

Nebraska Wellhead Protection Network Meeting Notes
Wednesday, November 5, 2003, 9:00 a.m. – 4:30 p.m.

Embassy Suites
Lincoln, Nebraska

Attending: Deana Barger, Nebraska Department of Environmental Quality (NDEQ); Lisa Beethe, Nebraska Environmental Trust (NET); Bill Burkhardt, Knox County Emergency Planning; Tanna Burkhardt, Knox County Planning and Zoning; Clancy Dempsey, Nebraska Rural Water Association (NRWA); Barb Frohlich, Douglas County Planning & Zoning; Russ Gierhart, Upper Big Blue NRD; Bruce Hansen, NDEQ; Rachael Herpel, The Groundwater Foundation (TGF); Jan Hygnstrom, University of Nebraska Cooperative Extension; Marlin Kliever, Gage County Zoning; Marty Link, NDEQ; Charles Meyer, Colfax County Planning & Zoning; Karen Meyer, Richland Planning & Zoning; Jonathan Mohr, NDEQ; EJ Schumaker, Lincoln-Lancaster County Health Department; Mike Sousek, Lower Platte North NRD; Elbert Traylor, NDEQ; Carrie Wiese, TGF; Chuck Wingert, Nemaha NRD; Hope Wise, NRWA.

This Nebraska Wellhead Protection Network (NE WHPN) meeting was held in conjunction with a drinking water and public health forum for local health departments and other partners.

I. Groundwater: Nebraska's Most Valuable Natural Resources

NE WHPN meeting attendees had the option of hearing Jim Goeke's "Groundwater 101" presentation. Local health department staff and other partners also attended this presentation.

II. Open Forum

A. Introductions

NE WHPN meeting attendees introduced themselves and described their interests related to wellhead protection (WHP):

- Bruce Hanson (NDEQ) gave an overview of NDEQ's role in the WHP program and added some news: Little Blue NRD is interested in modeling groundwater flow and depletion in Thayer County. NDEQ and the University of Nebraska Conservation and Survey Division will be assisting with this modeling.
- Marty Link (NDEQ) informed the group that Jon Mohr has produced a map that shows all WHPAs in the state. NDEQ has completed 4 new newsletters this year, all covering drought issues. These newsletters are available on the NDEQ website or through Marty. Marty also emphasized that the WHP division at NDEQ is looking for more emphasis in WHP plans on contingency planning; another new newsletter will be coming out on this.

Two additional WHP plans have been approved, bringing the state total to 24. Marty informed the group that there is still money available for well closures through the Nebraska Environmental Trust grant.

- Mike Sousek (Lower Platte North NRD) informed the group that he was taking a slightly different approach in getting communities interested in WHP, and was going to public gathering places like coffee shops to talk to people one-on-one. He also stated that he will be working on the Lower Platte River Corridor Alliance in the near future.
- Hope Wise (NeRWA) explained that the goal of the Nebraska Rural Water Association is to provide assistance to those communities with 10,000 people or less, but that they can help any systems needing technical assistance.
- Chuck Wingert (Nemaha NRD) gave an overview of his WHP work, which included mapping for communities within the Nemaha NRD and providing technical assistance to communities interested in pursuing WHP plans.
- Russ Gierhart (Upper Big Blue NRD) stated that he has several WHP plans in the works, and two that have been approved. He also expressed that several of the towns he's worked with have been surprised that their own zoning will not cover their WHPA, and that he was interested in learning more from the planning and zoning people present.
- Jan Hygnstrom (NCES) explained that she is primarily doing work with septic systems and with local health departments to help them understand how septic systems are related to water and health. Septic systems have been found to be the second largest source of groundwater contamination across the country. She is also developing training materials for septic professionals that will have to be certified as of January 1.
- Clancy Dempsey (NeRWA) had nothing to add to what Hope Wise told the group.
- Jon Mohr (NDEQ) stated that he has been working on updating the WHPA maps from the old cylindrical displacement models.
- Karen Meyer (Richland Planning and Zoning) informed the group that she was attending to gather information and has heard a lot of complaints and questions from communities regarding WHP. (Karen is from a community of 90-100 people who all still have their own wells.)
- Charles Meyer (Colfax County Zoning) informed the group that he had been working with the communities of Leigh, Clarkson and Howells and that all had expressed an interest in WHP, but that their one-mile zoning jurisdiction didn't seem to be enough for them to enact effective management within their WHPAs. He also brought up the Alma (15 mile zoning) case, and explained that in many cases, zoning commissions do not have the technical expertise to create effective and realistic ordinances for WHP.

- Marlin Cleaver (Gage County Zoning) stated that the two WHPAs in Gage County that have been identified with road signs have generated many questions to the planning and zoning commission - people drive by the road signs and get curious about what they mean.
- Bill Burkhardt (Knox County Emergency Planning) had no information for the group.
- Tanna Burkhardt (Knox County Zoning and Emergency Management) informed the group that she has recently been looking at composite vulnerability assessments, especially in terms of bioterrorism. She pointed out that many people are naïve about their water system and make the assumption that their water will always be safe and available.
- Barb Frohlich (Douglas County Planning and Zoning) stated she would soon be updating the WHP portion and subdivision items in the Douglas County Comprehensive Plan.
- Lisa Beethe (Nebraska Environmental Trust) informed the group about several grants the Trust has made available for water quality and quantity issues (as long as they demonstrate a public benefit), improvements (e.g. installing buffer strips) and even easements and land purchases. Anyone is eligible for these grants.
- Deana Barger (NDEQ) stated that she had administered a total of 10 SWAP grants totaling \$200,000 this year.

B. Current Issues

The NE WHPN discussed WHP-related problems and issues:

- Clancy expressed that many communities appear to be confused about whether or not they have a WHP plan. They assume that since their map is done and they are implementing certain activities to protect the water, then they have a plan. Marty responded by saying that she will address this issue in an upcoming article and conference.
- Deana told the group that Nebraska Health and Human Services (NHHS) has been toying with legislation that would move all of the Drinking Water State Revolving Fund (DWSRF) money back to NHHS. For now it is not going to happen, but it is still possible. (The DWSRF is used to fund the Source Water Protection program.)
- Russ commented to Lisa that well abandonment appears to have a big impact on drinking water protection for small towns, and expressed gratitude that the Trust grant money was available.
- Charles said that he would like some information on septic systems and well testing that would be easy to give away. Jan suggested that he try the Farm-A-Syst program and told him that he could also contact her for more information.

C. Alma Decision

The group discussed the *City of Alma v. Furnas County Farms* case filed August 8, 2003. In short, a fairly old law gives 2nd class cities the right to protect their drinking water up to 15 miles outside their boundaries. Apparently, the law was originally written specifically to address the problem of animal carcasses from a slaughterhouse washing downstream into a town's drinking water supply.

Alma used this law to prevent a confined animal feeding operation from being constructed about 10 miles outside of town. The State Supreme Court upheld the decision. David City and Fairbury have used this law to adopt their WHPA boundary, but not for anything else. Some legal scholars believe this case is not based on sound science and will not serve as a precedent other communities could use to protect their drinking water sources.

III. Luncheon

Jonathan Patz with the Johns Hopkins Bloomberg School of Public Health spoke to the NE WHPN, local health department staff and other partners about "Waterborne Diseases: Present Challenges and Future Risks." Patz said even though the United States had made great strides to improve drinking water quality, public health officials and water engineers still needed to do more. (Contact Rachael Herpel at 402-434-2740 for a copy of the *Lincoln Journal Star* article describing Patz's presentation.)

IV. Panel

A panel featuring Jack Daniel (NHHS), Marty Link (NDEQ), Wayne Madsen (Nebraska Well Drillers Association), Dr. Jonathan Patz, and Shannon Vogler (Public Health Solutions, Crete) followed the luncheon. The panel's discussion focused on public and private wells and how the proper siting and construction of wells greatly contributes to protecting the quality of the water drawn by that well.

V. Open Forum

The NE WHPN met to identify opportunities for meetings and topics to discuss in 2004. Planning and zoning is a priority issue. Attendees suggested that the NE WHPN meet in conjunction with the Nebraska Planning and Zoning Association's Annual Meeting or at their sub-district meetings; with the city clerk's meeting; and with the well drillers' annual meeting. Potential topics included pharmaceuticals, community case studies, and contingency planning (especially since vulnerability assessments are due for many water systems during the summer of 2004).