



## Kewaunee County Groundwater Task Force Meeting Minutes

Wednesday, June 8<sup>th</sup>, 2016 1:00 PM  
Kewaunee County Administration Building  
810 Lincoln Street - Kewaunee, WI 54216  
Large Conference Room

### The 2016 Kewaunee County Groundwater Task Force membership now includes:

Davina Bonness, Aerica Bjurstrom, Cindy Kinnard, Bob Garfinkel, Tom Kleiman, Andy Wallander, Dick Swanson, Mary Ellen Dobbins, Ron Paider, Randy Hallet, and Lee Luft

- 1) **Call To Order** at 1:00 PM by Chairman Luft
- 2) **Roll Call** – Excused absences: Cindy Kinnard, Randy Hallet. Absent: Tom Kleiman
- 3) **Approval/Repair of June 6<sup>th</sup>, 2016 Agenda:** Motion by Dick Swanson, seconded by Bob Garfinkel. Motion approved unanimously.
- 4) **Approval/Repair of May 4<sup>th</sup>, 2016 Meeting Minutes:** Motion to approve minutes with correction of spelling error by Mary Ellen Dobbins and seconded by Davina Bonness. Motion carried unanimously.
- 5) **Discuss recent ground and surface water related events or issues.**

#### **A) USDA Natural Resources Conservation Service Kewaunee County Water Quality Improvement Project.**

- a. Davina indicated that the NRCS continues to make progress on defining the current surface water contamination levels in an effort to set achievable goals for reducing surface water contamination.

#### **B) DNR established five work groups to address Kewaunee County's ground and surface water problems at our August 5<sup>th</sup>, 2015 meeting. GWTF Members discuss updates from the three active work groups since the May 4<sup>th</sup>, 2016 Groundwater Task Force meeting.**

- a. Short Term Solutions to obtain clean water for citizens living with unsafe wells. (Davina Bonness, Cindy Kinnard, John Pagel, Dick Swanson, and Ron Heuer were members of this workgroup).
- b. Best Management Practices for agriculture in dealing with Kewaunee County's vulnerable areas. (Davina Bonness was a member of this workgroup).
- c. Compliance and enforcement issues. (Davina Bonness and Lee Luft were members of this group).

Communication, getting accurate information to the public and information hub for all other group's recommendations.

Davina reported that the DNR and the EPA will hold a joint meeting on Thursday June 23<sup>rd</sup> at the Luxemburg Expo building. The purpose of the meeting is to update the community on the recommendations of the three Kewaunee-DNR workgroups, e.g. Short-term Solutions, Best Management Practices, and Compliance/Enforcement. This meeting is open to the public and the public is encouraged to attend. The Best Management Practices recommendations may mean rule changes will need to be enacted by the DNR.

- d. Alternative Technologies for waste treatment, disposal, and spreading.

Davina indicated that the first meeting of the Alternative Technologies Workgroup will be at 2:00 PM on Thursday June 23<sup>rd</sup>. Previously, Russ Rasmussen indicated that this group would look at three major areas of

agricultural technology:

1. Things being done successfully elsewhere.
2. New and promising technologies.
3. Asking the question; are we implementing new technologies in a timely and proper manner?

**C) Update of November 13th/14th and November 20th/21st Private Well Water Test results.**

Davina reported that the U.W. Oshkosh Extension has not yet completed the well stratification review from the November 2015 well test data (this is the data that will confirm at what depth the well tests were taken). Ms. Muldoon indicated that reporting the well stratification results is a major undertaking but Davina said that some summer interns may help free up time for completion of the well test data with the corresponding well depths. The summer 2016 well testing that will involve up to 500 wells in Kewaunee County is moving forward with tentative timing for July, 2016.

Davina also said that results from the voluntary testing of private wells that was conducted in May, 2016 will be available soon. **NOTE:** Following the Kewaunee County Groundwater Task Force meeting it was reported by Davina's office of the Land and Water Conservation Department that of 129 samples or 25.6% has some form of contamination (high Nitrate levels or bacteria) that would make the water unsafe for drinking/cooking.

On May 3<sup>rd</sup>, the DNR used a press release to report that 30 Kewaunee County wells that had been tested in November of 2015 had been further evaluated for other contaminants. Of the 30 randomly selected wells that had been shown to have unsafe levels of Nitrates or bacteria in November of 2015, 11 wells now tested positive for Salmonella and/or Rotavirus.

Cindy Kinnard provided a written update on the efforts that followed this positive testing for Salmonella and/or Rotavirus. On May 4<sup>th</sup> the Health Department staff enacted the protocol of contacting all private well owners within a half-mile radius of the wells that tested positive for Salmonella and/Rotavirus. The DNR also announced that it would pay the cost of testing for those households within the half mile radius of the wells containing the Salmonella or Rotavirus. Of the 255 letters sent out the week of May 4<sup>th</sup>, 108 households had completed a water test. Six of that 108 were positive for coliform bacteria and one was positive for e-coli. The Health Department then followed protocol and mailed letters to 68 additional households within one-half mile of the home with the e-coli positive well test result. The DNR agreed to pay for this new round of testing. It was later determined that the e-coli well had a cracked cap and sizable holes so no further testing to determine the cause of the e-coli contamination was done.

Previously, Davina reported that some "auto testing" of wells is moving forward so that frequent water tests from a limited number of wells can be taken on a regular basis.

Davina also indicated that the DNR is looking at conducting more on-farm inspections (at least one per year) and adding more inspectors and conducting more manure hauling audits.

**D) Update on clean water access project in Algoma headed by Algoma Public Schools.**

Nick Cochart indicated previously that between 40 and 45 Kewaunee County families continue to use the clean water kiosk at the Algoma High School.

**E) Progress on Project Phoenix**

Project Phoenix envisions piping or transporting liquid manure to a centralized manure process facility or multiple facilities in Kewaunee County where the methane gas would be captured, cleaned, and compressed for re-sale as a “green fuel.” A five month study on the feasibility of this approach was funded for Kewaunee County by the Public Service Commission.

**Update:** Chairman Luft reported that he was made aware by the County Administrator, Scott Feldt that the work performed by the contractor selected to carry out the project Phoenix study was deemed to be “unacceptable” by the Public Service Commission (PSC). The PSC told Administrator Feldt that due to deficiencies in the scope of the work performed by Roach and Associates, the PSC would not pay for this study. Following this news, Roach and Associates submitted an invoice to the County for \$25,000 in payment for the work it had performed to date. In the meantime, the County Administrator and County Board Chairman hired a second firm, Dynamic Solutions, LLC to carry out the project. Dynamic Solutions will have just one month to complete the study but they indicated that they would apply the appropriate resources to get the study done in time to meet an end-of-June deadline. A discussion of this issue also took place at the Finance Committee meeting earlier on June 8<sup>th</sup>. Chairman Luft was asked by the Finance Committee to meet with Mr. John Roach to discuss this \$25,000 invoice. The Groundwater Task Force had previously been told by former Groundwater Task Force members, Ron Heuer and John Pagel that Project Phoenix study would not cost the taxpayers any money. Now, however, the County is being invoiced for \$25,000 for the work performed by Roach and Associates that the PSC says is not acceptable. In addition, the newly selected consulting firm, Dynamic Solutions indicated they would not utilize the data generated to date by Roach and Associates. The Finance Committee directed Finance Committee chair, Lee Luft to contact Mr. Roach to discuss this invoice and to provide Mr. Roach with information regarding the County’s approval process for an unbudgeted expense of \$25,000 e.g. review and recommendation of the Finance Committee and then approval by the full County Board. Questions arose about why Roach and Associates was selected when Dynamic Solutions (and other companies who submitted a proposal for Project Phoenix) appeared to be far better qualified. Luft indicated that there was a great deal of discussion and concern over the hiring of Roach and Associates but that Mr. Heuer and Mr. Pagel had prevailed in the vote to select the Project Phoenix consultant.

**UPDATE:** Luft acting on behalf of the Finance Committee then met with Mr. Roach on June 14<sup>th</sup> and provided the information regarding the process for reviewing unbudgeted expenditures along with some of the questions/concerns already expressed by the Finance Committee and Groundwater Task Force members. Following that discussion, Mr. Roach indicated that he would like to appear before the Finance Committee at its next meeting on July 7<sup>th</sup> to state his case for payment.

**F) Groundwater Task Force Reauthorization:** Chairman Weidner and the Kewaunee County Board had reauthorized the work of the Groundwater Task Force through April of 2018 or until such time as the Task Force’s work is substantially complete.

**G) Agropur Permit Issues:** During the May 4<sup>th</sup> Groundwater Task Force meeting, Chairman Luft passed out information to new members regarding the recent DNR approval for a 250% increase in the flow of Chloride into a tributary of the East Twin River. The East Twin River is already listed as an impaired waterway by the EPA and there are some DNR reports and other citizen reports that would indicate aquatic life has already been impacted in this watershed. It would be helpful if the Groundwater Task Force could get definitive information on the health of the aquatic life in the East Twin watershed,

especially in those areas near the Chloride emission. At this June 8<sup>th</sup> Groundwater Task Force meeting, Chairman Luft asked for a vote to authorize the Chairman to prepare a Resolution asking the Wisconsin DNR to thoroughly evaluate the aquatic life of the East Twin River and the un-named tributary to the East Twin River that receives the effluent from the Agro-Pur plant. A motion was made to authorize Chairman Luft to prepare such a resolution for the approval of the Groundwater Task Force by Dick Swanson and was seconded by Andy Wallander. The vote to approve creation of a draft resolution was unanimous.

H) Davina reported that she and her Land and Water Conservation staff have been very busy conducting on-site farm walk-overs and evaluating nutrient management plans. Some nutrient management plans that were reviewed have been rejected and these plans await corrections by the farm and the plan writers. Some of the Land and Water Conservation staff are riding along with DNR personnel during times of active manure application. Davina also reported that the full county board will receive a briefing at June 21<sup>st</sup> County Board meeting on the presentation that will be seen by the public on June 23<sup>rd</sup>. This is the presentation that will outline the recommendations of the three Kewaunee County-DNR workgroups.

I) **Other issues for discussion?**

- a. For discussion at the July GWTF Meeting: Previously, Cindy Kinnard and Chairman Luft discussed the idea of sending a letter to well owners to encourage well testing. Cindy indicated mailing costs could be a concern for her Department. Health Services could request the additional funds or there is a potential to obtain donations. A mailing may now take on some added importance given the findings of Salmonella and/or Rotavirus in some Kewaunee County wells.
- b. For Discussion at the July GWTF Meeting: Chairman Luft discussed the possibility of holding evening meetings of the Groundwater Task Force and potentially holding these meetings in locations throughout Kewaunee County. This was a suggestion from Mary Ellen Dobbins at our April 6<sup>th</sup> meeting.
- c. Bob Garfinkel spoke about concerns related to ocean-going ships releasing their ballast water into the Great Lakes. Bob will follow-up and advise the GWTF on any next steps. Initial reports indicated some reduced level of enforcement on releasing ballast water and that this could prove very harmful to the Great Lakes. More to follow from Bob.
- d. Bob Garfinkel also indicated he was working on a letter to our U.S. Senators, Ron Johnson and Tammy Baldwin regarding the recent decisions by the Wisconsin Department of Justice and the DNR that would limit the DNR's role in regulating high-capacity wells in Wisconsin. Some areas of Wisconsin have already seen a major reduction in water table levels that have impacted lakes, streams, and rivers.
- e. Chairman Luft provided copies of the summary page from the recently released report by the non-partisan Legislative Audit Bureau that was highly critical of the DNR's lack of monitoring and enforcement of factory farms (CAFOs) and other commercial operations. A few examples from the report indicate that the DNR recorded just 36 of the 1,900 reports that were required to be submitted by Wisconsin's CAFOs (a 98.11% failure rate). The DNR did not consistently follow its own policies when issuing enforcement letters and only issued notices of violation in 33 of the 558 instances where such a notice should have been issued, a failure rate of 94.1%. The DNR also failed to meet its goals for farm inspections and failed to take action even when monitoring wells showed animal feedlots were contaminating

groundwater with substances harmful to human health among other failures. Luft said that given this report from the Wisconsin's own audit bureau, it becomes clear as to why it will be critical to monitor the DNR's actions here in areas like Kewaunee County where shallow soils and Karst bedrock are major risk factors. As UW Oshkosh associate professor of hydrology said at a recent presentation, "Current management practices for agriculture are clearly not protecting the groundwater" when speaking about areas with Karst geology such as Kewaunee and Door counties.

**6) Discuss progress in achieving approved Groundwater Task Force goals.**

**A. Goal:** Groundwater Task Force will establish a website that will provide a "one stop" source for updates on Kewaunee County's ground and surface waters. Champions: Cindy Kinnard and Aerica Bjurstrom.

a) Previously, Aerica Bjurstrom indicated she had posted the final report of the Manure Irrigation Workgroup on the Groundwater Task Force site and a link to the webinar produced by the DNR regarding the findings of the Manure Irrigation Workgroup.

**B. Goal:** Groundwater Task Force will publish no less than one press release per month to update Kewaunee County residents on the activities of the Task Force, County, State, and Federal entities working to improve groundwater and surface water in Kewaunee Co. Champion: Lee Luft

Proposed News Releases

a) Well Test Results by soil depth. *Information is not yet available for posting.*

b) Final Recommendations of the Short Term Solutions and Compliance Workgroups - *Updated recommendations from all three workgroups is pending release by the DNR Communications Workgroup on or about June 21<sup>st</sup>.*

c) Task Force members suggested a new press release be posted to announce the new members of the Task Force. Chairman Luft will complete this new press release as soon as possible.

**C. Goal:** Previously, Task Force member Tom Kleiman suggested the Task Force take on a new goal of providing additional information that would document the process for capping an abandoned well and the resources available to assist those who have an abandoned well on their property or who know of an abandoned well that has not been properly capped. Uncapped abandoned wells can be a direct conduit to groundwater for any contaminants near to them. There was general agreement that this would be a good goal for the GWTF. Some information about proper well abandonment is already on the GWTF web site but the information about resources and funding help is limited and needs to be addressed. A press release was also recommended.

**7) Public Comments:**

a. Karen Ebert-Yancy representing the Kewaunee County Star News asked about the testing that was completed following the findings of Salmonella and Rotavirus in 11 wells throughout Kewaunee County. It appears the wells tested within one-half mile of those wells with a positive Salmonella or Rotavirus result were not tested for Salmonella or Rotavirus but only for Nitrates and general bacteria. The testing that was done was paid for by the DNR.

b. Sue Weiser complimented the GWTF on "doing an awesome job" of informing the public about water contamination issues. Sue also spoke about the Legislative Audit Bureau report as a big "Red Flag" and wondered why after many years Kewaunee County still does not have a DNR warden. Sue Weiser wants the GWTF to encourage the full County Board to take action on the following:

- Board resolution in support of the recommendations of the three workgroups.
- Board resolution banning spray irrigation of liquid manure.
- Board ordinance requiring letter be sent to all land owners who rent agricultural land regarding their responsibilities.
- Board resolution giving the Kewaunee County Land and Water Conservation Department the authority to enforce all state rules and regulations regarding manure spreading. Door County's Chapter 23 Ordinance could be a great model.
- Sue provided a quote from Representative Joel Kitchens, "Don't sit back and wait for the DNR to save the day, it's not going to happen. We need to take a lot of this on locally." Sue also provided a quote from Representative Scott Krug (from the areas of Wisconsin being impacted by thousands of high-capacity wells), "It's a big problem (water) and challenge. The challenge is to be active, involved, and loud."

c. Joe Musial: No aquatic life in many parts of the East Twin watershed. We need a new study.

**8) Other matters to discuss:**

Previously Lee discussed an event held in Portage County in December of 2015. Portage County Executive Patty Dreier hosted a Groundwater Field Day for State Legislators on December 4<sup>th</sup>, 2015 to talk about the groundwater issues there from the perspective of many county stakeholders. *Lee still needs to follow up with Ms. Dreier to understand if this Groundwater Field Day had been o success.*

9) **Set next meeting date:** Friday July 8<sup>th</sup>, 2016 at 1:00 PM at the Kewaunee County Administration Building.

10) **Adjournment:** Motion to adjourn by Davina, seconded by Dick Swanson. Motion carried unanimously.