



**Committee on Natural Resources and Energy
Senate Bill 137 – Nitrate Testing Pilot Program
Clean Wisconsin, Submitted Testimony
Scott Laeser, Water Program Director
April 22, 2019**

Thank you Committee Chair, Senator Cowles, for the opportunity to submit written testimony on Senate Bill 137 relating to the nitrate testing pilot program introduced by Senator Testin, yourself – Senator Cowles, Representative Kurtz, and Representative Krug.

Clean Wisconsin is a non-profit environmental advocacy group focused on clean water, clean air, and clean energy issues. We were founded almost fifty years ago and have 20,000 members and supporters around the state. We've been working on water pollution issues in Wisconsin since our founding, and while some of the particulars have changed, Wisconsin remains a state with abundant water resources but also abundant challenges in restoring and protecting those waters.

Clean Wisconsin employs scientists, policy experts, and legal staff to bring all the tools at our disposal to protect and improve our air and water resources. In 2014, we filed a Safe Drinking Water Act petition with the EPA when calls for action to address groundwater contamination in Kewaunee County went unanswered. We've worked closely with researchers and counties in Southwest Wisconsin to support the efforts to initiate and fund the Southwest Wisconsin Groundwater and Geology Study. And we've worked with decision makers for many years to support state financial and technical investments in protecting Wisconsin's air, water, and natural resources.

The evidence of nitrate pollution in both our private and municipal wells is growing. In the last year, reports of high nitrate levels in the Central Sands, the La Crosse area, and Southwest WI have added to the body of evidence already in existence. We also have a growing understanding of the health risks associated with exposure to nitrates; blue baby syndrome and central nervous system birth defects in fetuses or young children, and for adults, thyroid disease and colorectal cancer. Research tells us that most of the nitrates contaminating our groundwater are coming from agricultural sources. Even conservative estimates place the number of wells in Wisconsin exceeding the 10mg/l nitrate health standard at over 40,000, while other estimates are closer to 80,000 wells. It is clear, addressing this drinking water contamination is overdue and a comprehensive approach that combines efforts to provide clean drinking water to affected citizens with pollution reduction efforts is the appropriate response.

A \$10 million investment that provides access to safe drinking water for those dealing with nitrate contamination is not insignificant. As a concept, we greatly appreciate this effort. We do have concerns with some key features of the bill, including the regulating/implementing agency, limitations the grant cap places on well replacement, and confusion with the current well compensation program at DNR.

The heart of this bill is well-intentioned, and we acknowledge the need to provide access to safe drinking water to families that do not have it. It is also important to keep in mind that although this is a \$10 million investment in drinking water access, it is an investment after contamination has occurred. Without concurrently addressing the root cause of the pollution, nitrate contamination in private wells will continue to occur and spread. Clean Wisconsin advocates for a holistic approach to nitrate

contamination that provides access to clean drinking water but also ultimately prevents nitrate pollution from occurring. Without this broad effort, this \$10 million only addresses part of this complex challenge and will likely result in the continued contamination of citizens' wells.

Clean Wisconsin submits the following observations and questions concerning certain aspects of the bill:

- Under this bill, the nitrate testing pilot program is a new program created at the Department of Health Services (DHS). DNR already administers a well replacement program and creating a new structure at DHS would be very inefficient and likely confusing to people. When it comes to water quality issues and the ability to enforce groundwater standards, the Department of Natural Resources (DNR) is the agency that should be the regulatory authority over this program, which could be combined with the current well compensation program.
- We are concerned with the degree to which this bill relies on filtration systems to address this problem. Filtration systems require regular maintenance and continued investment in replacement filter cartridges. Filters also do not work in very high nitrate contamination instances.
- This bill only allows for a maximum grant of \$2500, which is not nearly enough to cover the cost of well replacement, the only solution to nitrate contamination in circumstances where the concentration is beyond what filters can treat. The existing well compensation program provides funds of up to \$12,000, almost five times the cap for this program, in recognition of the high cost of well replacement.
- In some counties, the county conservation department staff are involved in well contamination issues and have varying relationships with the local health departments. To what degree will this bill affect that work, and could the requirement a county health department request the grants be extended to include county conservation departments (perhaps one or the other, or a joint application, per county)?
- Does the \$500,000 cap per county include the testing, evaluation, and administration costs as well as the grants provided to well owners?

Families need access to clean drinking water now and they need to know their leaders are working to clean up the pollution contaminating their wells. We need to do a better job using the tools we already have to protect our water from agricultural pollution sources. All Wisconsin farms should meet a minimum standard set of conservation practices on their land. Currently, only 36% of agricultural lands in the state are covered by a Nutrient Management Plan. We need to invest in preventing nitrate pollution from contaminating wells in the first place, and if we are truly going to address the widespread well contamination from nitrates, we will need to consider new steps. This could include limiting the amount of nitrogen we put on certain fields – to balance the importance of the continued success of the agricultural industry in our state with our obligation to provide access to clean drinking water.

Clean Wisconsin appreciates the significant investment in a nitrate testing pilot program and subsequent grant program for affected well owners. However, the concerns about the administration of this new proposal should be addressed to ensure we are maximizing the assistance we are delivering to families plagued by polluted water. We must take additional steps to prevent nitrate contamination from occurring in the first place and affecting these same families, or their neighbors, in the future. While immediate access to clean drinking water is an important step, it is only one part of a bigger solution to nitrate contamination that stops pollution in the first place.