be protective for

transient noncommunity wells in saturated porous media aquifers. This indicates that the 1,200 –foot arbitrary fixed radius delineations originally proposed for these types of systems is too large an area for these types of systems and an inefficient use of limited resources.”

Atrazine and other agricultural chemicals have been excluded from Wisconsin’s susceptibility assessment of transient noncommunity systems. In the saturated porous media aquifers of the central sands region and the tighter red clay regions of the Fox River Valley as well as the loamy soils of south-central Wisconsin; susceptibility to Atrazine has been shown. Discovery of this contamination led to the passage of the Atrazine Rules and ban areas in the state. It would seem that if this were the case then the Minnesota research would not be reflective of Wisconsin conditions and should not be used to justify reducing the fixed radius from 1,200 feet to 200.

**Response 7:** The Minnesota study (Appendix O in the SWAP plan) determined a likely maximum size for transient noncommunity system capture zones in porous media aquifers. The study was conducted after the 1,200 foot radius delineation was approved for these systems in Wisconsin’s wellhead protection plan. The study provides a scientific basis for reducing the size of delineated source water areas for these systems. This allows SWAP resources to be allocated to more cost-effective activities such as more advanced delineations of source water areas for municipal systems which serve far more people and have more authority to implement source water protection measures than do the smaller transient noncommunity systems. Please note that the Minnesota study applies strictly to the movement of water, not to atrazine or other contaminant transport which is implied in the comment. Also, it should be noted that the Atrazine Rule and the creation of atrazine prohibition areas will play a role in protecting public water systems in those areas from contamination.

**Comment 8:** p.17 “... a preliminary survey of 30 wells was made; the results showed that the average pumping rate was less than ½ of the well pump capacity. Therefore the average annual pumping rate was used to calculate the fixed radius for delineations.”

It would seem that this is not reflective of the state’s total. There are 1,160 community systems in the state with many of these having more than one source (well). Therefore, the preliminary survey of 30 wells is not statistically representative of the total and may not reflect the usage rates of all community sources in the state.

**Response 8:** This survey is documented in more detail in Appendix P of the SWAP plan. The wells were selected randomly from the state’s approximately 1550 municipal wells. No test of statistical significance was done for this sampling but the purpose of the sampling was not to determine a confidence interval for the hypothesis that average pumping rate was less than ½ of the well pump capacity. It was done to get an idea of how average pumping rate compared to ½ of the pump capacity so that a calculated fixed radius delineation for the larger systems would not result in source water area delineations so large as to be unrealistic and impracticable to assess. As added insurance that source water areas are not too small, a 1200 ft. minimum radius will be used for community systems that have a calculated fixed radius of less than 1200 ft.. After calculating these radii it is apparent that only the larger municipal wells have source water areas that exceed a 1200 ft. radius.

**Comment 9:** There should be the ability to assemble AHAC and TAC personnel to allow for transference of concerns and knowledge without the filter of the agency staff.

**Response 9:** The WDNR encourages AHAC and TAC members to assemble with or without WDNR staff. We have facilitated meetings with these groups to receive input on specific SWAP development issues. This has benefited the SWAP plan tremendously. We will continue to facilitate meetings with these groups to evaluate the implementation of the SWAP. Up to this comment there has been no indication that transference of concerns and/or knowledge among members of these groups has been inhibited by the presence of agency staff. No such concerns were raised by any member of these groups.