

Clearinghouse Rule 09-102

Report to
Legislative Council Rules Clearinghouse
NR 140, Wis. Adm. Code
Natural Resources Board Order No. DG-24-09

Wisconsin Statutory Authority

ch. 160, Stats. and ss. 281.12(1), 281.15, 281.19(1) and 299.11, Stats.

Federal Authority

None

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Chapter 160, Stats., establishes an administrative process for developing numerical state groundwater quality standards to be used as criteria for the protection of public health and welfare by all state groundwater regulatory programs. Chapter 160, Stats., directs the Department to use this administrative process to establish groundwater quality standards for substances of public health or welfare concern, found in, or having a reasonable probability of being detected in, the groundwater resources of the state. Chapter 160, Stats., requires the Department to develop numerical groundwater quality standards, consisting of enforcement standards and preventive action limits.

These proposed amendments to ch. NR 140 would add new state groundwater quality standards for 15 substances of public health concern, and revise existing standards for another 15 substances of public health concern. In accordance with ch. 160, Stats., amendments to ch. NR 140 groundwater quality standards are based on recommendations from the Department of Health Services. Minor revisions, to clarify rule language and update rule reference information, are also proposed to ch. NR 140.

Chapter NR 140, Wis. Adm. Code, currently contains groundwater standards for 123 substances of public health concern, 8 substances of public welfare concern and 15 indicator parameters. The proposed groundwater standard revisions would apply to all regulated facilities, practices and activities which may impact groundwater quality. The enforcement of Wisconsin state groundwater quality standards is done by state regulatory agencies through their groundwater protection programs. State regulatory agencies, in exercising their statutory powers and duties, establish regulations that assure that regulated facilities and activities will not cause state groundwater quality standards to be exceeded.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Contacts

Mike Lemcke, Bureau of Drinking Water & Groundwater - (608) 266-2104
James McLimans, Bureau of Drinking Water & Groundwater - (608) 266-2726
Judy Ohm, Bureau of Legal Services - (608) 266-9972

Submitted on Nov. 4, 2009

