

Report From Agency

REPORT TO LEGISLATURE

NR 809, Wis. Adm. Code

Board Order No. DG-15-13
Clearinghouse Rule No. 15-049

Basis and Purpose of the Proposed 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 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.

Summary of Public Comments

Three people provided written comments on the proposed rule revision. An owner of a manufactured home facility commented on the increase in monitoring frequency from quarterly to monthly for his type of community water system. He was opposed to this increase. The other two commenters provided expert technical edits to laboratory analysis methods sections.

Modifications Made

Technical edits to the laboratory analysis methods sections were made.

Appearances at the Public Hearing

The public hearing was held in three locations (Madison, Eau Claire, and Green Bay) simultaneously via video conference. Five people attended the hearing. No formal comments were received.

Changes to Rule Analysis and Fiscal Estimate

No changes to the rule analysis or fiscal estimate were made.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Rules Clearinghouse submitted comments on July 9, 2015. All required changes were made.

Final Regulatory Flexibility Analysis

This rule applies to all public drinking water systems in the state including those owned and operated by privately owned mobile home parks, businesses that employ at least 25 people, schools, churches, restaurants, and bars. Most of the economic burden of the rule falls to the DNR and its partner agencies responsible for inspecting and monitoring of these water systems. There will be a modest increase in costs for those businesses that operate on a seasonal basis and have to complete a seasonal system start-up procedure. Some mobile home parks that were previously on a reduced monitoring schedule will have increased monitoring costs as they will now be put on the routine monthly monitoring schedule. Costs associated with boil water advisories for the currently enforced non-acute MCL will be eliminated for all water system types including small businesses. For a more detailed analysis please refer to the Fiscal Estimate and Economic Impact Analysis.