



WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

RR-19-5523-C

DOCUMENT TITLE

Temporary Emergency Water Agreement Template

PROGRAM/BUREAU

Remediation and Redevelopment

STATUTORY AUTHORITY OR LEGAL CITATION

Wis. Stats. ch. 292; Wis. Admin. Code ch. NR 700

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

26-Aug-19

DATE FINALIZED

02-Sept-19

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in black ink that reads 'Jennifer Haeg'.

Signature

September 4, 2019

Date

DNR – Remediation and Redevelopment
RR-5523, Agreement for Requesting Temporary Emergency Water Template Letter
March 2019

PURPOSE: Use this agreement to offer private well owners eligibility for temporary emergency water services. Please collect the signed agreement from the private well owner, or provide a self-addressed, postage paid envelope for the private well owner to return the agreement to:

Fiscal and IT Section Chief
101 S. Webster St.
RR/5
P.O. Box 7921
Madison, WI 53707

NOTES:

Yellow highlighted text contains notes/directions to the DNR staff writing the letter.
Grey highlighted text contains areas where DNR staff need to fill in the information.

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

Agreement for Requesting Temporary Emergency Water – Wis. Admin. Code ch. NR 738; Wis. Stat. §292.31

The Wisconsin Department of Natural Resources (“department”) has determined that your well may be or is adversely affected by environmental pollution or contamination, and therefore the department is advising you that your water is not fit for human consumption due to potential human health risks at this time. This determination was made after an inspection of your [description of the private water supply, whether any sampling results exist, likelihood of contamination] and the conditions surrounding your property by [staff name] on [date].

The department has determined you to be eligible to receive a temporary supply of drinking water from the department under Wis. Admin. Code ch. NR 738 and/or Wis. Stat. § 292.31, based on the information available at this time. In order to receive a temporary supply of drinking water, the department requires that you enter into an agreement with the department and be responsible for the proper maintenance of any physical equipment provided as part of the temporary emergency water supply. A third-party contractor, not the department, will provide the temporary supply of emergency water. The department will arrange for the contractor and will pay for this service, other than any equipment deposit required by the contractor which will be your responsibility. The contractor will contact you to set up delivery times, collection of deposit and return of equipment.

Temporary emergency water supplies are available for a maximum of 6 months from the date of this agreement, or until such time as the department confirms one or more of the following: (1) follow up laboratory analysis of well water samples does not contain contaminants above maximum levels set forth in Wis. Adm. Code chs. 140 and 809; [2] that the private water supply is affected by fecal bacteria but not from livestock waste; (3) the contaminated water supply has been replaced by an uncontaminated water supply; and/or (4) that the private water supply has returned to an uncontaminated condition, whichever occurs first. Therefore, if sample results confirm any of the above situations, the department will no longer provide temporary, emergency water supplies.

The department will contact the potentially responsible party (if known) to ask them to provide water to you prior to the department providing water. If the responsible party agrees, department staff will notify you that the responsible party will be providing water, and this agreement will be null and void. All arrangements between the responsible party and you are outside the terms of this agreement.

By signing below, you acknowledge entering into an agreement with the department, and you agree to: [1] take responsibility for the proper maintenance of any physical equipment constructed or provided to you by the third party contractor for your use as part of the temporary water supply; [2] pay the necessary deposit on any temporary water supply equipment; [3] allow the department reasonable access to take private water samples during the period of time that the department is providing temporary water; [4] agree to indemnify and hold harmless the department for any damage that may occur to the physical equipment provided to you for your use as part of the temporary water supply, while the equipment is in your possession; and [5] understand that this is a “request” for temporary water, but such water may be supplied by the responsible party. The above terms regarding deposit and equipment may also be outlined in any agreement between you and the third party vendor. If you have questions about this agreement, contact Jenna Soyer, DNR, Remediation and Redevelopment Program at Jenna.Soyer@Wisconsin.gov, or phone 608-267-2465.

Name of Homeowner _____ Date _____

Signature _____ Phone _____

Address _____ Email _____