

Report to  
Legislative Council Rules Clearinghouse  
NR 809, Wis. Adm. Code  
Natural Resources Board Order DG-15-13.

Wisconsin Statutory Authority  
ch. 280 and 281 Stats.

Federal Authority  
40 CFR Parts 141 and 142

Comparison of Adjacent States

ILLINOIS: Illinois will not allow reduced monitoring at community water systems. They will allow reduced monitoring at non-community systems, but they will increase the sanitary survey frequency at those systems from every 5 years to every 2 years. They will also perform Level 2 assessments in place of the less rigorous Level 1 assessments to avoid placing non-community systems on increased monthly monitoring following multiple Level 1 assessment triggers.

INDIANA: At this time, Indiana has not yet responded to inquiries about how they plan to implement the Revised Total Coliform Rule (RTCR).

IOWA: Iowa will require seasonal system start-up procedures and issue treatment technique violations if they are not completed before system start-up. Iowa will require a clean coliform sample as part of this procedure. They will not allow reduced annual monitoring. They require monthly monitoring at schools and daycares. They will not change their current boil water advisory policies. Iowa is not planning on doing annual site visits as they are not allowing reduced monitoring. Level 2 assessments will be done by DNR inspectors and Level 1 assessments will be done by owners and operators.

MICHIGAN: Michigan will require seasonal system start-up procedures and issue treatment technique violations if they are not completed before system start-up. They are only allowing reduced monitoring frequencies at non-community groundwater systems serving up to 1,000 people. They will only issue a boil water order for *E. coli* or a system loss of pressure. Annual site visits will be required for all systems on reduced monitoring. They will conduct Level 2 assessments at community water systems and contract with local health departments to conduct Level 2 assessment at non-community water systems.

MINNESOTA: Minnesota will require seasonal system start-up procedures and issue treatment technique violations if they are not completed before system start-up. They are allowing reduced monitoring frequencies at all groundwater systems serving up to 1,000 people. They will only issue a boil water order for *E. coli*. Annual site visits will be required for all non-community systems on reduced monitoring, but not be required for community systems on reduced monitoring. They will conduct Level 2 assessments at community water systems and contract with counties to conduct Level 2 assessment at transient non-community water systems.

OHIO: Ohio will require a seasonal system start-up procedure with a requirement for a safe coliform sample before start-up. They will issue treatment technique violations for failure

to complete this procedure. They will not allow reduced monitoring for any systems except some seasonal systems can remain on quarterly monitoring. The routine sample frequency for seasonal systems is monthly. Boil water orders will only be required for *E. coli* violations and water line breaks. They will not perform annual site visits for systems to remain on reduced monitoring. They will perform all level 2 assessments themselves and not contract out with counties or other technical service providers.

Court Decisions Directly Relevant

None

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

The proposal was triggered by changes to the Total Coliform Rule (TCR) portion of the federal Safe Drinking Water Act on February 13, 2013. These changes are referred to as the Revised Total Coliform Rule (RTCR). The Department of Natural Resources (DNR) has primacy to administer the Safe Drinking Water Act (SDWA) in Wisconsin. To continue to maintain primacy, the Department must revise Chapter NR 809, Safe Drinking Water, to incorporate provisions that are as stringent as those promulgated by EPA.

The RTCR increases public health protection against waterborne pathogens in public drinking water systems. These changes include:

- Eliminating the maximum contaminant level (MCL) for total coliforms;
- Requiring annual site visits for systems to remain on reduced coliform monitoring;
- Establishing start-up procedures for non-community public water systems that cease operations seasonally and depressurize their distribution system;
- Requiring an abbreviated system assessment (Level 1 Assessment) following a confirmed total coliform positive;
- Prescribing a rigorous system assessment (Level 2 Assessment) following an *E. coli* MCL exceedance or two consecutive total coliform triggers.

Agency Procedures for Promulgation

Public hearing on 7/22/15; Natural Resources Board final adoption; Governor's Office of Regulatory Compliance final approval; followed by legislative review

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Contacts

Linda Haddix, Bureau of Legal Services – (608) 266-1959