# PFAS External Advisory Group

June 17, 2022

# Welcome

# Agenda

- Welcome and Introductions
- Drinking and Groundwater Program – Drilling Fluids Discussion
- Certification Processes – Limitations and Opportunities

*Break*

- DNR and Federal PFAS updates
- EAG Member Open Forum
- Public Comment

# Roll Call

| External Advisory Group Members | | |
|---|---|---|
| Jason Culotta, Midwest Food Products Association | George Klaetsch, Wisconsin State Fire Chiefs Association | Doug Oitzinger, Marinette Citizen |
| Brian Grefe, Wisconsin Airport Managers Association | Lawrie Kobza, Municipal Environmental Group – Water Division | Laura Olah, Citizens for Safe Water Around Badger |
| Joe Grande, American Water Works Association – Wisconsin Section and Madison Water Utility | Scott Laeser, Clean Wisconsin | John Osborne, GZA GeoEnvironmental, Inc. |
| Chris Groh, Wisconsin Rural Water Association | Rob Lee, Midwest Environmental Advocates | John Robinson, Wisconsin's Green Fire |
| Toni Herkert, League of Municipalities | Scott Manley, Wisconsin Manufacturers and Commerce | Pat Stevens, Wisconsin Paper Council |
| David Johnson, North Shore Environmental Construction, Inc. | Sharon Mertens, Milwaukee Metropolitan Sewerage District | Mark Thimke, Foley & Lardner LLP |
| Meleesa Johnson, Marathon County Solid Waste Department and Wisconsin Solid Waste PFAS Group | Lynn Morgan, Waste Management | Ned Witte, Godfrey & Kahn S.C. |
| Paul Kent, Stafford Rosenbaum LLP | | |

# Private Water Well Product Approval Process

Marty Nessman, June 17, 2022

# Product Approval - s. NR 812.091

- Only for products used for drilling under Chapter NR 812
  - Private wells and non-community public wells
- Community wells require NSF-60 or NSF-61 certification
- Other programs refer drillers to the list

# What Needs Approval?

- Drilling aids and additives
- Grout and sealing materials
- Filling and sealing materials
- Well rehabilitation materials
- Chemicals placed in a well or drillhole
- Well head components including well caps and seals
- Pitless adapters, pitless units, above ground discharge units and any treatment equipment installed in or on a well

# No Prior Approval Required For:

- Drinking water treatment chemicals that comply with NSF/ANSI Standard 60
  - Started in July 2020
- Drinking water system components in contact with potable water that comply with NSF/ANSI Standard 61
- Water treatment devices that have a plumbing product approval from the Dept. of Safety and Professional Services

# Application for Approval

- List of all ingredients and instructions for use
- Department may ask for additional information before approval is granted

# Approval Review

- Desktop review
- Potential to harm drinking water and groundwater
- Consult with WI Dept. of Health when needed
- Minimum material standards specified in code – s. NR 812.11 and ss. NR 812.28-812.41
- DNR rarely tests products

# Additional Criteria - Example

- S. NR 812.11 (4) LEAD PROHIBITED. All material permanently installed in a well by a well driller must be lead-free as defined by the Safe Drinking Water Act

# Approval Conditions

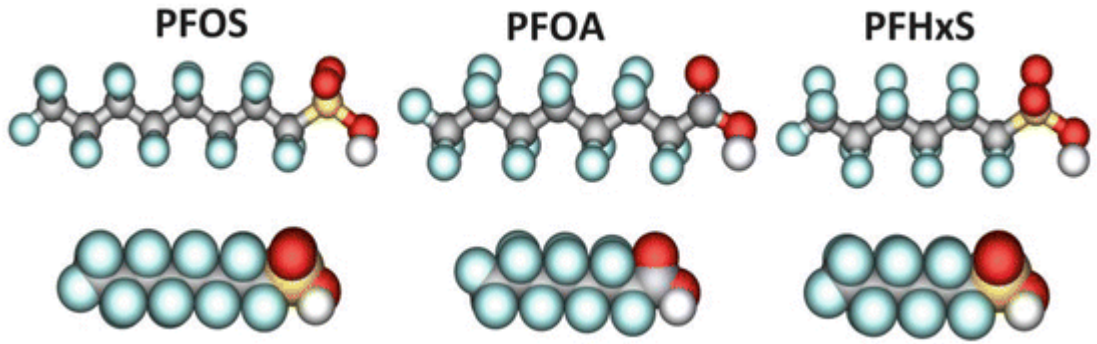
- Department may impose more stringent conditions to protect:
  - Public safety
  - Drinking water
  - Groundwater resources

# Prohibiting Products or Components

- If the DNR finds there is substantial evidence that the product poses a significant hazard to safe drinking water or groundwater
- Any decision to prohibit the use of a product may be appealed

# Approved Products and PFAS

- No products on the list are known to contain PFAS ingredients
- NSF reports that none of the products certified under Standard 60 had PFAS or fluorinated hydrocarbon ingredients



# NSF-60 Certification

- Standard for water treatment chemicals (includes drilling materials and additives)
- NSF is a non-profit association
- Manufacturers voluntarily apply for certification
  - Must submit full list of ingredients
  - Products are tested by 3rd party
  - NSF conducts audits of facilities
  - Unannounced annual audits
  - Manufacturer pays fees

# Approved Products and NSF-60

- 120 of 253 (47%) approved products also have NSF-60 certification
- Includes 5 of 9 foaming agents and surfactant products
- Most drilling products are flushed from the well after use and do not remain in contact with the well or water

# Fracking a Water Well

- Hydrofracturing (AKA ‘fracking’) a well is a process to increase yield by injecting water, or water and an inert material, into an aquifer under high pressure to fracture the formations
- Per s. NR 812.22 (1) (c) 2., Hydrofracturing of an aquifer may only be done with chlorinated water and clean, washed, inert, non-toxic material such as sand
  - Hydrofracturing in limestone may only be done after notification to the department

# CONNECT WITH US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"WILD WISCONSIN:
OFF THE RECORD"

# Certification Processes - Limitations and Opportunities

Group Discussion

# Community Needs

Group Discussion

# BREAK
# Resume at 1pm

# DNR Updates

# Firefighting Foam

- NR 159 (WA-07-20) Firefighting Foam Rule
- Foam Collection & Disposal Program

# Water Standards

- Public Drinking Water Systems
- Surface Water Quality

# Bipartisan Infrastructure Law

EPA

## Bipartisan Infrastructure Law: A Historic Investment in Water

President Biden's leadership and bipartisan Congressional action have delivered the single-largest investment in U.S. water infrastructure ever. The Bipartisan Infrastructure Law invests more than $50 billion through EPA's highly successful water infrastructure programs.

**$20+ billion for safe drinking water.**
**$15 billion in dedicated funding to replace lead pipes.**
**$12+ billion to ensure clean water for communities.**
**$1.8 billion to protect regional waters.**
**$135 million for additional water improvements.**

With this funding, EPA, states, Tribes, and localities have a once-in-a-lifetime opportunity to strengthen and rebuild America's water infrastructure. EPA will ensure that all communities get their fair share of this federal water infrastructure investment—especially disadvantaged communities. This funding will put Americans to work in good-paying jobs and support a thriving economy.

### Safe Drinking Water

There are still an estimated 6 to 10 million lead service lines in cities and towns across the country, many of which are in low-income neighborhoods and communities of color. The Bipartisan Infrastructure Law will deliver resources to remove these lead pipes, in line with President Biden's goal of removing 100% of lead service lines. This means that millions of families will be able to rely on drinking water that is safe from lead and other contaminants.

### Clean Water for Communities

The nation's wastewater and stormwater management systems that are critical to safely returning used water to the environment are aging and breaking down. With more than $12 billion for clean water infrastructure, communities will be able to upgrade these critical systems. This means that more people will be able to swim, fish, and play in their waters and the environment will be cleaner and more vibrant.

### Protecting Regional Waters

Investing in regional waters—from the Chesapeake Bay, to the Great Lakes, to the Puget Sound—will better protect the nation's largest and most treasured waters to ensure that they continue to serve as vital economic and recreational assets.

**Water is life.** It keeps us healthy, sustains vibrant communities and dynamic ecosystems, and it supports the economy. **Water infrastructure** is essential to delivering reliable, affordable, and safe water. When water infrastructure fails, it threatens people's health, peace of mind, and the environment. The **Bipartisan Infrastructure Law** provides a historic investment to replace pipes, upgrade water treatment facilities, and ensure that America's water systems are resilient for the future.

### Safe Drinking Water

| | |
|---|---|
| **$15 billion** | **Lead Service Line Replacement through the Drinking Water State Revolving Funds**<br>49% of funds will be provided to communities as grants or principal forgiveness loans.<br>51% of funds will be available to communities for low-interest loans.<br>State match is not required. |
| **$11.7 billion** | **Drinking Water State Revolving Funds**<br>49% of funds will be provided to communities as grants or principal forgiveness loans.<br>51% of funds will be available to communities for low-interest loans.<br>State match is reduced to 10%. |
| **$4 billion** | **Addressing Emerging Contaminants through the Drinking Water SRF**<br>Can be used to remediate PFAS in drinking water.<br>All funds provided to communities as grants or principal forgiveness loans.<br>State match is not required. |
| **$5 billion** | **Addressing Emerging Contaminants in Disadvantaged Communities**<br>Funding through Small, Underserved, and Disadvantaged Communities Grants<br>Can be used to remediate PFAS in drinking water.<br>Provided as grants.<br>State match is not required. |

### Clean Water for Communities

| | |
|---|---|
| **$11.7 billion** | **Clean Water State Revolving Funds** (CWSRF)<br>49% of funds will be available for grants or principal forgiveness loans.<br>51% of funds will be available for low-interest loans.<br>State match is reduced to 10%. |
| **$1 billion** | **Addressing Emerging Contaminants**<br>Funding through Clean Water State Revolving Funds.<br>All funds provided as grants or principal forgiveness loans.<br>State match is not required. |

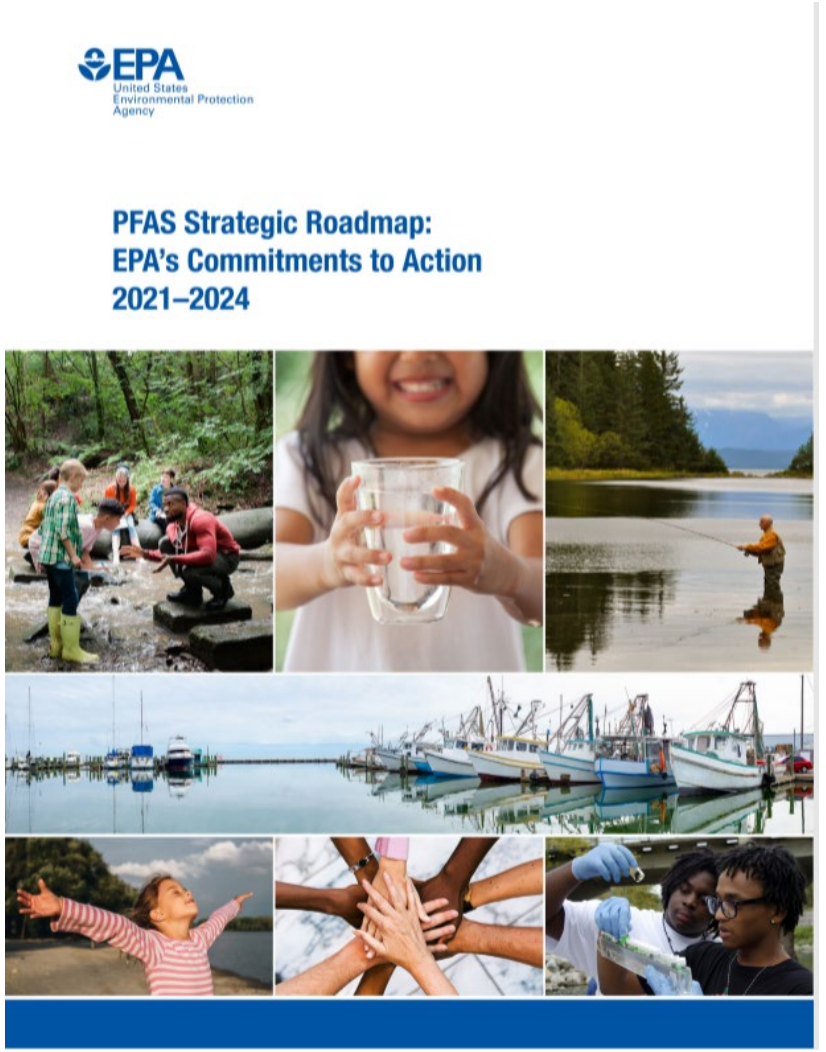
### Protecting Regional Waters

| | |
|---|---|
| **$1.7 billion** | **Geographic Programs**<br>Funding directed to 12 federally recognized geographic programs. |
| **$132 million** | **National Estuary Program** (NEP)<br>Funding to be distributed across 28 Federally recognized estuaries to restore vulnerable coastal areas and communities. |

### Additional Investments in Water

| | |
|---|---|
| **$60 million** | **Gulf of Mexico Hypoxia Task Force** (HTF)<br>Funding to be divided equally across 12 Hypoxia Task Force states. |
| **$50 million** | **Underground Injection Control Grants** (UIC)<br>Funding to support states' efforts to attain Class VI primacy.<br>100% of funding provided as grants.<br>State match is not required. |
| **$25 million** | **Permitting Class VI Wells** (Class VI Wells)<br>Support to EPA for carbon sequestration programs. |

# Federal Updates



# Open Forum
# External Advisory Group Members

# Wrap-up and Next Steps

# Public Comment

- Submit questions or comments via the chat function in Zoom (please indicate if you'd like to read aloud)

**OR**

- "Raise Hand" and you'll be unmuted to provide your comment

- We will attempt to address comments and requests to speak in the order that they are received

- Please keep comments to 3 minutes

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