

The statement of scope for this rule, SS 093-24 was approved by the Governor on July 11, 2024, published in Register No.824A2 on August 12, 2024, and approved by the Natural Resources Board on October 23, 2024. This rule was approved by the Governor on insert date.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AMENDING, AND  
CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 809.30 (1) (b), 809.61 (1) (b) (Note), 809.82 (4), 809.83 (1) (a), 809.833 (2) (b), (3) (b) 2. and (c) 4. c., and (6), 809 Subchapter VI, 809.950 (3) (b), 809.952 (1) (b) 3., 809.953 (1) (b) 3., 809.954 (2), and Appendix A to Subchapter VII table section III; to **renumber** NR 809.30 (1) (a) and (a) 1. to 4. and 809.313 (2) (b) 1. to 3. and (c) 1. to 4.; to **renumber and amend** NR 809.313 (2) (b) and (c) (intro.), 809.833 (3) (b) (intro.) and 1. and (f), and 809.837 (1) and (2); to **amend** NR 809.04 (2r), (11), (42), (47g), (47r), and (58), 809.11 (3) (d) and (4) (a) (table note 5), 809.30 (1) (title), 809.31 (1) (c) 3., (de), and (g), (2) (b) and (f) 2. and 3., (3) (b) 3., 809.311 (3) (b) 1., 809.311 Table F and (table notes 7 and 10 to 12), 809.314 (intro.), 809.329 (1) (b), 809.541 (5) (a) and (b), 809.561 (4) (intro.) and (table), 809.563 (4) (e) Table U row “Bromate” and (6) (c) 2. and (e), 809.565 (2) (c) 2m. and (3) (b) 2., 809.569 (2) (c) 2., 809.60 (5) (intro.) and (6) (intro.), 809.61 (1) (b), 809.63 (1) (d) 3., (2) (a), and (3), 809.64, 809.67, 809.74 (1) (b) 2., 809.82 (3), 809.83 (1) and (2) (a) to (b), 809.833 (intro.), (1) (c), (2) (a) 1. and 2. and (c) (intro.), (3) (intro.), (a), (c) (intro.), 3., 4. (intro.) and b., and 7., (d), and (e), (4) (a) (intro.) and (Note), (5) (intro.), (f), and (g), and (7) (a) to (d), (f) 1., 2. (intro.), and 3., (g), (h), and (i) 1. to 4., 809.835 (1), (2), (2m), and (3) (b), 809.837 (title), (3), (5), (6), and (7) (a) 1. and (b), Appendix A to Subchapter V table rows “Total Coliform Bacteria” and “Arsenic (ppb)”, 809.953 (2), 809.954 (4) (a) (title) and (a), 809.955 (1) and (2), Appendix A to Subchapter VII rows I. A. 1. to 2m. and G. 1. to 2. and (footnote 12), and Appendix B to Subchapter VII (footnote 16); and to **create** NR 809.04 (11m), (15m), (55m), (59a), (74r), and (74w), 809.313 (2) (b) 2m. and (c) 2m., 809.314 (3), 809.563 (4) (e) Table T, 809.83 (3), 809.833 (2) (a) 3. and (e), (3) (f) 1. and 2. and (g), and (7) (j), 809.837 (1) (a) to (d), (2) (b) and (c), (9), and (10), and 809.838, relating to technical corrections to clarify and correct existing language and add federal Consumer Confidence Report requirements.

**DG-02-24**

**Analysis Prepared by the Department of Natural Resources**

**1. Statute Interpreted:** Chapters 280 and 281, Wis. Stats.

**2. Statutory Authority:** Chapters 280 and 281, Wis. Stats., including ss. 280.11 and 281.17 (8), Wis. Stats.

**3. Explanation of Agency Authority:**

Under s. 280.11, Wis. Stats., “[t]he department shall, after public hearing, prescribe, publish, and enforce minimum reasonable standards and rules and regulations for methods to be pursued in the obtaining of pure drinking water for human consumption and the establishing of all safeguards deemed necessary in protecting the public health against the hazards of polluted sources of impure water supplies intended for human consumption.

Under s. 281.11, Wis. Stats., “[t]he department shall serve as the central unit of state government to protect, maintain and improve the quality and management of the waters of the state, ground and surface, public and private. Continued pollution of the waters of the state has aroused widespread public concern.

It endangers public health and threatens the general welfare. A comprehensive action program directed at all present and potential sources of water pollution whether home, farm, recreational, municipal, industrial or commercial is needed to protect human life and health . . . The purpose of this subchapter is to grant necessary powers and to organize a comprehensive program under a single state agency for the enhancement of the quality management and protection of all waters of the state, ground and surface, public and private. To the end that these vital purposes may be accomplished, this subchapter and all rules and orders promulgated under this subchapter shall be liberally construed in favor of the policy objectives set forth in this subchapter.”

Under s. 281.12, Wis. Stats., “[t]he department shall have general supervision and control over the waters of the state. It shall carry out the planning, management and regulatory programs necessary for implementing the policy and purpose of this chapter. The department also shall formulate plans and programs for the prevention and abatement of water pollution and for the maintenance and improvement of water quality. . . The department, upon request, shall consult with and advise owners who have installed or are about to install systems or plants, as to the most appropriate water source and the best method of providing for its purity, or as to the best method of disposing of wastewater, including operations and maintenance, taking into consideration the future needs of the community for protection of its water supply. The department is not required to prepare plans.”

Under s. 281.17 (8), Wis. Stats., “[t]he department may establish, administer and maintain a safe drinking water program no less stringent than the requirements of the [federal] safe drinking water act, [42 USC 300f to 300j-26](#). . . The department may require owners of water systems to demonstrate the technical, managerial and financial capacity to comply with national primary drinking water regulations under [42 USC 300g-1](#) and may assist owners of water systems to develop that capacity.”

#### **4. Related Statutes or Rules:**

Chapter NR 809, Wis. Adm. Code – Safe Drinking Water, establishes minimum standards and procedures for the protection of the public health, safety and welfare in the obtaining of safe drinking water.

#### **5. Plain Language Analysis:**

The objective of the proposed rule is to revise ch. NR 809, Wis. Adm. Code, to clarify and correct existing language and revise Consumer Confidence Report (CCR) requirements to reflect recent changes in the federal Safe Drinking Water Act regulations.

The Wisconsin Department of Natural Resources’ (department) objective for the proposed rule is to amend ch. NR 809, Wis. Adm. Code, to do the following:

- Clarify and correct existing requirements to meet the requirements of the Environmental Protection Agency (EPA) and the Safe Drinking Water Act (SDWA).
- Add a definition of “Service Connection.” This phrase is used throughout the code but is not defined in ch. NR 809, Wis. Adm. Code.
- Make additional rule changes within ch. NR 809, Wis. Adm. Code, to address redundancies and omissions, clarify to improve understanding and readability, and correct grammatical, spelling, and punctuation errors.
- Update CCR requirements to be consistent with new federal regulations under the SDWA.

## **6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:**

The department is proposing two types of modifications to ch. NR 809, Wis. Adm. Code. First, the rule will make technical edits to add clarity, eliminate minor errors in the text, and add a practical definition for “service connection,” an otherwise undefined term in ch. NR 809. These modifications are not intended to change current department policy.

Second, the rule will amend ch. NR 809, Wis. Adm. Code, to comply with recent changes to federal regulations governing CCRs. EPA has granted the department primary enforcement authority (primacy) to implement the Safe Drinking Water Act (SDWA). As a primacy state, Wisconsin is required to maintain state law that is no less stringent than the federal regulations implementing the SDWA.

In May 2024, EPA finalized federal regulations that modified the requirements for consumer confidence reports. Under previous federal regulations, all community public drinking water systems delivered a CCR to their customers once per year. The new federal CCR requirements will increase reporting frequency to twice per year for community water systems with a population of 10,000 or more persons. Systems serving 100,000 or more persons must also develop a plan for providing assistance to consumers with limited English proficiency. This proposed rulemaking updates Wisconsin’s administrative rules to be consistent with the new federal requirements.

## **7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:**

### Public Hearing

The department held a virtual preliminary public hearing on the scope statement on October 3, 2024, at 10:00 AM. This preliminary hearing was a joint hearing pertaining to both this scope statement and a scope statement for DG-01-24, related to PFAS drinking water standards. Twenty-nine members of the public attended the hearing. Six attendees registered ‘in support’ of both scopes and zero registered ‘in opposition.’

A recording of the preliminary public hearing is available at:  
[https://widnr.widen.net/s/qhpcqrwwml/hearing-recording-nr809\\_10.03.24](https://widnr.widen.net/s/qhpcqrwwml/hearing-recording-nr809_10.03.24).

### Written Public Comment

The public comment period ended on October 3, 2024. There were no written comments regarding this proposed rulemaking.

No changes were made to the scope statement as no comments were received during this comment period.

## **8. Comparison with Similar Rules in Adjacent States:**

All of the other states in EPA Region Five (Illinois, Indiana, Michigan, Minnesota, Ohio), as well as Iowa, are in the process of adopting the federal Consumer Confidence Report revisions.

## **9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:**

The need to revise CCR requirements was identified in the America’s Water Infrastructure Act (AWIA) of 2018 as a way to improve drinking water consumers’ right to know about the quality of their drinking water. The rule revisions are intended to improve the readability, clarity, and understandability of CCRs.

EPA sought recommendations from several different national, tribal and state organizations and agencies including the National Drinking Water Advisory Council. Interviews were conducted with 9 state primacy agencies and 9 community water systems of varying sizes for the purpose of identifying the level of effort, costs, and burden associated with CCR implementation.

**10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:**

Wisconsin-specific data were applied to the national economic model created by EPA to obtain estimates of the impact to small business in Wisconsin. As noted in the Economic Impact Report, the department provides substantial technical assistance to community water systems to help them meet the CCR requirements. This high-level technical support means community water system do not have to invest substantial staff time to creating reports.

*Reference:*

Analysis of the Economic Impacts of the Proposed Consumer Confidence Reports Rule Revisions: EPA Document No. EPA-810-P-23-001

An evaluation of the costs associated with these revisions for Wisconsin is presented in the department's economic impact analysis (EIA) for this proposed rule.

**11. Effect on Small Business (initial regulatory flexibility analysis):**

This rule is not anticipated to have an effect on small businesses.

**12. Agency Contact Person:** Adam DeWeese; Adam.DeWeese@wisconsin.gov; (608) 264-9229

**13. Place where comments are to be submitted and deadline for submission:**

Written comments may be submitted at the public hearings, by regular mail, or email to:

Adam DeWeese – DG/5  
Department of Natural Resources  
101 S. Webster Street  
PO Box 7921  
Madison, WI 53707  
[Adam.DeWeese@wisconsin.gov](mailto:Adam.DeWeese@wisconsin.gov)

Comments may be submitted to the department contact person listed above or to DNRAAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's website, at <https://dnr.wi.gov/calendar/hearings/>. Comments may also be submitted through the Wisconsin Administrative Rules Website at <https://docs.legis.wisconsin.gov/code/chr/active>.

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## RULE TEXT

### SECTION 1. NR 809.04 (2r) and (11) are amended to read:

**NR 809.04 (2r)** “Clean compliance history” means a record of no *E. coli* MCL violations under s. NR ~~809.31~~ 809.30; no monitoring violations under s. NR ~~809.312~~ 809.31; and no coliform treatment technique trigger exceedances or treatment technique violations under ~~s. ss.~~ NR 809.313 and 809.314.

**(11)** “Consecutive System” means a public water system that receives some or all of its finished water from one or more wholesale systems ~~through a master metering system~~. This public water system may also be known as a wholesale purchaser or wholesale customer. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

### SECTION 2. NR 809.04 (11m) and (15m) are created to read:

**NR 809.04 (11m)** “Consumer” means a person served by a water system, including customers and people that do not receive a bill.

**(15m)** “Customer” means a billing unit or service connection to which water is delivered by a community water system.

### SECTION 3. NR 809.04 (42), (47g), (47r) and (58) are amended to read:

**(42)** “Holding time” means the period from time of ~~sampling~~ sample collection to time of analysis. For microbial analysis, holding time is equal to the time from sample collection to initiation of test medium incubation.

**(47g)** “Level 1 assessment” means an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and, when possible, the likely reason that the system triggered the assessment. It is triggered by total coliform detections under s. NR 809.31. It is conducted by the system operator or owner. Requirements for a Level 1 assessment are found under s. NR 809.313 (2).

**(47r)** “Level 2 assessment” means an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and, when possible, the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system, including the system’s monitoring and operational practices, than does a Level 1 assessment, through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the department, which may include the system operator. Requirements for a Level 2 assessment are found under s. NR 809.313 (2).

**(58)** “Non-transient non-community water system” or ~~“NT NCWS”~~ “NTNCWS” means a non-community water system that regularly serves at least 25 of the same persons over 6 months per year. Note: Examples of non-transient non-community water systems include those serving schools, day care centers and factories.

**SECTION 4. NR 809.04 (55m), (59a), (74r), and (74w) are created to read:**

**NR 809.04 (55m)** “Municipal community 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.

**(59a)** “Other-than-municipal (OTM) water system” means a community water system that is not a municipal water system.

**(74r) (a)** “Service connection” means a pipe or other conveyance of potable water from a source to a building, home, or other terminus for human consumption, such as a service lateral from a water main to a building, a discharge pipe from a well to a building, a discharge pipe from a well to a tent campsite faucet or series of campsite faucets, or a handpump.

**(b)** “Service connection” does not include indoor plumbing or water mains. It does not include a connection to a system that delivers water by a constructed conveyance, other than a pipe, if any of the following apply:

1. The water is used exclusively for purposes other than residential uses such as drinking, bathing, and cooking.

2. The department determines that an alternative water source is provided to achieve the equivalent level of public health protection provided by the applicable safe drinking water regulation is provided for residential or similar uses for drinking and cooking.

3. The department determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

(74w) “Service connection used by year-round residents” means a service connection that remains pressurized and capable of providing potable water without modifications to the plumbing for at least six months of the year and serves a community water system resident population.

**SECTION 5. NR 809.11 (3) (d) and (4) (a) (table note 5) are amended to read:**

**NR 809.11 (3) (d)** A supply of ~~bacteriologically safe~~ total coliform-negative drinking water, containing less than 10 mg/l nitrate as nitrogen, is provided for infants less than 6 months of age and any female who is or may become pregnant.

**(4) (a)** <sup>5</sup> To obtain high removals, iron to arsenic ratio ~~must~~ must be at least 20:1.

**SECTION 6. NR 809.30 (1) (title) is amended to read:**

**809.30 (1)** MCL FOR ~~ESCHERICHIA~~ ESCHERICHIA COLI (~~E. COLI~~ COLI).

**SECTION 7. NR 809.30 (1) (a) and (a) 1. to 4. are renumbered (1) (intro.) and (am), (bm), (cm), and (dm).**

**SECTION 8. NR 809.30 (1) (b) is repealed.**

**SECTION 9. NR 809.31 (1) (c) 3., (de), and (g), (2) (b) and (f) 2. and 3., and (3) (b) 3. are amended to read:**

**NR 809.31 (1) (c) 3.** A water supplier for a non-community water system using surface water, or groundwater under the direct influence of surface water as defined in s. NR 809.04 (40), in total or in part, shall monitor at the same frequency as a like-sized municipal community water system, as specified in par. (b). ~~GWUDI public water systems shall begin monitoring at this frequency beginning 6 months after the department determines that the groundwater source is under the direct influence of surface water.~~

(de) *Annual site visits.* Beginning no later than calendar year 2017, transient non-community systems on annual monitoring, including seasonal systems, shall have an initial and recurring annual site visit by the department that is equivalent to a Level 2 assessment or an annual voluntary Level 2 assessment that meets the criteria in s. NR 809.313 (2) to remain on annual monitoring. The periodic required sanitary survey may be used to meet the requirement for an annual site visit for the year in which the sanitary survey was completed. ~~Transient non-community systems with little to no distribution system may, at the discretion of the department, be exempt from the annual site visit requirements in this section, and still remain on annual monitoring.~~

(g) *Analyses required after turbidity exceedances at selected systems.* A water supplier for a public water system that uses surface water or groundwater under the direct influence of surface water, as defined in s. NR 809.04 (40), and does not provide filtration in compliance with s. NR 810.29, shall collect at least one sample in the distribution system near the first service connection on each day that one or more turbidity measurements of the source water, obtained as specified in s. NR 810.38 (1) (c), exceeds 1 NTU. This sample shall be analyzed for the presence of total coliforms. The water supplier shall collect this coliform sample within 24 hours of the first exceedance unless the department determines that the water supplier, for logistical reasons beyond their control, cannot have the sample analyzed within 30 hours of collection and the department identifies an alternative sample collection schedule. Results from this coliform monitoring shall be used to determine whether the coliform treatment technique trigger has been exceeded in s. NR 809.313.

(2) (b) Unless the provisions of subds. 1. and 2. are met, the water supplier shall collect at least: one repeat sample from the sampling tap where the original total coliform-positive sample was taken, ~~and at least~~; one repeat sample at a tap within 5 service connections upstream of the original sampling site; and ~~at least~~ one repeat sample at a tap within ~~five~~ 5 service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one service



connection away from the end of the distribution system, the water supplier shall take all required repeat samples. However, the department may allow an alternative sampling location in lieu of the requirement to collect at least one repeat sample upstream or downstream of the original sampling site. Except as provided in subd. 2., ~~public water systems~~ water suppliers required to conduct triggered source water monitoring under s. NR 809.325 shall take ground water source samples in addition to repeat samples required under this paragraph.

(f) 2. The department may waive the requirement to collect 3 routine samples during the next month the public water system provides water to the public if the department has determined why the sample was total ~~coliform-positive~~ coliform-positive and establishes that the water supplier has corrected the problem or will correct the problem before the end of the next month the public water system serves water to the public. In this case, the decision to waive the following month's additional monitoring requirement will be documented in writing, signed by a ~~qualified department official~~ supervisor, and made available to the public. The written documentation shall describe the specific cause of the total ~~coliform-positive~~ coliform-positive sample and what action the water supplier has taken or will take to correct this problem.

3. The requirement to collect 3 routine samples during the next month the public water system provides water to the public shall not be waived solely on the grounds that all repeat samples are total coliform-negative. ~~The~~ If the department grants a waiver under subd. 2., the water supplier shall collect at least one routine sample before the end of the next month the public water system serves water to the public and use it to determine compliance with the treatment technique trigger for total coliforms in s. NR 809.31, unless the department has determined that the water supplier corrected the contamination problem before the water supplier collected the set of repeat samples required in pars. (a) to (e) and all repeat samples were total ~~coliform-negative~~ coliform-negative.

**(3)** (b) 3. The department has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition ~~which that~~ that does not reflect water quality in the distribution system. In this case, the water supplier shall still collect all repeat samples required, and shall use them to determine whether a coliform treatment technique trigger in s. NR 809.313 has been exceeded. To invalidate a total coliform-positive sample under this paragraph, the decision with the rationale for the decision shall be documented in writing, approved by a ~~qualified department official~~ department supervisor and available to the public for inspection. The document shall state the specific cause of the total coliform-positive sample, and what action the water supplier has taken, or will take, to correct this problem. The

department may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

**SECTION 10. NR 809.311 (3) (b) 1. is amended to read:**

**NR 809.311 (3) (b) 1.** Total ~~Coliform~~ coliform and *E. coli* samples are not required to be preserved by cooling to 10° C, however it is encouraged during transit. Sodium thiosulfate shall be added to the sample container prior to adding water containing chlorine as required in the methods in Table F, and the holding time shall be no greater than 30 hours.

**SECTION 11. NR 809.311 Table F and (table notes 7 and 10 to 12) are amended to read:**

TABLE F SDWA Approved Methodology for Microbiological Measurements							
Organism	Methodology	Method	SM 20th Edition <sup>1</sup>	SM 21st Edition <sup>2</sup>	SM 22nd Edition <sup>3</sup>	SM Online <sup>4</sup>	Other
Total Coliform	Total Coliform Fermentation Technique		9221 B.1, B.2 <sup>5</sup>	9221 C	9221 C	9221 B.1, B.2-99 <sup>5</sup>	
				9221 B.1, B.2 <sup>5</sup>			
	Presence-Absence (P-A) Coliform Test		9221 D.1, D.2 <sup>6</sup>	9221 D.1, D.2 <sup>6</sup>		9221 D.1, D.2-99 <sup>6</sup>	
	Lactose Fermentation Methods	Standard Total Coliform Fermentation Technique			9221 B.1, B.2		
	Enzyme Substrate Methods	MI Agar					EPA Method 1604 <sup>7</sup>
		Colilert®	9223 B <sup>8</sup>	9223 B <sup>8</sup>	9223 B	9223 B-97 <sup>8</sup>	
		Colisure®	9223 B <sup>8,9</sup>	9223 B <sup>8,9</sup>	9223 B	9223 B-97 <sup>8,9</sup>	
		E*Colite® Test <sup>10</sup>					
		Colilert-18	<u>9223 B</u>	<u>9223 B</u>	<u>9223 B</u>	<u>9223 B-97</u>	
Heterotrophic bacteria	Pour Plate Method	Readycult® Test <sup>11</sup>					
		modified Colitag® Test <sup>12</sup>					
				9215 B	9215 B		

<i>E. coli</i>	Enzyme Substrate Methods	MI Agar					EPA Method 1604 <sup>7</sup>
		Colilert®	9223 B <sup>8</sup>	9223 B <sup>8</sup>	9223 B	9223 B-97 <sup>8,9</sup>	
		Colisure®	9223 B <sup>8,9</sup>	9223 B <sup>8,9</sup>	9223 B	9223 B-97 <sup>8,9</sup>	
		E*Colite® Test <sup>10</sup>					
		Colilert-18	9223 B	9223 B	9223 B	<del>9223 B-</del> <u>9223 B-97</u>	
		ReadiCult®					Ready cult® <sup>11</sup>
		Colitag					Modified Colitag™ <sup>12</sup>
	<i>Escherichia coli</i> Procedure (following Lactose Fermentation Methods)	EC-MUG medium	9221 F.1	9221 F.1	9221 F.1		

<sup>7</sup> EPA Method 1604, EPA 821-R-02-024—“EPA Method 1604: Total Coliforms and *Escherichia coli* in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium),” September 2002, Available at <http://www.epa.gov/nerlcwww/1604sp02.pdf> or from EPA’s Water Resource Center (MC-4100T), 1200 Pennsylvania Avenue NW, Washington, DC 20460, 1-202-566-1729.

<sup>10</sup> E\*Colite®—“Charm E\*Colite™® Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Drinking Water,” January 9, 1998. Available from Charm Sciences, Inc., 659 Andover Street, Lawrence, MA 01843-1032, 1-800-343-2170.

<sup>11</sup> ReadiCult®—“ReadiCult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters,” January 2007, Version 1.1. Available from EMD Millipore (division of Merck KGaA, Darmstadt, Germany), 290 Concord Road, Billerica, MA 01821, 1-800-645-5476.

<sup>12</sup> modified Colitag®, ATP D05-0035—“Modified Colitag™ Test Method for the Simultaneous Detection of *E. coli* and other Total Coliforms in Water,” August 28, 2009. Available at <http://www.nemi.gov> or from ~~CPI, International, 580 Skylane Boulevard~~ CPI International, Inc., 5580 Skylane Blvd., Santa Rosa, CA 95403, 1-800-878-7654.

**SECTION 12. NR 809.313 (2) (b) is renumbered NR 809.313 (2) (b) 1. (intro.) and amended to read:**

*[Note to LRB: NR 809.313 (2) (b) (title) is not renumbered to par. (b) 1.]*

**NR 809.313 (2) (b) Level 1 assessments.** 1. A water supplier shall conduct a Level 1 assessment consistent with department requirements if the public water system exceeds one of the treatment technique triggers in sub. (1) (a). The department may conduct a Level 2 assessment in response to a Level 1 treatment technique trigger at a non-community water system, which may include the collection of a large-volume sample. Requirements for a Level 1 assessment include all of the following:

**SECTION 13. NR 809.313 (2) (b) 1. to 3. are renumbered NR 809.313 (2) (b) 1. a. to c.**

**SECTION 14. NR 809.313 (2) (b) 2m. is created to read:**

**NR 809.313 (2) (b) 2m.** Minimum elements of a Level 1 assessment include review and identification of each of the following, as applicable: atypical events that could affect the quality of distributed water or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation, including water storage, that could affect distributed water quality; source and treatment considerations that bear on distributed water quality, such as whether a ground water system is disinfected; existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any department directives that tailor specific assessment elements with respect to the size and type of the public drinking system and the size, type, and characteristics of the distribution system.

**SECTION 15. NR 809.313 (2) (c) (intro.) is renumbered NR 809.313 (2) (c) 1m. (intro.) and amended to read:**

*[Note to LRB: NR 809.313 (2) (c) (title) is not renumbered to par. (c) 1.]*

**NR 809.313 (2) (c) Level 2 assessments.** 1m. A water supplier shall ensure that a Level 2 assessment consistent with department requirements is conducted if the public water system exceeds one

of the treatment technique triggers in sub. (1) (b). The water supplier shall comply with any expedited actions or additional actions required by the department in the case of an *E. coli* MCL violation.

Requirements for a Level 2 assessment include all of the following:

**SECTION 16. NR 809.313 (2) (c) 1. to 4. are renumbered NR 809.313 (2) (c) 1m. a. to d.**

**SECTION 17. NR 809.313 (2) (c) 2m. is created to read:**

**NR 809.313 (2) (c) 2m.** Minimum elements of a Level 2 assessment include review and identification of each of the following, as applicable: atypical events that could affect the quality of distributed water or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation, including water storage, that could affect distributed water quality; source and treatment considerations that bear on distributed water quality, such as whether a ground water system is disinfected; existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any department directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. The system must comply with any expedited actions or additional actions required by the department in the case of an *E. coli* MCL violation.

**SECTION 18. NR 809.314 (intro.) is amended to read:**

**NR 809.314 Treatment technique compliance with distribution system microbiological contaminants.** A treatment technique violation occurs when ~~sub. (1) or (2) occurs.~~ any of the following occurs:

**SECTION 19. NR 809.314 (3) is created to read:**

**NR 809.314 (3)** A water supplier fails to complete required corrective actions following an annual site visit under s. NR 809.31 (1) (de).

**SECTION 20. NR 809.329 (1) (b) is amended to read:**

**NR 809.329 (1) (b)** After completing any corrective action under s. NR 809.327 (2), a water supplier shall notify the department in writing within 30 days of completion of the corrective action.

**SECTION 21. NR 809.541 (5) (a) and (b) are amended to read:**

**NR 809.541 (5) (a)** All lead~~and copper~~ levels measured between the PQL and MDL as specified under sub. (4) (a) 1. shall be ~~either reported as measured or they can be reported as one half the PQL specified for lead and copper in par. (a).~~ All levels below the lead~~and copper~~ MDLs MDL shall be reported as zero.

**(b)** All copper levels measured between the PQL and the MDL as specified under sub. (4) (a) 2. shall be ~~either reported as measured or they can be reported as one half the PQL at 0.025 mg/L.~~ All levels below the copper MDL shall be reported as zero.

**SECTION 22. NR 809.561 (4) (intro.) and (table) are amended to read:**

*[Note to LRB: In the first table row, = is replaced by  $\leq$ . In the second row, = is replaced by  $\geq$ .]*

**NR 809.561 (4) BEST AVAILABLE TREATMENT.** The department, pursuant to section 1412 of the Safe Drinking Water Act and related regulations applicable to public water systems, identifies the following as the best available treatment technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for disinfection byproducts identified in sub. ~~(+)~~ (2):

Disinfectant byproduct	Best available treatment
TTHM and HAA5	<del>Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant.</del> Enhanced coagulation or enhanced softening, plus GAC10; or

	nanofiltration with a molecular weight cutoff= $\leq 1000$ Daltons; or GAC20.
TTHM and HAA5 in Consecutive Systems	Systems serving= $\geq 10,000$ : Improved distribution system and storage tank management to reduce residence time, plus the use of chloramines for disinfectant residual maintenance. Systems serving $< 10,000$ : Improved distribution system and storage tank management to reduce residence time.
Bromate	Control of ozone treatment process to reduce production of bromate.
Chlorite	Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.

**SECTION 23. NR 809.563 (4) (e) Table T is created to read:**

*[Note to LRB: Table T is inserted after the text of s. NR 809.563 (4) (e), before Table U.]*

**Table T**

**Performance Evaluation Acceptance Limits**

<b>DBP</b>	<b>Acceptance limits (percent of true value)</b>	<b>Comment</b>
TTHM		
Chloroform	$\pm 20$	Laboratory must meet all 4 individual THM acceptance limits in order to successfully pass a PE sample for TTHM.
Bromodichloromethane	$\pm 20$	
Dibromochloromethane	$\pm 20$	
Bromoform	$\pm 20$	
HAA5		
Monochloroacetic Acid	$\pm 40$	Laboratory must meet the acceptance limits for 4 out of 5 of the HAA5 compounds in order to successfully pass a PE sample for HAA5.

Dichloroacetic Acid	±40	
Trichloroacetic Acid	±40	
Monobromoacetic Acid	±40	
Dibromoacetic Acid	±40	
Chlorite	±30	
Bromate	±30	

**SECTION 24. NR 809.563 (4) (e) Table U row “Bromate” is amended to read:**

Bromate	0.0050 or 0.0010	Laboratories that use EPA Methods 317.0 Revision 2.0, 326.0 or 321.8 must meet a 0.0010 mg/L <del>detection limit</del> <u>minimum reporting level</u> for bromate.
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**SECTION 25. NR 809.563 (6) (c) 2. and (e) are amended to read:**

**NR 809.563 (6) (c) 2.** TOC samples ~~shall either be analyzed or~~ shall be acidified to achieve pH less than 2.0 by minimal addition of phosphoric or sulfuric acid as soon as practical after sampling, not to exceed 24 hours.

(e) *Dissolved organic carbon (DOC)*. For measuring dissolved organic carbon, use Standard Method 5310 B (High-Temperature Combustion Method) or Standard Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method) or Standard Method 5310 D (Wet-Oxidation Method). Prior to analysis, DOC samples shall be filtered through a 0.45 mm pore-diameter filter. Water passed through the filter prior to filtration of the sample shall serve as the filtered blank. This filtered blank shall be analyzed using procedures identical to those used for analysis of the samples and shall meet the following criteria: DOC < 0.5 mg/L. DOC samples shall be filtered through the 0.45 mm pore-diameter filter prior to acidification. DOC samples ~~shall either be analyzed or~~ shall be acidified to achieve pH less than 2.0 by minimal addition of phosphoric or sulfuric acid as soon as practical after sampling, not to exceed 48 hours. Acidified DOC samples shall be analyzed within 28 days.

**SECTION 26. NR 809.565 (2) (c) 2m. and (3) (b) 2. are amended to read:**



*[Note to LRB: In both of the units treated in this SECTION, the = is replaced by ≤.]*

**NR 809.565 (2) (c) 2m.** To qualify for reduced monitoring for TTHM and HAA5 under this paragraph, water suppliers for surface water systems or groundwater systems under the direct influence of surface water not monitoring under the provisions of sub. (5) shall take monthly TOC samples every 30 days at a location prior to any treatment, beginning April 1, 2008, or earlier, if specified by the department. In addition to meeting other criteria for reduced monitoring in this paragraph, the source water TOC running annual average shall be  $\leq 4.0$  mg/L, based on the most recent four quarters of monitoring, on a continuing basis at each treatment plant to reduce or remain on reduced monitoring for TTHM and HAA5. Once qualified for reduced monitoring for TTHM and HAA5 under this paragraph, a system may reduce source water TOC monitoring to quarterly TOC samples taken every 90 days at a location prior to any treatment.

**(3) (b) 2.** ‘Reduced monitoring.’ Water suppliers for public water systems may reduce monitoring for bromate from monthly to once per quarter, if the water supplier demonstrates that the public water system’s running annual average concentration for bromate is  $\leq 0.0025$  mg/L based on monthly bromate measurements under par. (b) for the most recent four quarters. Samples shall be analyzed using Method 317.0 Revision 2.0, 326.0 or 321.8. If the running annual average bromate concentration is  $> 0.0025$  mg/L, the system must resume routine monitoring required by par. (b).

**SECTION 27. NR 809.569 (2) (c) 2. is amended to read:**

**NR 809.569 (2) (c) 2.** Softening that results in removing at least 10 mg/L of magnesium hardness (as  $\text{CaCO}_3$ ), measured monthly according to s. NR ~~809.413 Table A~~ 809.563 (6) (h) and calculated quarterly as an annual running average.

**SECTION 28. NR 809.60 (5) (intro.) and (6) (intro.) are amended to read:**

**NR 809.60 (5) CONSECUTIVE SYSTEMS.** ~~The~~ For the purpose of the schedule under this section, the department may determine that a public water system that receives some or all of its water supply from a wholesale system is not a consecutive system, based on any of the following factors:

**(6) WHOLESALE SYSTEMS.** ~~The~~ For the purpose of the schedule under this section, the department may determine that a public water system that provides some or all of the water supply for another public water system is not a wholesale system, based on any of the following factors:

**SECTION 29. NR 809.61 (1) (b) is amended to read:**

**NR 809.61 (1) (b)** A water supplier that submitted a 40/30 certification from EPA under Subpart U of 40 CFR part 141.603 ~~or the department under s. NR 809.974~~ or for a public water system that qualified for a very small system waiver from EPA under Subpart U of 40 CFR 141.604 ~~or the department under s. NR 809.975~~ or for a public water system that is a non-transient non-community water system serving <10,000, shall monitor at the location or locations and dates identified in the public water system's monitoring plan in s. NR 809.565 (6), updated as required by s. NR 809.62.

**SECTION 30. NR 809.61 (1) (b) (Note) is repealed.**

**SECTION 31. NR 809.63 (1) (d) 3., (2) (a), and (3) are amended to read:**

**NR 809.63 (1) (d) 3.** In addition to subds. 1. and 2., for a surface water or GWUDI system, the source water annual average TOC level, before any treatment, shall be  $\leq 4.0$  mg/L, based on monitoring conducted under s. NR 809.565 (2) (c) 2m. or (5).

**(2) (a)** A public water system that is required to monitor at a particular location annually or less frequently than annually under s. NR ~~809.62~~ 809.61 (1) (c) or 809.63 (1), shall increase monitoring to dual sample sets once per quarter at all locations if a TTHM sample is  $>0.080$  mg/L or a HAA5 sample is  $>0.060$  mg/L at any location.

**(3) MCL VIOLATION DETERMINATION.** A public water system is in violation of the MCL when the LRAA for TTHM or HAA5 exceeds the MCLs in s. NR ~~809.561 (3)~~ 809.561 (2), calculated based on four consecutive quarters of monitoring or the LRAA calculated based on fewer than four quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters.

**SECTION 32. NR 809.64 is amended to read:**

**NR 809.64 Additional disinfection byproducts requirements for consecutive systems under Stage 2 DBP.** A consecutive system that does not add a disinfectant but receives and delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, shall comply with analytical and monitoring requirements for chlorine and chloramines ~~in s. under ss. NR 809.563 (2) and 809.565 (4) (a) and the compliance requirements in under s. NR 809.566 (3) (a) beginning April 1, 2009,~~ unless required to comply earlier by the department, and shall report monitoring results under s. NR 809.567 (3) (a) and (b).

**SECTION 33. NR 809.67 is amended to read:**

**NR 809.67 Requirements for remaining on increased TTHM and HAA5 monitoring based on Stage 1 DBP results.** A public water system that is on increased monitoring under ss. NR 809.565 and 809.566 shall remain on increased monitoring until the public water system qualifies for a return to routine monitoring under s. ~~NR 809.61~~ NR 809.63 (4).

**SECTION 34. NR 809.74 (1) (b) 2. is amended to read:**

**NR 809.74 (1) (b) 2.** One fluoride sample per month taken from a representative location in the distribution system and submitted to ~~the state laboratory of hygiene~~ a certified laboratory. Fluoride analyses for samples collected under this subdivision must be conducted by laboratories that have received certification under ch. NR 149 or approval by EPA. Fluoride samples submitted to a certified laboratory under this subdivision to determine fluoride compliance under ss. NR 809.11, 809.70, and 809.74 must be analyzed in accordance with approved analytical methods under s. NR 809.113 Table A. Sample collection for fluoride certified laboratory analyses under this subdivision must be conducted using the sample preservation, containers and maximum holding time procedures specified under s. NR 809.113 Table B. In all cases, samples should be analyzed as soon after collection as possible. The sample submitted to the ~~state laboratory of hygiene~~ certified laboratory must be a portion of a split sample so that the operator can determine the fluoride concentration with the operator's equipment and compare it to the ~~state~~ certified laboratory results. The fluoride concentration obtained by the operator shall be noted on the data sheet prior to submission to the ~~state~~ certified laboratory.

**SECTION 35. NR 809.82 (3) is amended to read:**

**NR 809.82 (3) SANITARY SURVEY RECORDS.** Copies of any written reports, summaries or communications relating to sanitary surveys of the public water system conducted by the water supplier, by a private consultant, or by any local, state or federal agency, shall be kept for a period of not less than 10, 12 years after completion of the sanitary survey involved.

**SECTION 36. NR 809.82 (4) is repealed.**

**SECTION 37. NR 809.83 (1) is amended to read:**

**NR 809.83 (1) PURPOSE AND APPLICABILITY.** ~~Water~~ A water supplier for a community water ~~systems~~ system shall deliver to their customers ~~an annual report~~ a report containing information on the quality of the water and the characterization of risks, if any, from exposure to contaminants detected in the drinking water delivered by their public water system. The report shall be written in an accurate and understandable manner. A water supplier for a community water system serving more than 100,000 persons shall develop and annually update a plan for providing assistance to consumers with limited English proficiency. A water supplier for a community water system serving less than 10,000 shall deliver the report annually and systems serving 10,000 or more persons shall deliver the report biannually, as specified under s. NR 809.837 (10).

**SECTION 38. NR 809.83 (1) (a) is repealed.**

**SECTION 39. NR 809.83 (1) (b) is renumbered 809.83 (1m) and amended to read:**

**NR 809.83 (1m)** ~~Detected under this paragraph refers to all contaminants~~ DEFINITION. In s. 809.833, “Detected contaminant” means a contaminant identified at or above the applicable detection

~~limits~~ limit specified in ~~subch. subchs. I, II, and III~~ and reported by a safe drinking water certified laboratory and reported by a safe drinking water certified laboratory.

**SECTION 40. NR 809.83 (2) (a) to (b) is amended to read:**

**NR 809.83 (2)** (a) Each existing community water system shall deliver ~~its report~~ reports by July 1 annually. Reports delivered by July 1 shall contain data collected during, or prior to, the previous calendar year.

(b) A new community water system shall deliver its first report by July 1 of the year after its first full calendar year in operation ~~and annually thereafter~~.

**SECTION 41. NR 809.83 (3) is created to read:**

**NR 809.83 (3)** A community water system that sells water to another community water system that is required to provide reports biannually under s. NR 809.837 (10) (b) must provide the applicable information required in s. NR 809.837 (10) (c) to the buyer system by October 1, or a date mutually agreed upon by the seller and the purchaser and included in a contract between the parties, and annually thereafter.

**SECTION 42. NR 809.833 (intro.), (1) (c), and (2) (a) 1. and 2. are amended to read:**

**NR 809.833 Content of consumer confidence reports.** Water suppliers for each community water system shall provide to their customers ~~an annual~~ a report that contains all of the following information, as well as information specified in this section and under s. NR 809.835- and a summary as specified under s. NR 809.838:

**(1) (c)** If a source water assessment has been completed, the report shall notify consumers of the availability of this information, the year it was completed or most recently updated, and the means to obtain it. In addition, water suppliers are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. If a public water system has received a source water assessment from the department, the report shall include a brief

summary of the public water system's susceptibility to potential sources of contamination, using language provided by the department or written by the water suppliers.

(2) (a) 1. "Maximum contaminant level goal or MCLG: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety."

2. "Maximum contaminant level or MCL: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology."

**SECTION 43. NR 809.833 (2) (a) 3. is created to read:**

**NR 809.833 (2) (a) 3.** "Contaminant: Any physical, chemical, biological, or radiological substance or matter in water."

**SECTION 44. NR 809.833 (2) (b) is repealed.**

**SECTION 45. NR 809.833 (2) (c) (intro.) is amended to read:**

**NR 809.833 (2) (c)** A report ~~which~~ that contains data on contaminants ~~which~~ that EPA regulates using any of the following terms shall include the applicable definitions:

**SECTION 46. NR 809.833 (2) (e) is created to read:**

**NR 809.833 (2) (e)** A water supplier shall provide the following definitions for the terms under subds. 1. and 2., if the terms are used in the report unless the water supplier receives written approval from the department to use an alternate definition:

1. "Pesticide: Generally, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest."

2. “Herbicide: Any chemical(s) used to control undesirable vegetation.”

**SECTION 47. NR 809.833 (3) (intro.) and (a) are amended to read:**

**NR 809.833 (3)** INFORMATION ON DETECTED CONTAMINANTS. With the exception of *Cryptosporidium*, ~~reports the report~~ shall contain the following information in the specified format, for: regulated contaminants subject to a MCL, action level, maximum residual disinfectant level, ~~microbial contaminants~~, or treatment technique; microbial contaminants; and unregulated contaminants for which monitoring is required under 40 CFR 141.40 and subch. I; and disinfection by-products for which monitoring is required under subch. III:

(a) The data relating to these contaminants shall be presented in the reports in a manner that is clear and understandable for consumers. For example, the data may be displayed in one table or in several adjacent tables. Any additional monitoring results ~~which~~ that a water supplier chooses to include in its report shall be displayed separately.

**SECTION 48. NR 809.833 (3) (b) (intro.) and 1. are renumbered NR 809.833 (3) (b) 1m. and 2m., and amended to read:**

**NR 809.833 (3) (b) 1m.** The data shall be derived from data collected to comply with EPA and department monitoring and analytical requirements during the previous calendar year ~~1998 for the first report and subsequent calendar years thereafter~~ or the most recent calendar year before the previous calendar year, except that: as specified under subd. 2m.

2m. If a public water system is allowed to be monitored for regulated contaminants less often than once a year, the ~~tables~~ contaminant data section shall include the date and results of the most recent sampling and the report shall include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than 5 years need be included.

**SECTION 49. NR 809.833 (3) (b) 2. is repealed.**

**SECTION 50. NR 809.833 (3) (c) (intro.), 3., and 4. (intro.) and b. are amended to read:**

**NR 809.833 (3) (c)** For each detected regulated ~~contaminants~~, contaminant listed in Appendix A to this subchapter, the ~~tables~~ contaminant data section shall contain all of the following:

3. If there is no MCL for a detected contaminant, the ~~table~~ contaminant data section shall indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report shall include the definitions for treatment technique or action level, or both, as appropriate, specified in this paragraph.

4. For contaminants subject to an MCL, except turbidity and *E. coli*, the contaminant data section shall contain the highest contaminant level used to determine compliance with requirements of this chapter and the range of detected levels as follows:

b. When compliance with the MCL is determined by calculating a running annual average of all samples taken at a ~~sampling point~~ monitoring location; the highest average of any of the ~~sampling points~~ monitoring locations and the range of individual sample results for all sampling points monitoring locations expressed in the same units as the MCL. When the MCL for TTHM or HAA5 in s. NR 809.561 (2) is exceeded at a locational running annual average monitoring location, systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the units as the MCL. If more than one location exceeds the TTHM or HAA5 MCL, the system must include the locational running annual averages for all locations that exceed the MCL.

**SECTION 51. NR 809.833 (3) (c) 4. c. is repealed.**

**SECTION 52. NR 809.833 (3) (c) 7., (d), and (e) are amended to read:**

**NR 809.833 (3) (c) 7.** For *E. coli* analytical results under s. NR 809.31, the total number of *E. coli*-positive samples.

(d) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the ~~table should contain a~~



~~separate column~~ contaminant data section should differentiate contaminant data for each service area and the report should identify each separate distribution system. For example, if displayed in a table, it should contain a separate column for each service area. Alternatively, water suppliers could produce separate reports tailored to include data for each service area.

(e) ~~The tables~~ detected contaminant data section shall clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques and the report shall contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the water supplier to address the violation. To describe the potential health effects, the water supplier shall use the relevant language of Appendix A to this subchapter.

**SECTION 53. NR 809.833 (3) (f) is renumbered NR 809.833 (3) (f) (intro.) and amended to read:**

**NR 809.833 (3) (f)** For detected unregulated contaminants for which monitoring is required, ~~except *Cryptosporidium*, the tables shall contain~~ the report shall present the average and range at which the contaminant was detected. The report ~~may shall~~ include a brief explanation of one of the following educational statements on the reasons for monitoring for unregulated contaminants;

**SECTION 54. NR 809.833 (3) (f) 1. and 2. and (g) are created to read:**

**NR 809.833 (3) (f) 1.** “Unregulated contaminant monitoring helps EPA to determine where certain contaminants occur and whether the Agency should consider regulating those contaminants in the future.”

2. Water suppliers may use an alternative educational statement in the CCR if approved by the department.

(g) For community water systems that exceeded the lead action level under s. NR 809.54 (3), the detected contaminant data section shall clearly identify the exceedance if any corrective action has been required by EPA or the department during the monitoring period covered by the report. The report shall include a clear and readily understandable explanation of the exceedance, the steps consumers can take to reduce their exposure to lead in drinking water, and a description of any corrective actions the community water system has taken or will take to address the exceedance.

**SECTION 55. NR 809.833 (4) (a) (intro.) and (Note) and (5) (intro.), (f), and (g) are amended to read:**

**NR 809.833 (4) (a)** If the water supplier has performed any monitoring for *Cryptosporidium*, including monitoring performed to satisfy the requirements of 40 CFR sub. D, part 141, s. 141.143 (information collection rule), ~~which that~~ indicates that *Cryptosporidium* may be present in the source water or the finished water, the report shall include all of the following:

**Note:** To determine the significance of the results or if the results may indicate a health concern it is recommended that the water supplier call contact the EPA by calling the Safe Drinking Water Hotline at 800-426-4791 or visiting the website [epa.gov/safewater](http://epa.gov/safewater).

**(5) COMPLIANCE WITH ALL DRINKING WATER REGULATIONS.** In addition to the requirements of sub. (3)-~~(f)~~ (e), the report shall note any violation of a requirement listed in this subsection that occurred during the year period covered by the report ~~of a requirement listed in this subsection~~. The report also shall include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the water supplier has taken to correct the violation. All of the following violations shall be included:

(f) Failure to comply with special monitoring requirements prescribed by 40 CFR 141.40 and ss. NR 809.118 and 809.25.

(g) Violation of the terms of ~~a variance, an exemption or~~ an administrative or judicial order.

**SECTION 56. NR 809.833 (6) is repealed.**

**SECTION 57. NR 809.833 (7) (a) to (d), (f) 1., 2. (intro.), and 3., (g), (h), and (i) 1. to 4. are amended to read:**

**(7) ADDITIONAL INFORMATION.** (a) *Contaminants in drinking water.* The report shall contain a brief explanation regarding contaminants, ~~which that~~ may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language ~~of under~~ subds. 1. to 3. or the

water supplier may use their own comparable language. The report also shall include the language of under subd. 4.

1. ~~“The sources of drinking water, both~~ “Both tap water and bottled water, ~~include~~ come from rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or to the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, ~~and~~. The water can also pick up and transport substances resulting from the presence of animals or from human activity. These substances are also called contaminants.”

2. “Contaminants are any physical, chemical, biological, or radiological substance or matter in water. Contaminants that may be present in source water include:”

a. “Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.”

b. “Inorganic contaminants, such as salts and metals, which ~~can be naturally occurring or occur~~ naturally in the soil or groundwater or may result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.”

c. “Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.”

d. “Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.”

e. “Radioactive contaminants, which ~~can be naturally occurring or occur~~ naturally or be the result of oil and gas production and mining activities.”

3. ~~“In order to ensure that tap water is safe to drink, EPA~~ “To protect public health, the Environmental Protection Agency prescribes regulations that limit the amount of certain contaminants in tap water provided by public water systems. ~~FDA~~ The Food and Drug Administration regulations establish limits for contaminants in bottled water, which ~~shall~~ must provide the same protection for public health.”

4. “Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily ~~indicate~~ mean that

water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the ~~environmental protection agency's~~ Environmental Protection Agency's safe drinking water hotline (800-426-4791) or visiting the website [epa.gov/safewater](http://epa.gov/safewater)."

(b) *Water supplier contact information.* The report shall include the telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report. If a system uses a website or social media to share additional information, EPA recommends including information about how to access such media platforms in the report.

(c) *Non-English translations.* In communities where ~~non-English speaking residents~~ consumers with limited English proficiency comprise a significant portion of the population served, the report shall contain information in the appropriate language or languages regarding the importance of the report, ~~or contain a telephone number or address where the residents may contact the public water system to~~ and the report must either be in the appropriate language or contain information specifying where consumers may obtain a translated copy of the report or assistance in the appropriate language. In communities where a specific non-English speaking group comprises at least 5% percent of the population of the community served, the report shall be translated into that language.

(d) *Public participation opportunities.* The report shall include information, including, time and place of regularly scheduled board meetings, about opportunities for public participation in decisions that may affect the quality of the water.

(f) *Public water systems with significant deficiencies or E. coli positives under s. NR 809.325.* 1. A water supplier for any groundwater system that receives notice from the department of a significant deficiency or notice from a laboratory of a fecal indicator-positive groundwater source sample required under s. NR 809.325 (2), that is not invalidated by the department under s. NR 809.323 (2), must inform its customers of any significant deficiency that is uncorrected at the time of the next ~~report~~ reporting period or of any fecal indicator-positive groundwater source sample in the next report or 6-month update under s. NR 809.837.

2. The water supplier must continue to inform the public annually until the department determines that the particular significant deficiency is corrected or the fecal contamination in the groundwater source is addressed under s. NR 809.327 (1). Each report must include all of the following applicable elements:

3. If directed by the department, a water supplier for a public water system with significant deficiencies that have been corrected before the next report is issued must inform the customers<sub>7</sub> of the public water system<sub>7</sub> of the significant deficiency, how the deficiency was corrected, and the date of correction under subd. 1.

(g) *Water suppliers required to conduct Level 1 or Level 2 assessments not resulting from an E. coli MCL violation.* Any water supplier required to comply with the Level 1 assessment requirement or a Level 2 assessment requirement that is not resulting from an *E. coli* MCL violation must include in the report the text found in subds. 1. to 3. as appropriate, filling in the blanks accordingly. Any water supplier that has failed to complete all the required assessments or correct all identified sanitary defects is in violation of the treatment technique requirement and must also include one or both of the statements in subds. 4. and 5. of this paragraph, as appropriate. Water suppliers may use an alternative statement with equivalent information for subds 2. to 3. if approved by the department.

1. ~~“Coliforms are bacteria that are occur naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens organisms may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. [NAME OF WATER SUPPLIER] found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, [NAME OF WATER SUPPLIER] is required to conduct assessments to identify problems and to correct any problems that were found during these assessments.”~~

2. ~~During the past year~~ “Because we found coliforms during sampling, we were required to conduct [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] Level 1 assessments assessment(s) of the system, also known as a Level 1 assessment, to identify possible sources of contamination. [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] Level 1 assessments assessment(s) were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.”

3. ~~During the past year~~ “Because we found coliforms during sampling, we were required to conduct [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] detailed assessment(s), also known as a Level 2 assessments were required to be completed for our water system assessment, to identify possible sources of contamination. [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] Level 2 assessments were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE

ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.”

4. “During the past year we failed to conduct all of the required assessments.”

5. “During the past year we failed to correct all identified defects that were found during the assessments.”

(h) *Water suppliers required to conduct Level 2 assessments resulting from an E. coli MCL violation.* Any water supplier required to conduct a Level 2 assessment resulting from an *E. coli* MCL violation must include in the report the text found in subds. 1. and 2., and health effects language in Appendix A to this subchapter, filling in the blanks accordingly, if appropriate. Any system that has failed to complete the required assessment or correct all identified sanitary defects is in violation of the treatment technique requirement and must also include the statements in subds. 3. and 4., as appropriate. Water suppliers may use an alternative statement with equivalent information for subds 1. to 4. if approved by the department.

1. ~~E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems.~~ “We found *E. coli* bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct ~~assessment~~ assessment(s), also known as a Level 2 assessment, to identify problems and to correct any problems that were found during these assessments.”

2. “We were required to complete a detailed assessment of our water system, also known as a Level 2 assessment, because we found *E. coli* in our water system. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.”

3. “We failed to conduct the required assessment.”

4. “We failed to correct all ~~sanitary~~ defects that were identified during the assessment that we conducted.”

(i) 1. “We had an *E. coli*-positive repeat sample following a total coliform-positive routine sample.”

2. “We had a total coliform-positive repeat sample following an *E. coli*-positive routine sample.”
3. “We failed to take all required repeat samples following an *E. coli*-positive routine sample.”
4. “We failed to test for *E. coli* when any repeat sample ~~tests~~ tested positive for total coliform.”

**SECTION 58. NR 809.833 (7) (j) is created to read:**

**NR 809.833 (7) (j) *Lead and copper requirements.*** The water supplier for a community water system that is required to comply with subch. II. must include all of the following in the report:

1. The report must notify consumers that complete lead tap sampling data are available for review and must include information on how to access the data in the report.

2. The report must include a statement that a service line inventory has been prepared and include instructions to access the publicly available service line inventory; this requirement must also be met for inventories consisting only of a statement that there are no lead, galvanized requiring replacement, or lead status unknown service lines. If the service line inventory is available online, the water supplier must include the direct link to the inventory in the report.

3. The report must include a plainly worded explanation of the corrosion control efforts the water supplier is taking in accordance with subch. II. Corrosion control efforts consist of treatment, such as pH adjustment, alkalinity adjustment, or corrosion inhibitor addition, and other efforts contributing to the control of the corrosivity of water, such as monitoring to assess the corrosivity of water. The water supplier may use one of the following templates or use their own explanation that includes equivalent information if approved by the department:

a. For community systems with department or EPA designated Optimal Corrosion Control Treatment, include the following: “Corrosion of pipes, plumbing fittings, and fixtures may cause lead and copper to enter drinking water. To assess corrosion of lead and copper, [INSERT NAME OF WATER SUPPLIER] conducts tap sampling for lead and copper at selected sites [INSERT FREQUENCY AT WHICH SYSTEM CONDUCTS TAP SAMPLING]. [INSERT NAME OF WATER SUPPLIER] treats water using [INSERT TREATMENT METHOD] to control corrosion, which was designated as the optimal corrosion control treatment by the [INSERT WISCONSIN DEPARTMENT OF NATURAL RESOURCES OR EPA, as applicable]. To ensure the treatment is operating effectively, [INSERT

NAME OF WATER SUPPLIER] monitors water quality parameters set by the [INSERT WISCONSIN DEPARTMENT OF NATURAL RESOURCES OR EPA, as applicable] [INSERT FREQUENCY AT WHICH SYSTEM CONDUCTS WATER QUALITY PARAMETER MONITORING]. [(IF APPLICABLE) [INSERT NAME OF WATER SUPPLIER] is currently conducting a study of corrosion control to determine if any changes to treatment methods are needed to minimize the corrosivity of the water.]”

b. For a community water system without department or EPA designated Optimal Corrosion Control Treatment, include the following language: “Corrosion of pipes, plumbing fittings and fixtures may cause metals, including lead and copper, to enter drinking water. To assess corrosion of lead and copper, [INSERT NAME OF WATER SUPPLIER] conducts tap sampling for lead and copper at selected sites [INSERT FREQUENCY AT WHICH SYSTEM CONDUCTS TAP SAMPLING.] [(IF APPLICABLE) [INSERT NAME OF WATER SUPPLIER] treats water using [INSERT TREATMENT METHOD] to control corrosion.] [(IF APPLICABLE) [INSERT NAME OF WATER SUPPLIER] is currently conducting a study of corrosion control to determine if any changes to treatment methods are needed to minimize the corrosivity of the water.]”

**SECTION 59. NR 809.835 (1), (2), (2m) (a) and (b), and (3) (b) are amended to read:**

**NR 809.835 (1)** ADDITIONAL HEALTH INFORMATION FOR VULNERABLE POPULATIONS. All reports shall prominently display the following language: “Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the ~~environmental protection agency’s~~ Environmental Protection Agency’s safe drinking water hotline at 800-426-4791 or on EPA's website [epa.gov/safewater](http://epa.gov/safewater).”

**(2)** ADDITIONAL ARSENIC INFORMATION. ~~Beginning July 1, 2002 a~~ A water supplier for a ~~public~~ community water system that detects arsenic above 0.005 mg/L and up to and including 0.01 mg/L shall meet the following requirements, as applicable:



(a) Shall include in the report a short information statement about arsenic, using language such as: ~~While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.~~ "Arsenic is known to cause cancer in humans. Arsenic also may cause other health effects such as skin damage and circulatory problems. [NAME OF UTILITY] meets the EPA arsenic drinking water standard, also known as a Maximum Contaminant Level (MCL). However, you should know that EPA's MCL for arsenic balances the scientific community's understanding of arsenic-related health effects and the cost of removing arsenic from drinking water. The highest concentration of arsenic found in [YEAR] was [INSERT MAX ARSENIC LEVEL per NR 809.833 (3) (c) 4.] ppb."

(b) ~~May write their own educational statement, but only in consultation with~~ use an alternative educational statement in the report if approved by the department.

**(2m)** ADDITIONAL NITRATE INFORMATION. A system which detects nitrate at levels above 5 mg/L, but below the MCL shall meet the following requirements, as applicable:

(a) Shall include a short informational statement about the effects of nitrate on children using language such as: ~~"Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider.~~ "Even though [NAME OF WATER SUPPLIER] meets the EPA nitrate drinking water standard, also known as a Maximum Contaminant Level (MCL), if you are caring for an infant and using tap water to prepare formula, you may want to use alternate sources of water or ask for advice from your health care provider. Nitrate levels above 10 ppm pose a particularly high health concern for infants under 6 months of age and can interfere with the capacity of the infant's blood to carry oxygen, resulting in a serious illness. Symptoms of serious illness include shortness of breath and blueness of the skin, known as "blue baby syndrome". Females who are or may become pregnant should not consume water with nitrate concentrations that exceed 10 ppm. There is some evidence of an association between exposure to high nitrate levels in drinking water during the first weeks of pregnancy and certain birth defects. Nitrate levels in drinking water can increase for short periods of time due to high levels of rainfall or agricultural activity; therefore we test for nitrate

[INSERT APPLICABLE SAMPLING FREQUENCY]. The highest level for nitrate found during [YEAR] was [INSERT MAX NITRATE LEVEL per NR 809.833 (3) (c) 4.] ppm.”

(b) ~~May write its own educational material, but only in consultation with~~ use an alternative educational statement in the report if approved by the department.

(3) (b) ~~A system may write its own~~ May use an alternative educational statement, but only in consultation with in the report if approved by the department.

**SECTION 60. NR 809.837 (title) is amended to read:**

**NR 809.837 Consumer confidence report delivery, reporting, and recordkeeping.**

**SECTION 61. NR 809.837 (1) is renumbered NR 809.837 (1) (intro.) and amended to read:**

**NR 809.837 (1) GENERAL DELIVERY REQUIREMENTS.** Except as provided in sub. (7), water suppliers for each community water system shall ~~mail or otherwise~~ directly deliver ~~one~~ a copy of the report to each customer. ~~Electronic delivery of the report is allowed if the water supplier of a community water system uses paper or electronic communication containing uniform resource locator (URL) information providing a direct link to the report and if the communication prominently displays the URL and a notice explaining the nature of the link. The electronic link shall take the customer to the entire report without directing the customer to another internet page.~~ in accordance with all of the following delivery requirements, as applicable:

**SECTION 62. NR 809.837 (1) (a) to (d) are created to read:**

**NR 809.837 (1) (a)** Water suppliers shall use at least one of the following forms of delivery: 1. Mail or hand deliver a paper copy of the report.

2. Mail a notification that the report is available on a website via a direct link.

3. Email a direct link or electronic version of the report.

4. Another direct delivery method approved in writing by the department.

(b) A water supplier using electronic delivery methods under par. (a) 2., 3., or 4. must provide a paper copy of the report to any customer upon request. The notification method must prominently display directions for requesting such a copy.

(c) A water supplier that chooses to electronically deliver the report by posting the report to a website and providing a notification either by mail or email must meet all of the following, as applicable:

1. The report must be publicly available on the website at time notification is made.

2. Notifications must prominently display the link and include an explanation of the nature of the link.

3. Systems may use a web page to convey the information required under ss. NR 809.833, 809.835, and 809.838.

(d) A water supplier that uses a publicly available website to provide reports shall maintain public access to the report for no less than 3 years.

**SECTION 63. NR 809.837 (2) is renumbered NR 809.837 (2) (a) and amended to read:**

**NR 809.837 (2) DELIVERY TO CONSUMERS THAT ARE NOT BILLED.** (a) The water supplier shall make a good faith effort to reach consumers who do not get water bills, using means recommended by the department. EPA expects that an adequate good faith effort will be tailored to the consumers who are served by the public water system but are not bill-paying customers, such as renters or workers. A good faith effort to reach consumers ~~would include~~ includes a mix of methods appropriate to ~~the particular~~ reach the broadest possible range of persons served by the public water system such as: ~~Posting~~ posting the reports on the ~~Internet~~ internet; ~~mailing to postal patrons in metropolitan areas~~ reports or postcards with links to the reports to all service addresses or to postal customers; using an opt-in notification system to send emails or texts with links to the reports to interested consumers; advertising the availability of the report in the news media or on social media; ~~publication~~ publishing in a local newspaper or newsletter; posting a copy of the report or notice of availability with links or quick response (QR) codes in public places such as cafeterias or lunch rooms of public buildings; ~~delivery of~~ delivering multiple copies for

distribution by single-biller customers such as apartment buildings or large private employers; ~~delivery~~  
delivering to community organizations; or holding a public meeting to educate consumers on the reports.

**SECTION 64. NR 809.837 (2) (b) and (c) are created to read:**

**NR 809.837 (2) (b)** If a water supplier is aware that it serves a substantial number of non-bill paying consumers, the water supplier is encouraged to directly deliver the reports or notices of availability of the reports to service addresses.

(c) If a water supplier is aware of a substantial number of bill-paying consumers without access to electronic forms of the report, the system should use at least one non-electronic form of delivery.

**SECTION 65. NR 809.837 (3), (5), (6), and (7) (a) 1. and (b) are amended to read:**

**(3) DELIVERY TO THE DEPARTMENT.** No later than 10 days after the date the public water system is required to distribute the report to its customers, the water supplier for each community water system shall ~~also mail~~ provide a copy of the report to the department, along with a certification that the report has been distributed to customers; and that the information is correct and consistent with the compliance monitoring data previously submitted to the department.

**(5) REPORT AVAILABILITY.** The water supplier for each community water system shall make its reports available to the public upon request. The water supplier should make a reasonable effort to provide the reports in an accessible format to anyone who requests an accommodation.

**(6) INTERNET POSTING.** The water supplier for each community water system serving ~~400,000~~ 50,000 or more persons shall post its current year's report to a publicly accessible site on the ~~Internet~~ internet.

**(7) (a) 1.** Publish the reports in one or more local newspapers or on one or more local online news sites serving the area in which the public water system is located.

(b) The water supplier for a public water system serving 500 or fewer persons that has received a waiver under this subsection may forego the requirements of par. (a) 1. and 2. if they provide notice that the report is available upon request at least once per year to their customers by mail, door-to-door

delivery, or by posting in ~~an appropriate location that the report is available upon request~~ one or more locations where persons served by the system can reasonably be expected to see it.

**SECTION 66. NR 809.837 (9) and (10) and 809.838 are created to read:**

**NR 809.837 (9) CCR TRANSLATION NEEDS AND PLAN.** The water supplier for a community water system serving 100,000 or more persons shall develop a plan for providing assistance to consumers with limited English proficiency. The water supplier shall evaluate the languages spoken by persons with limited English proficiency served by the public water system, and the system's anticipated approach to address translation needs. The first plan shall be provided to the department with the water suppliers consumer confidence report by July 1, 2027. The water supplier shall evaluate plans annually and update as necessary. The water supplier shall report plans to the department with the certification required under s. NR 809.837 (3).

**(10) CCR DELIVERY TIMING AND BIENNIAL DELIVERY.** (a) The water supplier for a community water system shall distribute reports annually by July 1. Each report shall use data collected during, or prior to, the previous calendar year using delivery methods described under s. NR 809.837.

(b) The water supplier for a community water system serving 10,000 or more persons shall distribute the report biannually each calendar year, by December 31 using methods described under this section.

(c) A water supplier for a community water system required to comply with par. (b) that has a violation or action level exceedance that occurred between January 1 and June 30 of the current year, or that has received monitoring results from required monitoring under the Unregulated Contaminant Monitoring Rule under 40 CFR 141.40, shall include a 6-month update with the second report that includes all of the following, as applicable:

1. A short description of the nature of the 6-month update and the biannual report.
2. If a system receives an MCL, MRDL, or treatment technique violation, the 6-month update shall include the applicable contaminant section information in s. NR 809.833 (3) (c) and a readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, actions taken by the system to address the violation, and the timeframe the system expects

to complete those actions. To describe the potential health effects, the system must use the relevant language of Appendix A to this subchapter.

3. If a system receives any other violation, the 6-month update shall include the information under s. NR 809.833 (5).

4. If a system exceeded the lead action level following monitoring conducted between January 1 and June 30 of the year the report is delivered, the system must include information identified in s. NR 809.833 (3) (c) 6. and (g).

5. For a community water system monitoring under 40 CFR 141.40 that becomes aware of results for samples that were collected during the reporting year but were not included in the reports distributed by July 1, the system shall include information as required under s. NR 809.833 (3) (f).

**NR 809.838 Summary of report contents.** A water supplier for a community water system shall include in the report a summary displayed prominently at the beginning of the report, including a brief description of the nature of the report, and all of the following, as applicable:

(1) A water supplier for a community water system shall include, at a minimum, the following information in the summary:

(a) Summary of violations and compliance information included in the report as required under s. NR 809.833 (3) (e) and (g), (5), (7) (f), and (g).

(b) Contact information for the owner, operator, or designee of the community water system as a source of additional information concerning the report, as required under s. NR 809.833 (7) (b).

(2) If applicable, water suppliers must include the following in the summary:

(a) For a water supplier using one of the delivery methods under s. NR 809.837 (1) (a) 1. to 4., the summary must include directions for consumers to request a paper copy of the report, as described in s. NR 809.837 (1) (a) 1.

(b) For a water supplier that serves a large proportion of consumers with limited English proficiency and is subject to s. NR 809.833 (7) (c), the summary must include information indicating where consumers may obtain a translated copy of the report or get assistance in the appropriate language.

(c) For a water supplier using the report to also meet the public notification requirements of subch. VII, the summary must specify that it is also serving to provide public notification of one or more violations or situations, provide a brief statement about the nature of the notice, and provide a brief description of how to locate the notice in the report.

(3) The summary should be written in plain language and may use infographics.

(4) A water supplier required to include a 6-month update with the second report under s. NR 809.837 (10) (b), the summary should include a brief description of the nature of the report and update, noting the availability of new information for the year the report is delivered for the time between January and June.

(5) The report summary shall include the following standard language to encourage the distribution of the report to all persons served: “Please share this information with anyone who drinks this water, or their guardians, especially those who may not have received this report directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this report in a public place or distributing copies by hand, mail, email, or another method.”

**SECTION 67. Appendix A to Subchapter V table rows “Total Coliform Bacteria” and “Arsenic (ppb)” are amended to read:**

*[Note to LRB: In row “Arsenic (ppb),” three footnotes are struck.]*

### Appendix A to Subchapter V

#### Consumer Confidence Report Information

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR; multiply by	MCL in CCR units	MCLG	Major sources in drinking water	Health effects language
Microbiological contaminants:						
Total Coliform Bacteria	TT	N/A	TT	<del>NA</del> N/A	Naturally present in the environment.	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or

						<del>distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.</del> Use language found under s. NR 809.833 (7) (g) 1.
Inorganic contaminants:						
Arsenic (ppb)	0.010 <sup>+</sup>	1000	10 <sup>+</sup>	0 <sup>+</sup>	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

**SECTION 68. NR 809 Subchapter VI is repealed.**

**SECTION 69. NR 809.950 (3) (b) is repealed.**

**SECTION 70. NR 809.952 (1) (b) 3. is repealed.**

**SECTION 71. NR 809.953 (1) (b) 3. is repealed.**

**SECTION 72. NR 809.953 (2) is amended to read:**

**NR 809.953 (2) TIMING OF A TIER 3 PUBLIC NOTICE.** (a) Water suppliers for public water systems shall provide Tier 3 public notice not later than one year after the public water system learns of the violation or situation ~~or begins operating under a variance or exemption~~. Following the initial notice, the water supplier shall repeat the Tier 3 public notice annually for as long as the violation, ~~variance, exemption~~ or other situation persists. If the public notice is posted, the notice shall remain in place for as long as the violation, ~~variance, exemption~~ or other situation persists, but in no case less than 7 days, even if the violation or situation is resolved.



**SECTION 73. NR 809.954 (2) is repealed.**

**SECTION 74. NR 809.954 (4) (a) (title) and (a) are amended to read:**

**NR 809.954 (4) (a)** *Standard health effects language for MCL or MRDL violations; and treatment technique violations; ~~and violations of the condition of a variance or exemption.~~* Water suppliers shall include in each public notice the health effects language specified in Appendix B corresponding to each MCL, MRDL, and treatment technique violation listed in Appendix A, ~~and for each violation of a condition of a variance or exemption.~~

**SECTION 75. NR 809.955 (1) and (2) are amended to read:**

**NR 809.955 (1)** COMMUNITY WATER SYSTEMS. Water suppliers for community water systems shall give a copy of the most recent public notice for any continuing violation, ~~the existence of a variance or exemption,~~ or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.

**(2)** NON-COMMUNITY WATER SYSTEMS. Water suppliers for non-community water systems shall continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, ~~variance or exemption,~~ or other situation requiring a public notice for as long as the violation, ~~variance, exemption,~~ or other situation persists.

**SECTION 76. Appendix A to Subchapter VII rows I. A. 1. to 2m. and G. 1. to 2. are amended to read:**

**Appendix A to Subchapter VII**  
**NPDWR Violations and Other Situations Requiring Public Notice<sup>1</sup>**

Contaminant	MCL/MRDL/TT violations <sup>2</sup>		Monitoring & testing procedure violations	
	Tier of public notice required	Citation (Wis. Adm. Code)	Tier of public notice required	Citation (Wis. Adm. Code)
<b>I. Violations of National Primary Drinking Water Regulations:<sup>3</sup></b>				
A. Microbiological Contaminants				
1. Total coliform: <del>Monitoring or</del> TT violations resulting from failure to perform assessments or corrective actions, <u>monitoring violations, and reporting violations</u>	2	NR 809.314	3	NR 809.31 (9)
1m. Total coliform: Seasonal system failure to follow department-approved start-up plan prior to serving water to the public or <u>failure to provide certification to the department</u>	2	NR 809.314 (2)	3	Xx
2. <i>E. Coli</i> MCL, <del>monitoring, and reporting violations</del>	1	NR 809.30	1 <sup>4</sup> , 3	NR 809.31 (9)
2m. <i>E. coli</i> : TT violations resulting from failure to perform Level 2 assessments or corrective action	<del>1</del> 2	NR 809.30	<del>3</del>	Xx
G. 1. Total trihalomethanes				
2. Haloacetic Acids	2	NR 809.561 <del>(1), (2), (4)</del>	3	NR 809.565(1)-(2)
	2	NR 809.561 <del>(1), (2), (4)</del>	3	NR 809.565(1)-(2)

**SECTION 77. Appendix A to Subchapter VII table section III is repealed.**

**SECTION 78. Appendix A to Subchapter VII (footnote 12) is amended to read:**

**Appendix A Footnotes:**

<sup>12</sup> Some public water systems must monitor for certain unregulated contaminants listed in s. NR 809.25 and 40 CFR 141.40.

**SECTION 79. Appendix B to Subchapter VII (footnote 16) is amended to read:**

**Appendix B Footnotes:**

<sup>16</sup> Surface water systems and groundwater systems under the direct influence of surface water are regulated under Subpart H of 40 CFR part 141. Community and non-transient non-community systems using surface water or groundwater under the direct influence of surface water serving 10,000 or more shall comply with DBP MCLs and disinfectant maximum residual disinfectant levels ~~beginning January 1, 2002~~. All other community and non-transient non-community systems shall meet the MCLs and MRDLs ~~beginning January 1, 2004~~. Transient non-community systems using surface water or groundwater under the direct influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant shall comply with the chlorine dioxide MRDL ~~beginning January 1, 2002~~. Transient non-community systems using surface water or groundwater under the direct influence of surface water serving fewer than 10,000 persons and public water systems using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant shall comply with the chlorine dioxide MRDL ~~beginning January 1, 2004~~.

**SECTION Y. EFFECTIVE DATE.** This rule shall take effect on July 1, 2027, or the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats., whichever is sooner.

**SECTION Z. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

BY \_\_\_\_\_

For Karen Hyun, Ph.D., Secretary