

## Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on:

- DG-07-22(E) – An emergency rule affecting ch. NR 812 to allow for the use of new cement formulations for the construction of water wells.
- DG-08-22 – A permanent rule affecting ch. NR 812 to allow for the use of new cement formulations for the construction of water wells.

In accordance with s. 227.17, Wis. Stats., the DNR is seeking public comment and feedback on DG-07-22(E) and DG-08-22 at the time and virtual location shown below.

### Hearing Information

Date: March 22, 2023

Time: 1:00 p.m.

Virtual Location:

- Online via Zoom: <https://us02web.zoom.us/j/89777059777>
- Meeting ID: 897 7705 9777
- Join by Telephone: 1 312 626 6799
- Find your local number: <https://us02web.zoom.us/u/kdOwJv7Zh7>

### Rule Information

The companies that manufacture cement for sale and distribution in Wisconsin and surrounding states have switched from producing Type I Portland cement and are now only producing Type IL cement. Individual manufacturers made the change to reduce the carbon footprint of their product. This was not prompted by a change in regulations. Some manufacturers completely switched over to producing and selling Type IL cement in 2021, but many end users of cement, including well drillers and pump installers, were not notified until April of 2022. It is anticipated that in the coming months, it will be difficult or impossible to find Type I cement in Wisconsin, which is needed for grouting or sealing of water wells or drillholes with neat cement as required by ch. NR 812, Wis. Adm. Code.

Currently ch. NR 812, Wis. Adm. Code does not allow the use of Type IL cement and this rule will allow well driller sand pump installers to continue to construct and fill and seal wells requiring neat cement in a compliant manner. It is paramount that well drillers have access to code-compliant materials they need to seal an annular space on a new well, or fill and seal an unused well or drillhole. Properly grouting, sealing, and filling water wells and drillholes is necessary to ensure safe drinking water and to prevent contamination of the State's groundwater.

### Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

### **Appearances at the Hearing and Submittal of Written Comments**

The public has the opportunity to testify at the hearing. Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, either use the Zoom link above prior to the day of the hearing or download and complete the fillable [hearing appearance form](#) and send it to [DNRNR812PublicComments@wisconsin.gov](mailto:DNRNR812PublicComments@wisconsin.gov).

Comments on the proposed rule must be received on or before March 29, 2023. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing.

Written comments and any questions on the proposed rules should be submitted to:

Frank Fetter – DG/5  
Bureau of Drinking Water and Groundwater  
Department of Natural Resources,  
101 S. Webster Street  
Madison, WI 53703  
(608) 264-6139  
[DNRNR812PublicComments@wisconsin.gov](mailto:DNRNR812PublicComments@wisconsin.gov)

The rule may be viewed at: <https://dnr.wi.gov/news/input/ProposedPermanent.html>

Comments can be made at: [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov)

The rule may be reviewed, and comments made at: <http://docs.legis.wisconsin.gov/code/chr/hearings>.

### **Initial Regulatory Flexibility Analysis**

The rule will prevent a disruption to small businesses by allowing them to use materials that are readily available for a similar cost to the previously available materials. Since the rule is intended to maintain the current supply of materials, there is no anticipated economic impact of the rule.

### **Agency Small Business Regulatory Coordinator**

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