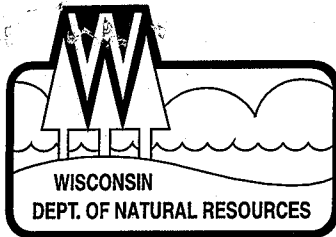


98-151

Clearinghouse Rule 98-151

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Tommy G. Thompson, Governor
George E. Meyer, Secretary

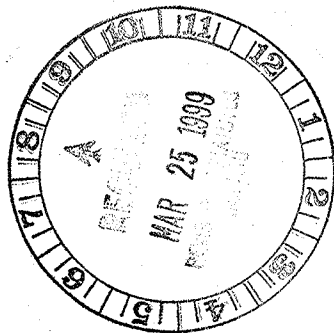
Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. DG-52-98 was duly approved and adopted by this Department on January 27, 1999. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 18th day of March, 1999.



George E. Meyer
George E. Meyer, Secretary

(SEAL)

6-1-99



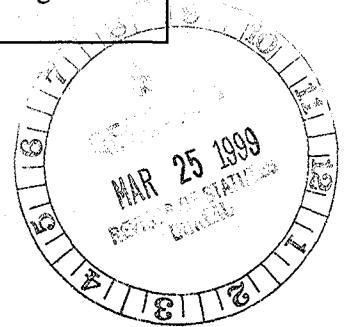
ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create NR 809, subch. VIII relating to water system capacity for community and non-transient non-community water systems

DG-52-98

Analysis Prepared by Department of Natural Resources

Statutory authority: 281.17 (8), Stats., 281.17 (9), Stats. and 280.11, Stats.
Statutes interpreted: 281.17 (8), Stats., 281.17 (9), Stats. and 280.11, Stats.



The 1996 Amendments to the Safe Drinking Water Act established a Drinking Water State Revolving Fund. The proposed changes to Chapter NR 809 are required by the Amendments to assure our administrative rules are consistent with federal regulations and to maintain eligibility for a full allotment from the Drinking Water State Revolving Fund.

SECTION 1. NR 809, subch. VIII is created to read:

NR 809
Subchapter VIII -
Water System Capacity

NR 809.931 SYSTEM CAPACITY. All new community and non-transient non-community water systems constructed after September 1, 1999, shall develop and maintain adequate financial, managerial and technical capacity to meet the requirements of this chapter and 42 USC 300f to 300j-26.

Note: 42 USC 300f to 300j-26 is entitled the federal safe drinking water act

NR 809.932 NEW SYSTEM CAPACITY EVALUATION. (1) No new community or non-transient non-community water system may be constructed after September 1, 1999, unless the owner of the proposed water system first demonstrates to the satisfaction of the department that the water system shall have and shall maintain adequate financial, managerial and technical capacity to meet the requirements of this chapter and the requirements of 42 USC 300f to 300j-26. Additions to water systems constructed prior to September 1, 1999, are exempt from this requirement.

Note: 42 USC 300f to 300j-26 is entitled the federal safe drinking water act

(2) To demonstrate its financial, managerial and technical capacity to the department, before beginning construction of a water system, the owner of a proposed community or non-transient non-community water system shall submit to the department a system capacity evaluation that includes all of the following:

(a) A written description of the water system design that includes all of the following:

1. For groundwater systems, the proposed well construction and the name of the water bearing formation.

2. For surface water systems, the name of the source water body and the intake length and intake location.

3. The proposed pumping capacity.

4. The proposed water treatment.

5. The proposed water storage volume.

6. The proposed length and diameter of water mains.

7. The proposed pressure range within the water system.

8. The proposed location of any pressure reducing valves or pressure booster stations.

9. A map or plat showing the proposed water system.

(b) An evaluation of the potential for the water quality to exceed any of the primary or secondary standards of this chapter. For groundwater systems, this evaluation shall be based on a review of water quality information available from nearby existing wells or on the results of water quality monitoring from a test well. For surface water systems, this evaluation shall be based on water quality monitoring from the surface water.

(c) The anticipated average and maximum daily water use for the proposed water system.

(d) For groundwater systems, a site assessment that includes all of the following:

1. The separation distances between the well and potential sources of contamination within the proposed wellhead protection area.

2. Any violation of the applicable separation distances contained in chs. NR 811 and 812.

3. The proximity of the well to any wetlands.

4. The location of the well in relation to the 100 year flood elevation.

(e) For surface water systems, a source water assessment that includes the identification of potential sources of contamination in relation to the intake and the susceptibility of the water system to contamination.

(f) The anticipated number of industrial, commercial and residential water services.

(g) The initial and projected customer population and service area.

(h) Information for the identification, location and contact of the water system designer including the name, address, and telephone number of the system designer and designer's firm.

(i) The status of all department permits and approvals related to the construction of the water system.

(j) Information for the identification, location and contact of the water system owner including the name, address and telephone number of the water system owner and the extent of the owner's responsibility for the water system.

(k) Information for the identification, location and contact of the water system manager including the name, address and telephone number of the system manager.

(L) Information for the identification, location and contact of the water system operator including the name, address and telephone number of the designated or certified water system operator. If an operator has not been selected prior to submitting the capacity evaluation a timetable for hiring an operator shall be included as part of the capacity evaluation in lieu of the information for the identification, location and contact of the water system operator. The water system may not be placed into operation until the department is provided with the information for the identification, location and contact of the water system operator required in this paragraph.

(m) A proposed water quality monitoring plan that includes monitoring for all of the following:

1. Total coliform bacteria.
2. Corrosion products, including lead and copper and associated water quality parameters.
3. Chemicals to be added to the water.
4. Other water quality monitoring required by the department as part of the construction plan approval.

(n) A description of the operational procedures required by chs. NR 809 and 811 and PSC 185 related to wellhead protection, well abandonment, cross-connection control, operational reporting, meter testing, hydrant and valve exercising and operator certification.

(o) A description of the rate or fee mechanism for other-than-municipal water systems. Other-than-municipal water system has the meaning contained in s. NR 811.02 (19).

Note: Sec. NR 811.02 (19) states that "Other-than-municipal water system" means a community water system that is not a municipal water system.

(p) A copy of the public service commission certificate authorizing the construction and operation, and estimating rates, for municipal water systems regulated by the public service commission. Municipal water system has the meaning contained in s. NR 811.02 (16).

Note: Sec. NR 811.02 (16) states that "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district, or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

(q) A description of the method of payment for the construction and operation of the water system for non-transient non-community water systems.

(r) A statement from the water system owner on the financial capacity of the water system to meet the requirements of this chapter.

(3) The capacity evaluation shall be submitted on a form provided by the department or in a format approved by the department.

Note: Capacity evaluation forms may be obtained from the department bureau of drinking water and groundwater at no charge by writing to Bureau of Drinking Water and Groundwater, Box 7921, Madison, WI, 53707, or by calling (608) 266-6699.

(4) The information in sub. (2)(a) to (e) shall be prepared by a professional engineer for municipal water systems and by a professional engineer or licensed well driller for other-than-municipal or non-transient non-community water systems.

(5) The department may waive the requirement for the owner to supply information on well construction, well location, water quality monitoring, and operational procedures listed in sub. (2)(a) to (n) for non-community water systems provided that the owner acknowledges conformance to the requirements for well construction, well location, water quality monitoring, and water system operation contained in this chapter and ch. NR 812.

(6) A single engineering or design report may be submitted to satisfy the requirements of s. NR 811.13(3)(3m) and the capacity evaluation required by sub. (2).

NR 809.933 DEPARTMENT APPROVAL OF SYSTEM CAPACITY. (1) The construction of any new non-transient non-community or community water system may not commence without department approval of the system capacity evaluation demonstrating technical, financial and managerial capacity required in s. NR 809.932.

(2) The department may deny approval of the system capacity evaluation for any of the following reasons:

(a) The water system design does not conform to the applicable design and location standards, or approved variances to the standards, contained in chs. NR 811 and 812 and Comm 82.

(b) The water system operational procedures do not meet the applicable requirements of ch. PSC 185 or of this chapter and ch. NR 811 related to wellhead protection, well abandonment, cross-connection control, operational reporting, meter testing, hydrant and valve exercising and operator certification.

(c) The water system monitoring plan does not conform to the applicable monitoring requirements of this chapter, approved variances to the requirements of this chapter, or to monitoring requirements established as part of the department construction approval under chs. NR 811 and 812.

(d) The system capacity evaluation is incomplete.

(e) The information provided does not demonstrate adequate financial capacity to meet the requirements of this chapter.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on January 27, 1999.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin March 18, 1999

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)



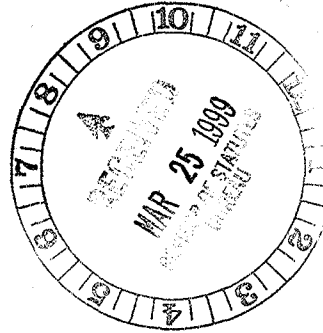
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

March 16, 1999

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

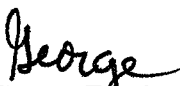


Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. DG-52-98. These rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


George E. Meyer
Secretary

Enc.