

Guidance for temporary water for private well users affected by PFAS – ch. NR 738, Wis. Admin. Code

When private well water is known to be contaminated with per- and poly- fluoroalkyl substances (PFAS) from a site or facility, as defined in ch. NR 700, Wis. Admin. Code, the Department of Natural Resources (DNR) may be able to provide temporary emergency drinking water supplies to a well owner or user. The contamination must have resulted from either a hazardous substance discharge or environmental pollution.

When an affected party is eligible for state assistance, the DNR strives to provide the temporary drinking water supplies as quickly as possible.

Process and Criteria for DNR Issuance of an Advisory

The DNR, after consultation with the Department of Health Services (DHS), must issue or approve a drinking water advisory before temporary, state-funded water may be provided to an affected party. DNR relies on the DHS's expertise to provide advice on health-based risks. This only applies to private well water known to be contaminated with PFAS from a "site" or "facility" as defined in ch. NR 700.

In addition, one or more of the following conditions must exist before the DNR may issue an advisory under ch. NR 738, Wis. Admin. Code:

- Well water samples have concentrations for one or more PFAS substances that attain or exceed [ch. NR 140, Wis. Admin. Code](#), groundwater enforcement standards for PFAS;
- Well water samples have concentrations of one or more PFAS substances that attain or exceed DHS-*recommended* groundwater standards (visit dhs.wisconsin.gov, search "[PFAS cycle 10](#)" and "[PFAS cycle 11](#)"); or
- Well water samples have a cumulative risk, hazard index (HI) for PFAS that attains or exceeds 1.0, DHS has issued a site-specific drinking water advisory

Definitions

"Site" means any area where a hazardous substance has been discharged [Wis. Admin. Code § NR 700.03(56)(b)] or any "waste site" as defined in Wis. Stat. § 292.01(21) and Wis. Admin. Code § NR 700.03(56)(a).

"Facility" means an "approved facility" as defined in Wis. Stat. § 289.01(3), including an "approved mining facility" as defined in Wis. Stat. § 292.01 and a "non-approved facility" as defined in Wis. Stat. § 289.01(24).

"Hazardous substance" means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present to potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department. [Wis. Stat. § 292.01(5)]

"Environmental pollution" means the contaminating or rendering unclean or impure the air, land or waters of the state, or making the same injurious to the public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life. [Wis. Stat. § 292.01(4)]

"Advisory" means a written opinion, issued by the department, containing a specific descriptive reference to the well or water supply and recommending that the well or water supply not be used because of potential human health risks. [Wis. Stat. § NR 738.03(1)]

letter, or both of those have occurred. See DHS guidance on calculating the HI for PFAS.

The DNR may issue or approve a ch. NR 738 advisory if any of the above-noted conditions are met for private well water impacted by a site or facility. The DNR will first ask the party responsible for the contamination to provide temporary, emergency drinking water to affected private water supply owners or users. The DNR will utilize this same process and criteria to advise the responsible party (RP) on whether temporary, emergency water should be provided or whether the water supply user should consume the contaminated drinking water.

No Known or Willing Responsible Party

If the responsible party is unknown, unable or unwilling to provide water to the eligible, affected residences, the DNR may contract with a private water supplier to provide temporary emergency drinking water to the property once the advisory is issued or approved by DNR.

Prior to receiving water provided by the DNR, the affected party is required to sign an agreement for temporary water and provide the signed agreement to the DNR. The agreement describes responsibilities for the deposit on and proper maintenance of equipment provided as part of the temporary water supply service. It also gives the DNR permission to access the affected property at a time convenient for the property owner so that the DNR may conduct follow-up drinking water sampling while the emergency supplies are provided.

The DNR will continue to provide temporary supplies of emergency water to an affected person for up to six months from the date that an advisory is issued or approved (per Wis. Admin. Code ch. NR 738) or until one of the following occurs, whichever occurs first:

- The contaminated well has returned to an uncontaminated condition; or
 - Follow-up laboratory analysis of well water samples confirms that concentrations of contaminants of concern fall below DHS-recommended groundwater enforcement standards and/or the cumulative risk hazard index for PFAS falls below 0.8, whichever is more protective based on DHS-recommended standards.
- DNR determines, after a study of the area around the affected property and additional laboratory analysis, that the well water contamination was caused by the property owner; or
- The contaminated private well has been permanently replaced by an uncontaminated well or some other satisfactory water supply; or
- One of the other ineligibility criteria established in Wis. Admin. Code ch. NR 738 applies.

The DNR may provide a variance to the six-month, time limit if needed to protect human health.

Well Compensation Grant Program

Individuals issued an advisory according to the above criteria may be eligible for the Wisconsin's Well Compensation Grant program. State funding is limited, but attempts will be made to assist all eligible parties through the well compensation program. Additional information is available at dnr.wi.gov, search "well compensation grant program."

Homeowners that Sample and Analyze their Own Wells for PFAS

If you have sampled your own private well for PFAS and would like the DNR to review the results, you may contact the DNR by:

Option 1: Call the DNR Hotline at 1-800-943-0003 between 7 a.m. - 10 p.m., seven days a week. Ask for the phone number of DNR's private water supply specialist for your county.

Option 2: Go to dnr.wi.gov and search "private water supply specialist" to obtain contact information for the specialist in your county. Discuss your well water situation with the specialist over the phone. Share results of any lab tests you have obtained.

A visit to your property for follow-up sampling conducted by the department may be necessary based on the information you provide. Alternatively, if you are concerned about your private well water but none of the conditions above apply, you can contact an environmental laboratory to sample and test your water. When lab results are available, contact DNR or your local health department to discuss the data. Contact information for your local health department can be found by visiting <https://www.dhs.wisconsin.gov/lh-depts/counties.htm>. A list of laboratories certified by Wisconsin (or in the process of obtaining certification) to test for PFAS is available at dnr.wi.gov, search for "lab cert PFAS."

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.