The statement of scope for this rule, SS 050-24, was approved by the Governor on May 16, 2024, published in Register No. 821A3 on May 20, 2024, and approved by the Natural Resources Board on August 14, 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, CONSOLIDATING, RENUMBERING, AND AMENDING; AMENDING, REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 809.04 (34) and (75), 809.545 (1g), (1k) (b) 4., (1k) and 809.549 (5) (a) 2. and (b) 2.; to **renumber** NR 809.545 (1); to **renumber and amend** NR 809.549 (1), (2), and (3), and 809.80 (5); to **consolidate, renumber, and amend** NR 809.549 (5) (a) (intro.) and 1., and (5) (b) (intro.) and 1.; to **amend** NR 809.04 (1), (22), (46), (55), (59), (65), and (79), 809.35 (5) (b), 809.541 (1), (4) (b) and (8), 809.545 (title), (2a), (5), and (7), 809.549 (4) (title) and (a), 809.55 (5) (a), (5) (b), and (8) (c), 809.76 (1), 809.82 (5), 809.833 (3) (c) 6., (5) (c), (7) (j) 2., Appendix A to Subch. V table row "Lead (ppb)," 809.951 (2) (a), Appendix A to Subch. VII table row I. C. and I. C. 1., and Appendix B to Subch. VII table row D. 23. and Footnote 12; to **repeal and recreate** NR 809.54, 809.542, 809.543, 809.545 (2) to (7), 809.546 (1) (a) 2., 809.546, 809.547, 809.548, 809.55, and 809.835 (3) (a); and to **create** NR 809.04 (1m), (2d), (10m), (22m), (25m), (30m), (34m), (37q), (37u), (46f), (55m), (56m), (59d), (61m), (65g), (72f), (73m), (74s), (86d), (86h), (86p), (86t), and (92m), 809.545 (1c), (1k), (1n), (1r), and (1w), 809.546 (5), 809.549 (1g), (2) (b), and (3) (b), 809.55 (5) (e) and (6) (d), 809.551, 809.552, 809.80 (5) (b), 809.833 (7) (j) 2m. and 4., 809.950 (3) (c) 6. and (5) (d), 809.951 (1) (b) 10., and Appendix A to Subch. VII table row I. C. 2.; relating to updating lead and copper requirements for public drinking water in order to be consistent with revised federal requirements and affecting small business.

DG-04-24

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:
Section 280.11, Wis. Stats. – The 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.

Section 281.17(8), Wis. Stats. – The department may establish, administer, and maintain a safe drinking water program no less stringent than the requirements of the safe drinking water act, 42 USC 300f to 300j-26.

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

5. Plain Language Analysis:
The U.S. Environmental Protection Agency (EPA) authorizes states to have primary enforcement responsibility for the Safe Drinking Water Act regulations (also called primacy) if states meet certain requirements, including adoption and administration of state regulations no less stringent than the federal regulations. The Wisconsin Department of Natural Resources (department) administers Wisconsin's safe drinking water program, codified in part in ch. NR 809, Wis. Adm. Code, including the control of lead and copper in public water systems. This rulemaking updates the state administrative code to be no less stringent than new federal regulations governing lead and copper, which is necessary for Wisconsin to retain its primacy. The proposed rule would bring Wisconsin into compliance with the federal rules, closely mirroring the federal language.

Historically, lead pipes, as well as lead-bearing fixtures and solder, were commonly used in water distribution systems and home plumbing. Buildings and homes built before 1986 may have lead service lines on the private property that connects the building's plumbing system to the main water supply line under the street. These lines can deteriorate or corrode, releasing lead particles into the drinking water. Lead service lines (both private- and utility-owned) create increased exposure to lead through drinking water.

There is no known safe level of exposure to lead in drinking water, especially for children. Among other effects, lead exposure can cause damage to the brain and kidneys and can interfere with the production of red blood cells that carry oxygen to all parts of the body. In children, even at low levels, lead exposure can cause health effects like lower intelligence quotient (IQ) and learning and behavioral problems. In adults, health effects include risk of heart disease, high blood pressure, kidney or nervous system problems, and cancer.

The EPA established the 1991 Lead and Copper Rule (LCR) that applies to community water systems and non-transient non-community water systems (for example, schools, factories, and office buildings). This rule focused on corrosion control treatment – chemical treatment that reduces the corrosivity of water – to prevent the leaching of lead into water and replacing utility-owned lead service lines only when a public water system exceeded the lead action level after installing corrosion control treatment.

Recently, the EPA finalized two new rules amending the Lead and Copper Rule and setting new requirements for lead service lines and control of lead to provide safer drinking water: the 2021 Lead and Copper Rule Revisions (LCRR) and the 2024 Lead and Copper Rule Improvements (LCRI). In the LCRR, the EPA updated regulations for lead and copper control in drinking water, acknowledged the various detrimental effects that lead has on humans' nervous, cardiovascular, and immune systems, and found there was no safe level of lead in drinking water. The EPA then finalized the LCRI, which amended parts of the LCRR and added requirements for public water systems to replace remaining lead service lines throughout the United States.

Primacy states like Wisconsin must update state regulations to be no less stringent than the federal regulations. The LCRI delayed implementation of some parts of the LCRR to allow primacy states to promulgate state rules for both the LCRR and the LCRI together. During the delay in implementing the LCRR, the EPA retained enforcement authority over some components of the LCRR, including the requirement for public water systems to develop a lead service line inventory. The compliance deadline for most of the LCRI is November 1, 2027. Wisconsin anticipates completing its rulemaking and primacy review with the EPA to ensure continued primacy over the lead and copper rules with sufficient time to meet its primacy and compliance deadlines for the LCRR and LCRI.

Lead service line replacement

The proposed rule requires replacement of lead service lines and certain galvanized service lines from community water systems and non-transient non-community water systems in 10 years or less. In limited circumstances, public water systems may have additional time to complete system-wide full service line replacement. The proposed rule requires that public water systems replace lead service lines and certain galvanized service lines regardless of the lead levels occurring in tap or other drinking water samples.

Knowing the location of lead pipes is critical to replacing them efficiently and equitably. Under the proposed rule, community water systems and non-transient non-community water systems would be required to regularly update their service line inventories, create a service line replacement plan, and identify service lines of unknown material. The proposed rule requires that public water systems use a validation process to ensure the service line inventory is accurate. Public water systems would also be required to track lead connectors in their inventories and replace them as they are encountered.

Improving public health protection

The proposed rule includes provisions that will reduce lead exposure in more communities by lowering the lead action level from 0.015 mg/L to 0.010 mg/L. Public water systems with continually high levels of lead, as determined by having multiple lead action level exceedances, will be required to conduct additional outreach to consumers about lead in the drinking water and to provide consumers with filters that are certified to reduce lead.

Additionally, the proposed rule updates the tap sampling protocol to require public water systems to collect both first-liter and fifth-liter samples at sites with lead service lines rather than first-liter only. This method will better represent water that has been stagnant within the service line and the plumbing, helping public water systems better understand the effectiveness of their corrosion control treatment.

Compliance flexibility options

The proposed rule retains flexibilities for public water systems serving 3,300 persons or fewer and non-transient non-community public water systems, allowing them to choose between two alternatives to corrosion control treatment installation if they exceed the lead action level: installing and maintaining point-of-use treatment devices or replacing all lead-bearing plumbing.

The proposed rule will also allow public water systems to replace all lead and galvanized requiring replacement service lines within five years in lieu of adding or re-optimizing corrosion control treatment after a lead action level exceedance.

Increasing transparency and informing the public

To increase transparency and better inform the public of lead exposure and health risks, the proposed rule improves the public education requirements by updating the content and delivery frequency for more proactive messaging about lead in drinking water. The proposal also introduces new public education requirements for lead and copper.

The proposed rule requires public water systems to provide additional information annually when notifying consumers who are served by a service line that is lead, galvanized, or of unknown material. In addition, when a public water system samples for lead or copper at a residence, it must deliver the results to residents within three days, regardless of the sample results. Public water systems that exceed the lead action level will be required to provide public education no later than 60 days after the end of a sampling period and continue providing public education until the system no longer exceeds the action level. This public education is in addition to the requirement for water systems to provide public notification of a lead action level exceedance within 24 hours.

Public water systems will be required to deliver public education and notice materials to residents when water-related work is conducted that could disturb service lines that are lead, galvanized, or of unknown material, including disturbances caused when systems are conducting inventories. Public water systems will be required to encourage customers to allow full replacement of their lead lines, including attempting to contact the customer four times using at least two different methods of communication.

The proposed rule also requires community water systems to conduct lead sampling in elementary schools and child care facilities and to provide them with education materials. The purpose of these requirements is to provide schools and child care facilities with education on the risks of lead in their buildings so that they can consider taking voluntary actions in response.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:
As discussed under item 5, Wisconsin must update its regulations to be in compliance with federal requirements in order to maintain primacy. The proposed rule mirrors the federal LCRR and LCRI. Some word changes and structural changes were made to improve clarity or conform to Wisconsin drafting style, but these changes are not intended to alter the meaning, except as noted below:

- *Copper public education*: The current ch. NR 809, Wis. Adm. Code, is more stringent than the federal rule because it requires public water systems that have a copper action level exceedance to conduct copper public education following the action level exceedance. This proposed rule maintains Wisconsin's existing public education requirements following a copper action level exceedances.

- *Child care definition*: This proposed rule clarifies the definition of "child care facility" to reflect how child care facilities are regulated in Wisconsin. After consultation with the Wisconsin Department of Children and Families (DCF), the definition was clarified in this proposed rule to include licensed and certified child care facilities. This change is intended to align with the meaning of the federal definition, to apply to all child care facilities regulated by the state.

- *Contact attempts at schools and child care facilities*: The proposed state rule requires community water systems to make four contact attempts by two different means when reaching out to elementary schools and child care facilities to schedule lead monitoring. The federal rule requires two contact attempts. The proposed rule is intended to encourage better participation in lead sampling by elementary schools and child care facilities.

- *Reduced annual monitoring*: The proposed rule differs from the federal rule in the number of copper samples reported for public water systems on reduced annual monitoring. The federal rule specifies that only half of the compliance samples collected by public water systems on reduced annual monitoring be analyzed for copper and all samples be analyzed for lead. The department received feedback from Wisconsin laboratories indicating that laboratories in Wisconsin always analyze lead and copper both in each sample, because the method used for analysis provides both results. Therefore, to prevent issues with laboratories having to select which copper sample result to report and which to withhold, the proposed rule states that public water systems on reduced annual monitoring are required to report the same number of samples results for both copper and lead.

- *Temporary treatment and source changes:* The proposed rule requires public water systems that undergo temporary treatment or source water changes that last more than 30 days to notify the department 10 days prior to the planned change or as soon as possible for an unplanned emergency change. The department may then take additional action, such as requiring additional monitoring, if the difference in water quality during the temporary water quality change poses a significant risk of

lead release. The federal rule only regulates long-term new source and treatment changes. The proposed rule is intended to protect consumers from lead release into drinking water during temporary changes in water quality that pose a significant risk of lead pipe scale destabilization.

- *Limiting groundwater entry point sampling:* The proposed rule requires prior department approval of water suppliers for groundwater systems limiting entry point sampling. The federal rule requires that the water supplier provides documentation to the department. The proposed rule is intended to allow the department to review materials and determine whether limited entry point sampling is approved.

- *Written plan for compliance flexibility:* The proposed rule requires that a water supplier that elects to provide point-of-use treatment devices as its corrosion control treatment compliance flexibility option must submit a written plan to the department and describe how it has access to each building it serves water to, and its plan to install, maintain, and monitor point-of-use treatment devices in each building. The federal rule requires water suppliers to install, maintain, and monitor point-of-use treatment devices in each building served by the public water system. The proposed rule is intended to limit this provision to public water systems with the ability to access, maintain and monitor point-of-use treatment devices in all buildings that it provides water to.

- *Dissolved lead analysis:* The proposed rule gives the department discretion to require analysis of both of total and dissolved lead during distribution system and site assessments. The proposed rule is in response to stakeholder input and is intended to ensure sufficient information to determine the likely cause and source of elevated lead levels in certain cases.

- *Sample invalidations*: The proposed rule requires a water supplier that requests invalidation of a sample after the sample result is reported to provide substantial evidence of the basis for invalidation. The proposed rule is intended to ensure all sample invalidation requests be based on sound evidence.

- *Monitoring waivers for public water systems serving 3,300 persons or fewer*: The proposed rule combines the lead and copper waivers into one waiver and requires that at least two six-month rounds of standard tap water monitoring be completed. The federal rule has separate and combined waivers and only requires one six-month round of sampling. The proposed rule reflects input from Wisconsin laboratories that any sample for lead or copper is always evaluated for both, therefore making a waiver for only one or the other of limited value. Furthermore, the proposed rule is intended to align with other sections of the rule that require two consecutive six-month rounds of standard tap water monitoring before qualifying for reduced monitoring requirements.

- *Additional changes*: The proposed rule includes some additional clarifications or minor changes from the federal rule including the following: clarifies the reporting requirement for material classification of non-lead service lines, clarifies how elementary schools and child care facilities maintain point-of-use treatment devices, clarifies what must be included in the site sample plan, adds an exception for sampling sites when each tap used for consumption is softened, decreases the time that water suppliers must notify the state before long-term treatment and source changes, adds that water quality parameter samples must be taken 14-70 days apart, clarifies how a public water system may return to compliance with a violation for failing to deliver public education materials following an action level exceedance, adds that non-lead connectors be reported to the department, clarifies how far in advance a public water system has to report any new water source or any long-term change in water treatment to the department, and allows some public water systems under certain conditions to evaluate corrosion control treatment options using conditioned metal pipes or test pieces.

- *Some federal rule components not included in this proposed rule*:
  - The proposed rule maintains Wisconsin's approach for performing water quality parameter analysis, which retains that analyses for three water quality parameters (calcium, conductivity, and temperature) may be performed by any person acceptable to the department. The federal rule removes reference to these three water quality parameters but gives states authority to assign any additional water quality parameters necessary to evaluate the effectiveness of a corrosion control treatment as determined by the state.
  - The federal rule allows public water systems to provide the state with instructions on how to access annual inventory updates online. The proposed rule removes this provision to be consistent with our current process of tracking inventories through our state lead service line inventory database.

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:
The department held a virtual preliminary public hearing on the scope statement on July 11, 2024. Six members of the public attended the hearing. Dan Gustafson, of Midwest Environmental Advocates (MEA) spoke in support of the scope statement, providing testimony on behalf of both MEA and the Coalition on Lead Emergency. He cited high lead blood levels among children in Wisconsin, particularly in southeast Wisconsin, as an important reason for adopting more stringent requirements for lead in drinking water. A recording of the preliminary public hearing is available at: PrelimHearingVideo_DG-04-2024_20240711.mp4.

The public comment period ended on July 11, 2024. There were five written comments submitted; all were in support of the proposed scope. Peter Burress, Government Affairs Manager at Wisconsin Conversation Voters, wrote in support of the scope statement, citing the large number of lead service lines in Wisconsin and importance of protecting children and families from exposure to lead in drinking water through investment in public health. Similarly, Evan Feinauer of Clean Wisconsin wrote in support of the rule, citing the importance of investing in public health in Wisconsin. Diane Sixel, President of Learning Disabilities of Association of Wisconsin, wrote in support of the scope, citing the significant health effects of lead exposure on children. Abigail Cantor of Process Research Solutions wrote in support of the proposed scope and pointed out several areas of the rule that she believed were not stringent enough. Lastly, Dan Gustafson of MEA submitted written comments similar to his verbal testimony.

The department considered all comments received and no changes were made to the scope statement.

8. Comparison with Similar Rules in Adjacent States:
All states are required to adopt these federal requirements. Each state is at a different stage in the rule promulgation process, as described below.

Minnesota incorporates by reference the federal requirements of the Safe Drinking Water Act and all regulations from 40 CFR part 141 and 40 CFR 142.40 to 142.64, thus Minnesota's rule language is anticipated to be equivalent to the federal rule language.

Illinois' Administrative Code has two sections dedicated to the lead and copper rule. Illinois Adm. Code tit. 35, s. 611.350, is in line with the LCRR from 2021, Ill. Adm. Code tit. 35 s. 611.1350 mirrors the pre-2021 requirements for lead and copper and is labeled as the interim rule while systems come into compliance with the 2021 LCRR, and only applies until systems either come into compliance or until the compliance date of October 16, 2024. Additionally, Illinois passed a law in 2022 that requires public water systems to inventory all lead service lines in the state and begin service line replacement.

Iowa has not updated its lead and copper regulations since 2017 and thus, like Wisconsin, will have to adopt the new federal requirements to retain primacy over its drinking water standards. Iowa intends to adopt LCRI requirements but has not yet decided whether it will adopt its own LCRI rule or adopt the federal LCRI by reference.

Michigan incorporates by reference the analytical methods and sample collection procedures of the federal lead and copper rule through Mich. Adm. Code R. 325.10605 but has additional rules for treatment of lead and copper in Mich. Adm. Code R. 325.10604f. Michigan additionally underwent its own Lead and Copper Rule Revision in 2018, which implemented stricter requirements than the LCR, but its codes are not yet compliant with the 2021 Federal LCRR or the LCRI. Michigan intends to adopt LCRI requirements into their state rule and is in the planning stage of this rulemaking.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:
There is no safe level of lead exposure. The proposed rule closely aligns with the federal LCRR and LCRI language with some exceptions as indicated in item 6. The proposed rule follows the EPA's approach to reducing consumer exposure to lead in drinking water by removing the greatest source of lead in drinking water – lead service lines – as well as by strengthening tap sampling requirements, lowering the threshold for taking action, and communicating frequently and transparently. The EPA's factual data and analytical methods are presented in the EPA's economic impact analysis[1] and appendices[2].

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:
The proposed rule's Economic Impact Analysis (EIA) provides: 1) the baseline costs for Wisconsin's implementation and compliance with federal rules and 2) and the implementation and compliance costs of state rule requirements that are more stringent than the federal rules. The annual state implementation and compliance costs of state rule requirements above the federal baseline is estimated to be $33,610, with the small business cost estimated at $7,465. The department's EIA estimates that 70% of Wisconsin's non-transient non-community water systems and other-than-municipal community water systems can be assumed to be small businesses based on current department data on the types of facilities that comprise these public water systems. For example, mobile home communities, industrial facilities, truck stops, and strip malls were assumed to be small businesses while churches, convents, and rural subdivisions were not.

11. Effect on Small Business (initial regulatory flexibility analysis):
Some small businesses are subject to the federal LCRR and LCRI and corresponding state rule. The proposed rule regulates non-transient non-community water systems, which can include places like factories, farms, schools, and other places of work, and other-than-municipal community water systems, such as apartment complexes and mobile home parks. Due to federal primacy requirements, the department is unable to consider any less stringent requirements. However, wherever possible, the department simplified and clarified the federal requirements in the proposed rule. The proposed rule and federal rules include a small-system flexibility section that will allow small businesses more flexibility in

[1] USEPA, Office of Water, "Economic Analysis for the Final Lead and Copper Rule Improvements", EPA 810-R-24-005, 2024, https://www.epa.gov/system/files/documents/2024-10/508_lcri_final_ea_10-21-2024.pdf.

[2] USEPA, Office of Water, "Economic Analysis Appendices for the Final Lead and Copper Rule Improvements", EPA 810-R-24-005, 2024, https://www.epa.gov/system/files/documents/2024-10/508_lcri_final-ea_appendices_10_23_24.pdf

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their rule compliance pathway.

Based on current department data, the department estimates that 70% of the other-than-municipal and non-transient non-community water systems' compliance cost can be assumed to be a small business cost. The costs for small businesses were estimated in Table 3 of the department's EIA, as shown below.

Table 3 of the EIA: Wisconsin Small Business Statewide Annualized Incremental Costs of State Rule Compliance (in USD)

Rule Components	Annual Statewide Cost to NTNCWSs and OTMs
Increased Contact Attempts at Schools and Child Care Facilities	$0
Temporary Treatment and Source Change Requirement	$8,089
Compliance Flexibility Plan Requirement	$1,002
Dissolved Lead Monitoring Requirement	$1,573
Total Costs to NTNCWSs and OTMs	$10,664
Small Business Costs[1] (70% of Total Costs to NTNCWSs and OTMs)	**$7,465**

[1] Small business costs in Table 3 reflect costs from state rule compliance. The DNR estimates that the baseline statewide cost of the federal LCRI implementation for small businesses is $1.41 million per year 1-10, $0.59 million per year 11-25, and $0.56 million per year beyond year 25.

Although the proposed rule does not regulate laboratories, several small laboratories raised concerns about logistical issues associated with first- and fifth-liter sampling and with reporting a different number of lead and copper results for public water systems on annual monitoring. The department addressed the latter issue in the proposed rule by requiring the same number of results for both lead and copper be reported for public water systems on annual monitoring. The department addressed the former by providing the laboratories with information about how other states that already require first- and fifth-liter sampling are navigating the logistical challenges.

12. Agency Contact Person: Briana Harter; PO Box 7921, Madison WI 53703; (608) 893-0709; briana.harter@wisconsin.gov.

13. Place where comments are to be submitted and deadline for submission:
Written comments may be submitted at the public hearing, by regular mail, or email to:

Briana Harter DG/5
Department of Natural Resources
PO Box 7921
Madison WI 53703
(608) 893-0709
DNRDGNR809LCComments@wisconsin.gov

Comments may be submitted to the department contact person listed above or to DNRAdministrativeRulesComments@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/. Comments may also be submitted through the Wisconsin Administrative Rules Website at https://docs.legis.wisconsin.gov/code/chr/active.

*[**Notes:** This rule uses "double drafting" such that several provisions are treated twice but go into effect at different times. Several provisions in this rule are also treated in a separate but concurrent DNR rule, DG-02-24. When DG-02-24 is assigned a Clearinghouse Rule Number, the department will update this document with that number. See SECTION 75 for an explanation of effective dates. Additionally, s. NR 809.545 (1n) (h) cross-references s. NR 809.833 (7) (j) 2., which is created in the concurrent rule DG-02-24.*

Pursuant to s. 227.14 (1m), Wis. Stat., the department deviates from Wisconsin drafting style on several accounts to align with federal regulations, including the following:

- *Using "must" to mean "shall".*
- *Using "fifth-liter" without the numerical (5^{th}) to provide consistency with use of "first-liter".*
- *Using parentheses to provide clarity, as in Women, Infants, and Children (WIC) and in the federal health effects language.*
- *Using "pursuant to" and "accordance with" to align with federal language.*
- *Aligning the definitions for "connector" and "galvanized requiring replacement service line" with federal language by including explanatory information in the definitions.*
- *Creating definitions in s. NR 809.04 that apply only to lead and copper but are not restricted to subchapter II.*
- *Creating a provision (SECTION 36) that takes effect on the date a different permanent rule takes effect. This is necessary to meet federal requirements and maintain consistency with federal language.]*

RULE TEXT

SECTION 1. NR 809.04 (1) is amended to read:

NR 809.04 (1) "Action level" ~~is~~ means, for the purpose of lead and copper only, the concentration of lead or copper in water ~~which determines, in some cases, the treatment requirements that a public water system is required to complete~~ as specified under s. NR 809.54 (3) that triggers required actions.

Note: The lead action level is 0.010 mg/L and the copper action level is 1.3 mg/L.

SECTION 2. NR 809.04 (1m) is created to read:

NR 809.04 (1m) "Aerator" means a device attached to a water faucet to enhance air flow with the water stream and to prevent splashing.

SECTION 3. NR 809.04 (2d) and (10m) are created to read:

NR 809.04 (2d) "Child care facility" means, for the purpose of lead and copper only, a location that houses a provider of child care, day care, or early learning services to children, as licensed or certified by the state or certified by the local or tribal certifying agency.

(10m) "Connector" means a short segment of piping not exceeding 3 feet that can be bent and is used for connections between service piping, typically connecting the service line to the water main. For purposes of lead and copper, lead connectors are not considered to be part of the service line.

Note: Connectors may also be referred to as goosenecks or pigtails.

SECTION 4. NR 809.04 (22) is amended to read:

NR 809.04 (22) "Distribution system," when not followed by "and site assessment," means all pipes or conduits by which water is delivered to consumers except piping and fixtures inside buildings served, water services and private water mains as defined ~~in~~ under ch. SPS 381.

SECTION 5. NR 809.04 (22m) is created to read:

NR 809.04 (22m) "Distribution system and site assessment" means, for the purpose of lead and copper only, the requirements under s. NR 809.543 (10) that a water supplier must perform at every tap sampling site that yields a lead result above the lead action level of 0.010 mg/L.

SECTION 6. NR 809.04 (25m) is created to read:

NR 809.04 (25m) "Elementary school" means, for the purpose of lead and copper only, a school composed of at least one grade from pre-school through grade 8.

SECTION 7. NR 809.04 (30m) is created to read:

NR 809.04 (30m) "Fifth-liter sample" means, for the purpose of lead and copper only, the fifth one-liter sample of tap water collected under s. NR 809.547 (2).

SECTION 8. NR 809.04 (34) is repealed.

SECTION 9. NR 809.04 (34m) is created to read:

NR 809.04 (34m) "First-liter sample" means, for the purpose of lead and copper only, a sample collected of the first one-liter volume of tap water drawn under s. NR 809.547 (2).

SECTION 10. NR 809.04 (37q) and (37u) are created to read:

NR 809.04 (37q) "Galvanized requiring replacement service line" or "GRR service line" means, for the purpose of lead and copper only, a galvanized service line that currently is or was ever downstream of a lead service line; or is currently downstream of a lead status unknown service line. For this definition, downstream means in the direction of flow through the service line. If the water supplier is unable to demonstrate that the galvanized service line was never downstream of a lead service line, it is a galvanized requiring replacement service line for purposes of the service line inventory and replacement requirements under s. NR 809.545.

(37u) "Galvanized service line" means, for the purpose of lead and copper only, a service line that is made of iron or steel that has been dipped in zinc to prevent corrosion and rusting.

SECTION 11. NR 809.04 (46) is amended to read:

NR 809.04 (46) "Lead service line" means, for the purpose of lead and copper only, a service line that has any portion made of lead ~~which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line~~. A lead service line includes a lead-lined galvanized service line.

SECTION 12. NR 809.04 (46f) is created to read:

NR 809.04 (46f) "Lead status unknown service line" or "LSU service line" means, for the purpose of lead and copper only, a service line whose pipe material has not been demonstrated to be a lead service line, galvanized requiring replacement service line, or a non-lead service line under s. NR 809.545 (1n) (d) 3.

SECTION 13. NR 809.04 (55) is amended to read:

NR 809.04 (55) "~~Medium-size~~ Medium water system" means, for the purpose of ~~monitoring~~ lead and copper only, a public water system that serves greater than ~~3,300~~ 10,000 persons and less than or equal to 50,000 persons.

SECTION 14. NR 809.04 (55m) and (56m) are created to read:

NR 809.04 (55m) "Method detection limit" or "MDL" means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

(56m) "Newly regulated public water system" means, for the purpose of lead and copper only, one of the following:

(a) An existing public water system that was not subject to national primary drinking water regulations under this chapter on the effective date of this chapter [LRB inserts date] because the public water system met the requirements under s. NR 809.05.

(b) An existing public water system that did not meet the definition of a public water system under sub. (67) on the effective date of this chapter [LRB inserts date]. "Newly regulated public water system" does not include an existing public water system under new or restructured ownership or management.

SECTION 15. NR 809.04 (59) is amended to read:

NR 809.04 (59) "Optimal corrosion control treatment" or "OCCT" means, for the purpose of lead and copper only, the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while ~~insuring~~ ensuring that the treatment does not cause the public water system to violate any national primary drinking water regulations as listed in 40 CFR part 141.

SECTION 16. NR 809.04 (59d) and (61m) are created to read:

NR 809.04 (59d) "Partial service line replacement" means, for the purpose of lead and copper only, replacement of any portion of a lead service line or galvanized requiring replacement service line that leaves in service any length of lead service line or galvanized requiring replacement service line upon completion of the work.

(61m) "Pitcher filter" means, for the purposes of lead and copper only, a non-plumbed water filtration device that consists of a gravity-fed water filtration cartridge and a filtered drinking water reservoir, that is certified by an American National Standards Institute accredited certifier to reduce lead in drinking water.

SECTION 17. NR 809.04 (65) is amended to read:

NR 809.04 (65) "Point-of-use treatment device" or "POU" is a water treatment device ~~applied~~ physically installed or connected to a single fixture, outlet, or tap ~~used for the purpose of reducing~~ to reduce or remove contaminants in drinking water ~~at that one tap~~.

SECTION 18. NR 809.04 (65g), (72f), (73m), and (74s) are created to read:

NR 809.04 (65g) "Practical quantitation limit" or "PQL" means the minimum concentration of an analyte or substance that can be measured with a high degree of confidence that the analyte is present at or above that concentration.

(72f) "School" means, for the purpose of lead and copper only, any buildings associated with public, private, or charter institutions that primarily provide teaching and learning for elementary or secondary students.

(73m) "Secondary school" means, for the purpose of lead and copper only, a school composed of at least one grade from grade 9 to grade 12. If a school includes both secondary school grades and elementary school grades, it is considered an elementary school.

(74s) "Service line" means, for the purpose of lead and copper only, a portion of pipe that connects the water main, or other conduit for distributing water to individual consumers or groups of consumers, to the building inlet. If a building is not present, the service line connects the water main, or other conduit for distributing water to individual consumers or groups of consumers, to the outlet.

SECTION 19. NR 809.04 (75) is repealed.

SECTION 20. NR 809.04 (79) is amended to read:

NR 809.04 (79) "Small water system" means, for the ~~purposes~~ purpose of ~~monitoring~~ lead and copper only, a public water system that serves ~~3,300~~ 10,000 persons or fewer.

SECTION 21. NR 809.04 (86d) and (86h) are created to read:

NR 809.04 (86d) "System without corrosion control treatment" means, for the purpose of lead and copper only, a public water system that does not have, or purchases all of its water from another public water system that does not have, any of the following:

(a) An OCCT approved by the department.

(b) Any pH adjustment, alkalinity adjustment, or corrosion inhibitor addition resulting from another water quality adjustment as part of its treatment train infrastructure.

(86h) "Tap monitoring period" means, for the purpose of lead and copper only, the frequency at which the water supplier must conduct tap sampling for lead and copper analysis. The length of the tap monitoring period can range from 6 months to 9 years.

SECTION 22. NR 809.04 (86p) is created to read:

NR 809.04 (86p) "Tap sampling period" means, for the purpose of lead and copper only, the time period, within a tap monitoring period, during which the water supplier is required to collect samples for lead and copper analysis.

SECTION 23. NR 809.04 (86t) and (92m) are created to read:

NR 809.04 (86t) "Tap sampling protocol" means, for the purpose of lead and copper only, the method for collecting tap samples under s. NR 809.547 (2).

(92m) "Wide-mouth bottle" means, for the purpose of lead and copper only, a bottle one liter in volume that has a mouth with an inner diameter that measures at least 40 millimeters wide.

SECTION 24. NR 809.35 (5) (b) is amended to read:

NR 809.35 (5) (b) Treatment, <u>including corrosion control treatment and water quality parameters</u>.

SECTION 25. NR 809.54 is repealed and recreated to read:

NR 809.54 General requirements and action level for the control of lead and copper. (1) APPLICABILITY, EFFECTIVE DATE, AND COMPLIANCE DEADLINES. The requirements of this subchapter constitute the primary drinking water regulations for lead and copper. Unless otherwise specified, each of the provisions of this subchapter applies to CWSs and NTNCWSs.

(2) SCOPE. These regulations constitute a treatment technique rule that includes treatment techniques to control corrosion, treat source water, replace service lines, and provide public education. The regulations in this subchapter include requirements to support the treatment technique including a service line inventory, tap sampling, and monitoring for lead in schools and child care facilities. Some of these requirements only apply if there is an exceedance of the lead or copper action level specified in sub. (3), as measured in consumer tap water samples.

(3) LEAD AND COPPER ACTION LEVELS AND METHOD FOR DETERMINING WHETHER THERE IS AN EXCEEDANCE OF THE ACTION LEVEL. Action level exceedances must be determined based on tap water samples that must be considered for inclusion under s. NR 809.547 (5) for the purpose of calculating the 90th percentile and tested using the analytical methods specified under s. NR 809.541. The action level exceedances described in this subsection are applicable to all sections of this subchapter. Action levels exceedances for lead and copper are determined according to all of the following as applicable:

(a) *Lead action level and exceedance.* 1. The lead action level is 0.010 mg/L.

2. The lead action level is exceeded if the 90th percentile concentration of lead as specified under pars. (c) to (f) is greater than 0.010 mg/L.

(b) *Copper action level and exceedance.* 1. The copper action level is 1.3 mg/L.

2. The copper action level is exceeded if the 90th percentile concentration of copper as specified under pars. (c) to (f) is greater than 1.3 mg/L.

(c) *90th percentile concentration calculation for PWSs with no Tier 1 or Tier 2 sites.* For a PWS that does not have any Tier 1 or Tier 2 sites and only has sites identified as Tier 3, 4, or 5 under s. NR 809.547 (1), the 90th percentile concentration must be derived according to one of the following:

1. For a PWS water supplier under this paragraph that collects more than 5 samples per tap sampling period, the 90th percentile concentration must be derived according to all of the following:

a. The results of all lead or copper samples taken during a tap sampling period and eligible for inclusion in the 90th percentile calculation under s. NR 809.547 (5) must be placed in ascending order from the sample with the lowest concentration of lead and copper to the sample with the highest concentration of lead and copper. Each sampling result must be assigned a number, in ascending order beginning with the number 1 for the sample with the lowest concentration of lead or copper. The number assigned to the sample with the highest concentration must be equal to the total number of samples taken and considered for inclusion in the 90th percentile calculation, in accordance with s. NR 809.547 (5).

b. The number of samples taken during the tap sampling period must be multiplied by 0.9.

c. The 90th percentile concentration is the concentration of lead or copper in the numbered sample yielded by the calculation under subd. 1. b.

2. For a PWS water supplier that collects 5 samples per tap sampling period, the 90th percentile concentration is the average of the highest and 2nd highest concentration from the results under subd. 1. a.

3. For PWS water supplier that is allowed by the department to collect fewer than 5 samples in accordance with s. NR 809.547 (1) (b) or has failed to meet the PWS's required minimum number of samples and collected fewer than 5 samples, the sample result with the highest concentration from the results under subd. 1. a. is considered the 90th percentile concentration.

(d) *90th percentile concentration calculation for PWSs with sufficient Tier 1 or Tier 2 sites.* For a PWS with a sufficient number of sites identified as Tier 1 or 2 under s. NR 809.547 (1) to meet the minimum number of sites required under s. NR 809.547 (3) or (4), as applicable, the 90th percentile concentration must be derived according to one of the following:

1. For a PWS water supplier under this paragraph that collects more than 5 samples per tap sampling period, the 90th percentile concentration must be derived according to all of the following:

a. For lead, the PWS water supplier must include the higher of the first-liter and fifth-liter lead sample results at each Tier 1 and 2 site, or the first-liter lead sample results if tiering is based on premise plumbing, taken during the tap sampling period under subd. 1. b. to d. For copper, the water supplier must include all first-liter copper sample results collected at each Tier 1 and 2 site taken during the tap sampling period. Lead or copper sample results from Tier 3, 4, or 5 sites cannot be included in this calculation.

b. The results of the lead or copper samples taken during a tap sampling period and eligible for inclusion in the 90th percentile calculation under s. NR 809.547 (5) identified under subd. 1. a. must be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result must be assigned a number, in ascending order beginning with the number 1 for the sample with the lowest concentration. The number assigned to the sample with the highest concentration must be equal to the total number of samples.

c. The number of samples identified under subd. 1. b. must be multiplied by 0.9.

d. The 90th percentile concentration is the concentration of lead or copper in the numbered sample yielded by the calculation under subd. 1. c.

2. For a PWS water supplier that collects samples from 5 sites per tap sampling period, the 90th percentile concentration is the average of the highest and 2nd highest concentration from the results under subd. 1. b.

3. For a PWS water supplier that is allowed by the department to collect fewer than 5 copper samples or 5 first-liter-and-fifth-liter-paired lead samples in accordance with s. NR 809.547 (1) (b), or that has failed to collect at least 5 copper samples or 5 first-liter-and-fifth-liter-paired lead samples, the sample result with the highest concentration from the results under subd. 1. b. is considered the 90th percentile concentration.

(e) *90th percentile concentration calculation for PWSs with insufficient Tier 1 or Tier 2 sites.* For a PWS with any sites identified as Tier 1 or 2 under s. NR 809.547 (1) but with an insufficient number of Tier 1 and 2 sites to meet the minimum number of sites required under s. NR 809.547 (3) or (4), as applicable, the 90th percentile concentration must be derived according to one of the following:

1. For a PWS water supplier under this paragraph that collects more than 5 samples per tap sampling period, the 90th percentile concentration must be derived according to all of the following:

a. For lead, the water supplier must include the higher of the first-liter and fifth-liter lead sample results at each Tier 1 and 2 site, or the first-liter lead sample results if tiering is based on premise plumbing, and the first-liter lead sample result from sites in the next highest available tier, such as Tier 3, 4, or 5, to meet the minimum number of sites required under s. NR 809.547 (3) or (4) sampled during a tap sampling period for the steps under subd. 1. b. to d. For copper, the water supplier must use all first-liter copper sample results collected.

b. The results of all of the lead or copper samples identified under subd. 1. a. must be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. The water supplier must reduce this list to only include samples with the highest concentrations such that the number of sample results equals the minimum number of sites required to be sampled by s. NR 809.547 (3) or (4), as applicable. From this reduced list, each sampling result must be assigned a number, in ascending order beginning with the number 1 for the sample with the lowest concentration. The number assigned to the sample with the highest concentration must be equal to the minimum number of sites required by s. NR 809.547 (3) or (4), as applicable.

c. The number of samples identified under subd. 1. b. must be multiplied by 0.9.

d. The 90th percentile concentration is the concentration of lead or copper in the numbered sample yielded by the calculation in subd. 1. c.

2. For a PWS water supplier that collects samples from 5 sites per tap sampling period, the 90th percentile concentration is the average of the highest and 2nd highest concentration from the results under subd. 1. b.

3. For a PWS water supplier that is allowed by the department to collect fewer than 5 copper samples or 5 first-liter-and-fifth-liter-paired lead samples in accordance with s. NR 809.547 (1) (b), or that has failed to collect at least 5 copper samples or 5 first-liter-and-fifth-liter-paired lead samples, the sample result with the highest concentration from the results under subd. 1. b. is considered the 90th percentile concentration.

(f) *90th percentile concentration calculation for PWSs with insufficient number of sites.* If a water supplier does not collect enough samples sufficient to meet the minimum number of sites required under s. NR 809.547 (3) or (4), the water supplier must calculate the 90th percentile lead and copper levels following the steps under par. (c) 1. a. to c.

SECTION 26. NR 809.541 (1) is amended to read:

NR 809.541 (1) GENERAL. Tap water monitoring for lead and copper, monitoring for water quality parameters, and source water monitoring for lead and copper shall be completed in compliance with ss. NR 809.548~~, and~~ 809.549 and 809.551. The analyses shall be conducted using methods as prescribed in s. NR 809.113 (1), Table A. Holding times and preservation for Lead and Copper shall be done in accordance with s. NR 809.113, Table B. In all cases, samples should be analyzed as soon after collection as possible.

SECTION 27. NR 809.541 (4) (b) is amended to read:

NR 809.541 (4) (b) Achieve the method detection limit for lead of 0.001 mg/L according to the procedures in appendix B of 40 CFR part 136. ~~This need only be accomplished if the laboratory will be processing source water composite samples under s. NR 809.549 (1) (a) 4.~~

SECTION 28. NR 809.541 (8) is amended to read:

NR 809.541 (8) VIOLATION OF NATIONAL PRIMARY DRINKING WATER REGULATIONS. Failure to comply with the applicable requirements of ss. NR 809.113, ~~809.541~~ 809.54 to ~~809.549~~ 809.551, 809.80,

and 809.82, including requirements established by the department pursuant to these provisions, shall constitute a violation of the primary drinking water regulations for lead or copper, or both.

SECTION 29. NR 809.541 (8) as amended by SECTION 28 is amended to read:

NR 809.541 (8) VIOLATION OF NATIONAL PRIMARY DRINKING WATER REGULATIONS. Failure to comply with the applicable requirements of ss. NR 809.113, 809.54 to ~~809.551~~ 809.552, 809.80, and 809.82, including requirements established by the department pursuant to these provisions, shall constitute a violation of the primary drinking water regulations for lead or copper, or both.

SECTION 30. NR 809.542 and 809.543 are repealed and recreated to read:

NR 809.542 Applicability of corrosion control treatment steps for small, medium, and large water systems. (1) CORROSION CONTROL TREATMENT. A PWS water supplier is required to install, optimize, or re-optimize OCCT in accordance with this section. This section sets forth when a water supplier must complete the corrosion control treatment steps under subs. (3) and (4) based on size, whether the PWS has corrosion control treatment, and whether it has exceeded the lead PQL, lead action level, or copper action level. The water supplier must comply with the following as applicable:

(a) *Large water systems.* 1. A water supplier for a large water system with corrosion control treatment that exceeds either the lead action level or copper action level must complete the re-optimized OCCT steps specified under sub. (3) unless the water supplier meets all of the following requirements:

a. Has re-optimized OCCT once under sub. (3) after November 1, 2027.

b. Meets optimal water quality parameters designated by the department.

c. Continues to operate and maintain corrosion control treatment as required under s. NR 809.543 (7).

2. The department may require a water supplier for a large water system with corrosion control treatment that exceeds either the lead action level or copper action level that does not have to re-optimize under subd. 1. to re-optimize under s. NR 809.543 (8).

3. A water supplier for a large water system must meet the requirements under sub. (3) if the PWS exceeds the lead action level at the end of a subsequent tap sampling period after completing service

line replacement under s. NR 809.545 (2) and there are no lead, GRR, or LSU service lines remaining in the public water system's inventory.

4. A water supplier for a large water system with corrosion control treatment with 90th percentile results, as calculated under s. NR 809.54 (3) (c) to (f), that exceed the lead PQL of 0.005 mg/L but do not exceed the lead action level or copper action level may be required by the department to complete the re-optimized OCCT steps under sub. (3).

5. A water supplier for a large water system without corrosion control treatment with 90th percentile results, as calculated under s. NR 809.54 (3) (c) to (f), that exceed either the lead PQL of 0.005 mg/L or copper action level must complete steps to study and install OCCT, as specified under sub. (4).

(b) *Medium water systems.* 1. A water supplier for a medium water system with corrosion control treatment that exceeds either the lead action level or copper action level must complete the re-optimized OCCT steps specified under sub. (3) unless the water supplier meets all of the following requirements:

a. Has re-optimized OCCT once under sub. (3) after November 1, 2027.

b. Meets optimal water quality parameters designated by the department.

c. Continues to operate and maintain corrosion control treatment as required under s. NR 809.543 (7).

2. The department may require a water supplier for a medium water system that does not have to re-optimize under subd. 1. to re-optimize under s. NR 809.543 (8).

3. A water supplier for a medium water system with corrosion control treatment must meet the requirements under sub. (3) if the PWS exceeds the lead action level at the end of a subsequent tap sampling period after completing service line replacement under s. NR 809.545 (2) and there are no lead, GRR, or LSU service lines remaining in the inventory.

4. A water supplier for a medium water system with corrosion control treatment that does not exceed either the lead action level or copper action level and does not have optimal water quality parameters designated by the department must complete the steps specified under sub. (3) starting with step 6 under sub. (3) (f) unless the PWS is deemed optimized under sub. (2) (c).

5. A water supplier for a medium water system without corrosion control treatment that exceeds either the lead or copper action level must complete the OCCT steps specified under sub. (4).

(c) *Small water systems and NTNCWs.* 1. A water supplier for a small or NTNCWS with corrosion control treatment that exceeds either the lead action level or copper action level must complete the re-optimized OCCT steps specified under sub. (3) unless the water supplier meets all of the following requirements:

a. Has re-optimized OCCT once under sub. (3) after November 1, 2027.

b. Is meeting optimal water quality parameters designated by the department.

c. Is continuing to operate and maintain corrosion control treatment as required under s. NR 809.543 (7).

2. The department may require a water supplier for a small water system that does not have to re-optimize under subd. 1. to re-optimize under s. NR 809.543 (8).

3. A water supplier for a small water system with corrosion control treatment must meet the requirements under sub. (3) if the PWS exceeds the lead action level at the end of a subsequent tap sampling period after completing service line replacement under s. NR 809.545 (2) and there are no lead, GRR, or LSU service lines remaining in the inventory.

4. A small or NTNCWS without corrosion control treatment that exceeds either the lead action level or copper action level must complete the corrosion control treatment steps specified under sub. (4).

(2) PWSS DEEMED TO HAVE OPTIMIZED CORROSION CONTROL. (a) *Small or medium systems without corrosion control treatment*. A small or medium water system without corrosion control treatment is deemed to have OCCT if the PWS does not exceed either the lead action level or copper action level during 2 consecutive 6-month tap monitoring periods and then remains at or below the lead action level and copper action level in all tap sampling periods conducted in accordance with s. NR 809.547. If, after being deemed to have OCCT, the PWS exceeds the lead action level or copper action level, the water supplier must follow the requirements of the requirements under sub. (1).

(b) *Small water systems with corrosion control treatment*. 1. Except as described under subd. 2., a small water system with corrosion control treatment is deemed to have OCCT if the PWS does not exceed either the lead action level or copper action level during 2 consecutive 6-month tap monitoring periods

and then remains at or below the lead action level and copper action level in all tap sampling periods conducted in accordance with s. NR 809.547. The water supplier must continue to operate and maintain the corrosion control treatment and also meet any additional requirements that the department determines are appropriate to ensure OCCT is maintained. If, after being deemed to have OCCT, the PWS exceeds the lead action level or copper action level, the water supplier must follow the requirements of the requirements under sub. (1).

2. A small water system with corrosion control treatment is not eligible to be deemed to have OCCT under this paragraph if the department has set optimal water quality parameters under sub. (3) or (4).

(c) *All small, medium, and large water systems*. 1. A PWS of any size is deemed to have optimized or re-optimized corrosion control treatment if the water supplier submits tap sampling results under s. NR 809.547 demonstrating that: the 90th percentile lead level is less than or equal to the lead PQL of 0.005 mg/L for 2 consecutive 6-month tap monitoring periods; the PWS does not exceed the copper action level for 2 consecutive 6-month tap monitoring periods; and the PWS does not have optimal water quality parameters designated by the department under sub. (3) or (4).

2. A PWS deemed optimized under subd. 1 that later has 90th percentile tap sampling results that exceed the lead PQL of 0.005 mg/L or copper action level during any tap sampling period is not eligible to be deemed to have optimized OCCT under this paragraph until the water supplier has completed the treatment steps specified under sub. (3) or (4).

3. The water supplier for a PWS deemed to have OCCT under this paragraph must continue monitoring for lead and copper at the tap no less frequently than once every 3 calendar years using the reduced number of sites specified under s. NR 809.547 (4) (a) and collecting samples at times and locations specified under s. NR 809.547 (4) (b) 3.

4. The water supplier for a PWS with CCT that is deemed to have OCCT under this paragraph must continue to operate and maintain the corrosion control treatment and also meet any additional requirements that the department determines are appropriate to ensure OCCT is maintained.

(d) *Documentation.* A water supplier must submit documentation of meeting the applicable requirements to the department in accordance with s. NR 809.55 (3) (a) by the applicable deadline for submitting tap sampling results under s. NR 809.55 (1) (b).

(3) TREATMENT STEPS AND DEADLINES FOR PWSS RE-OPTIMIZING OCCT. The water supplier for a PWS with corrosion control treatment that is required to re-optimize OCCT under sub. (1) must conduct tap sampling for lead and copper in accordance with the requirements under s. NR 809.547 while the water supplier completes all of the following corrosion control treatment steps, as applicable, by the indicated time periods in this subsection:

(a) *Step 1: Initiate mandatory pipe rig, pipe loop, or corrosion control treatment study or treatment recommendation.* 1. The water supplier for a large or medium water system with lead service lines that exceeds the lead action level must harvest lead service lines from the distribution system and construct flowthrough pipe rigs or pipe loops and operate the rigs or loops with finished water within one year after the end of the tap sampling period in which the PWS exceeded the lead action level. The water supplier must proceed to step 3 under par. (c) and conduct the corrosion control studies for re-optimization under par. (c) 1. using the pipe rigs or pipe loops.

2. The water supplier for a large water system without lead service lines that exceeds the lead action level or copper action level must proceed to step 3 under par. (c) and conduct the corrosion control studies for re-optimization under par. (c) 2.

3. The water supplier for PWS not covered under subd. 1. or 2. must recommend a re-optimized OCCT option under s. NR 809.543 (1) within 6 months after the end of the tap sampling period in which the PWS exceeded either the lead action level or copper action level.

4. If approved by the department, the water supplier for any PWS may make an existing corrosion control treatment modification recommendation based on the PWS's past corrosion control treatment study results. The department may approve this option if the department determines there have been no significant source and treatment changes since the prior study. The recommendation must be made to the department within 6 months after the end of the tap sampling period in which the PWS exceeded the lead action level. The department must evaluate a PWS's past corrosion control treatment study results prior to approving an existing treatment modification. When the department approves existing treatment modifications, the department must specify re-optimized OCCT within 12 months after the end of the tap sampling period in which the PWS exceeded the lead action level. The water supplier must complete modifications to corrosion control treatment to have re-optimized OCCT installed within 6 months of the department specifying re-optimized OCCT and must proceed to step 6 under par. (f) and conduct follow-up monitoring.

(b) *Step 2: The department requires a corrosion control treatment study or the department designates re-optimized OCCT.* Within one year after the end of the tap sampling period in which a medium water system without lead service lines or a small water system exceeded the lead action level or copper action level, the department may require the water supplier to perform corrosion control studies for re-optimization under s. NR 809.543 (3) (b). If the department does not require the water supplier to perform such studies, the department must specify re-optimized OCCT under s. NR 809.543 (4) in writing in accordance with the following timeframes:

1. For a medium water system, within one year after the end of the tap sampling period during which such PWS exceeded the lead action level or copper action level.

2. For a small water system, within 18 months after the end of the tap sampling period in which such PWS exceeded the lead action level or copper action level.

(c) *Step 3: Study duration.* 1. The water supplier for any PWS with lead service lines that exceed the lead action level under par. (a) 1. must complete the pipe rig or pipe loop corrosion control treatment studies and recommend re-optimized OCCT within 30 months after the end of the tap sampling period in which the PWS exceeded the lead action level.

2. If the water supplier is required to perform corrosion control studies under par. (a) 2. or (b), the water supplier must complete the studies under s. NR 809.543 (3) and recommend re-optimized OCCT within 18 months after the end of the tap sampling period in which the PWS exceeded the lead or copper action level or after the department requires that such studies be conducted.

(d) *Step 4: Department designation of re-optimized OCCT based on corrosion control treatment study results.* The department must designate re-optimized OCCT under s. NR 809.543 (4) within 6 months after the water supplier completes step 3 under par. (c) 1. or 2.

(e) *Step 5: Re-optimized OCCT installation deadlines.* The water supplier must install re-optimized OCCT under s. NR 809.543 (5) within one year after the department completes step 4 under par. (d) or the department completes step 2 under par. (b) 1. or 2.

(f) *Step 6: Follow-up monitoring.* The water supplier must complete standard monitoring for at least 2 consecutive tap monitoring periods under s. NR 809.547 (3) (b) 3. d. and water quality parameter monitoring under s. NR 809.548 (2) (c) after completing step 5 under par. (e). The first tap monitoring

period for standard monitoring must begin on January 1 or July 1, whichever is sooner, after completing step 5 under par. (e).

(g) *Step 7: The department sets optimal water quality parameters.* The department must review the water supplier's re-optimized OCCT and designate optimal water quality parameters under s. NR 809.543 (6) within 6 months after completing step 6 under par. (f).

(h) *Step 8: PWSs meet optimal water quality parameters to demonstrate compliance.* The water supplier must comply with the department-designated optimal water quality parameters under s. NR 809.543 (7), conduct tap sampling under s. NR 809.547 (3) (b) 3. e., and conduct water quality parameter monitoring under s. NR 809.548 (2) (d).

(4) TREATMENT STEPS AND DEADLINES FOR PWSS WITHOUT CORROSION CONTROL TREATMENT. Except as provided under sub. (2), the water supplier for a PWS without corrosion control treatment must conduct tap sampling for lead and copper under s. NR 809.547 while the water supplier completes all of the following corrosion control treatment steps, as applicable, by the indicated time periods in this subsection:

(a) *Step 1: Initiate mandatory pipe rig, pipe loop, or corrosion control treatment study or treatment recommendation.* 1. The water supplier for a medium or large water system with lead service lines that exceeds the lead action level must harvest lead pipes from the distribution system, construct flowthrough pipe rigs or pipe loops, and operate the rigs or loops with finished water within one year after the end of the tap sampling period during which the PWS exceeded the lead action level. The water supplier must proceed to step 3 under par. (c) and conduct the corrosion control studies for optimization under par. (c) 1. using the pipe rigs or pipe loops.

2. The water supplier for a large water system under sub. (1) (a) 5. must conduct the corrosion control studies for optimization in step 3 under par. (c).

3. The water supplier for a PWS not covered under subd. 1. or 2. must recommend OCCT under s. NR 809.543 (1) within 6 months after the end of the tap sampling period during which the PWS exceeded either the lead action level or copper action level.

(b) *Step 2: The department requires corrosion control treatment study or the department designates OCCT.* Within one year after the end of the tap sampling period in which the PWS exceeded the lead action level or copper action level, the department may require the water supplier to perform

corrosion control studies under s. NR 809.543 (2) (a) if those studies are not otherwise required by this subchapter. The department must notify the water supplier in writing if the department is going to require the water supplier to perform corrosion control studies under the preceding sentence. If the department does not require the water supplier to perform such studies, the department must designate OCCT under s. NR 809.543 (4) in writing to the PWS in accordance with one of the following timeframes:

1. For a medium water system, within 18 months after the end of the tap sampling period in which such PWS exceeded the lead action level or copper action level.

2. For a small water system, within 24 months after the end of the tap sampling period in which such PWS exceeded the lead action level or copper action level.

(c) *Step 3: Study duration.* 1. The water supplier for a large or medium water system with lead service lines that exceeds the lead action level must complete the corrosion control treatment studies and recommend OCCT within 30 months after the end of the tap sampling period in which the PWS exceeded the lead action level.

2. If a water supplier is required to perform corrosion control studies under par. (a) 2. or (b), the water supplier must complete the studies under s. NR 809.543 (3) and recommend OCCT within 18 months after the end of the tap sampling period in which the PWS exceeded the lead or copper action level or the department notifies the water supplier in writing that such studies must be conducted.

(d) *Step 4: Department designation of OCCT based on corrosion control treatment study results*. The department must designate OCCT under s. NR 809.543 (4) within 6 months after the water supplier for the PWS completes step 3 under par. (c) 1. or 2.

(e) *Step 5: OCCT installation deadlines.* The water supplier must install OCCT under s. NR 809.543 (5) within 24 months after the department designates OCCT under step 2 or 4 under par. (b) or (d).

(f) *Step 6: Follow-up monitoring*. The water supplier must complete standard monitoring for at least 2 consecutive tap monitoring periods under s. NR 809.547 (3) (b) 3. d. and water quality parameter monitoring under s. NR 809.548 (2) (c) after completing step 5 under par. (e). The first tap monitoring period for standard monitoring must begin on January 1 or July 1, whichever is sooner, after completing step 5 under par. (e).

(g) *Step 7: The department sets optimal water quality parameters.* The department must review the water supplier's installation of treatment and designate optimal water quality parameters under s. NR 809.543 (6) within 6 months after step 6 is completed under par. (f).

(h) *Step 8: PWSs meet optimal water quality parameters to demonstrate compliance.* The water supplier must comply with the department-designated optimal water quality parameters under s. NR 809.543 (7), conduct tap sampling under s. NR 809.547 (3) (b) 3. e., and conduct water quality parameter monitoring under s. NR 809.548 (2) (d).

(5) PWSs WITH LEAD OR GRR SERVICE LINES THAT CAN COMPLETE FULL SERVICE LINE REPLACEMENT IN 5 YEARS OR LESS. (a) The water supplier for a PWS with one or more lead or GRR service lines is not required to complete the steps under sub. (3) or (4) if the water supplier meets all of the following requirements, as applicable:

1. a. Except as provided under subd. 1. b. or subd. 1. c., the water supplier must complete the service line replacement requirements under s. NR 809.545 (2) in 5 years or less from the date of the end of the tap sampling period in which the PWS first exceeded the lead action level.

b. For a large water system without corrosion control treatment, the water supplier must complete the service line replacement requirements under s. NR 809.545 (2) in 5 years or less from the date of the end of the tap sampling period in which the PWS's 90th percentile results first exceeded the lead PQL.

c. For a PWS with less than 5 years remaining to complete mandatory service line replacement in accordance with s. NR 809.545 (2), the water supplier must complete the service line replacement requirements under this subdivision by the deadline established under s. NR 809.545 (2) (d).

2. a. At a minimum, the PWS water supplier must replace the total number of lead and GRR service lines each year, as identified in that PWS's inventory, at an annual rate equally divided by the total number of years for service line replacement provided under subd. 1. The water supplier must use the inventory that existed on the date of the end of the tap sampling period in which the PWS first exceeds the lead action level or in which the PWS's 90th percentile first exceeds the lead PQL, whichever applies.

b. For purposes of calculating the annual rate, the water supplier must replace all lead and GRR service lines within the least number of years feasible not to exceed 5 years from the date of the end of the tap sampling period in which the PWS first exceeds the lead action level or in which the PWS's 90th percentile first exceeds the lead PQL, whichever applies. If the department determines that a replacement

deadline less than 5 years is feasible for a PWS, the water supplier must replace service lines by that deadline and establish an annual replacement rate based on that number of years until that deadline.

3. By the end of the period under subd. 1., the water supplier must have replaced all lead and GRR service lines calculated under s. NR 809.545 (2) (f) such that no lead, GRR, or LSU service lines remain in the inventory; identified the material of all LSU service lines; completed the inventory validation requirements under s. NR 809.545 (1r) (e); and replaced all unknown service lines found to be lead or GRR service lines.

4. Except as provided in this section, all other requirements under s. NR 809.545 (2) apply.

(b) Throughout the 5-year-or-less period under par. (a) 1., the water supplier for a PWS with corrosion control treatment must continue to operate and maintain corrosion control treatment in addition to completing the mandatory service line replacement requirements under this section.

(c) The water supplier for a PWS that does not replace the number of lead and GRR service lines calculated under s. NR 809.545 (2) (f) at the minimum annual rate provided under par. (a) 2. in any one year of the 5-year-or-less period under par. (a) 1. or complete the service line replacement requirements under s. NR 809.545 (2) in accordance with par. (a) 3., must meet the requirements under sub. (3) or (4), as applicable, starting immediately after the PWS fails to meet the annual removal requirements under par. (a) 2.

(d) At the end of each year of the 5-year-or-less period, the water supplier must submit written documentation to the department about the number of lead and GRR service lines removed that year and whether the minimum annual replacement rate under par. (a) 2. was met. If the water supplier reports or the department determines that the PWS did not meet its minimum annual replacement rate that year, the water supplier is no longer eligible to defer the requirements under sub. (3) or (4), and must meet those requirements, as applicable.

(e) After completing service line replacement under this subsection, a water supplier must meet the requirements under sub. (3) or (4), as applicable, if at the end of a subsequent tap sampling period, the PWS either exceeds the lead action level or the lead PQL, whichever is applicable.

(6) COMPLETING CORROSION CONTROL STEPS FOR SMALL AND MEDIUM WATER SYSTEMS WITHOUT CORROSION CONTROL TREATMENT. (a) The water supplier for any small or medium water system without corrosion control treatment that is required to complete the steps under sub. (4) and that

does not exceed the lead action level and copper action level during 2 consecutive 6-month tap monitoring periods under s. NR 809.547 prior to the start of step 3 under sub. (4) (c) or prior to or concurrent with the end of step 4 under sub. (4) (d) may stop completing the steps and is not required to complete step 3 or step 5 under sub. (4) (c) or (e), respectively, except that medium water systems without corrosion control treatment and with lead service lines must complete a corrosion control treatment study under sub. (4) (c) 1. A 90th percentile level at or below the lead action level or copper action level based on less than the required minimum number of samples under s. NR 809.547 cannot be used to meet the requirements of this paragraph. A water supplier for an eligible PWS can only use the exception under this paragraph once.

(b) A PWS water supplier that starts step 5 under sub. (4) (e) must complete all of steps 6 to 8 under sub. (4) (f) to (h) and is not permitted to stop the steps.

(c) A water supplier for any small or medium water system without corrosion control treatment under par. (a) that stopped the steps under sub. (4) and subsequently exceeds either the lead action level or copper action level must complete the corrosion control treatment steps under sub. (4) beginning with the first treatment step that was not completed.

(d) The department may require the water supplier to repeat treatment steps previously completed by the water supplier when the department determines that this is necessary to implement the treatment requirements under this section. The department must notify the water supplier in writing of such a determination and explain the basis for its decision.

(7) NOTIFICATION REQUIREMENTS FOR UPCOMING TEMPORARY AND LONG-TERM CHANGE IN TREATMENT OR WATER SOURCE. (a) In addition to plan submission and approval requirements under ch. NR 811, the water supplier for a PWS must submit written documentation to the department describing any temporary change in source of water or treatment to the department that will last more than 30 days. The documentation must be submitted at least 10 business days before a planned change or as soon as possible for an unplanned emergency change. The department may require any such water supplier to take actions before or after the addition of a temporary change in source water or treatment to ensure that the water supplier will operate and maintain OCCT, such as additional water quality parameter monitoring, additional lead or copper tap sampling, or re-evaluating corrosion control treatment.

(b) As early as possible but no later than 90 days prior to the addition of a new source of water or any long-term change in water treatment, the water supplier for a PWS must submit written documentation describing the proposed addition of a new source of water or long-term change in

treatment to the department. The water supplier may not implement the addition of a new source of water or long-term treatment change without department approval. The department must review and approve the addition of a new source of water or long-term change in water treatment before it can be implemented by the water supplier. The department may require any such water supplier to take actions before or after the addition of a new source of water or long-term treatment change to ensure that the water supplier will operate and maintain OCCT, such as additional water quality parameter monitoring, additional lead or copper tap sampling, and re-evaluating corrosion control treatment.

Note: Examples of long-term treatment changes include the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants, such as alum to ferric chloride, and switching corrosion inhibitor products, such as from orthophosphate to blended phosphate. Long-term treatment changes can also include dose changes to existing chemicals if the water supplier is planning long-term changes to the PWS's finished water pH or residual inhibitor concentration. Long-term treatment changes do not include chemical dose fluctuations associated with daily raw water quality changes when a new source has not been added.

NR 809.543 Description of corrosion control treatment requirements. This section provides the requirements for PWSs and the department for designating OCCT for a PWS that is optimizing or re-optimizing OCCT. A PWS water supplier must complete all of the following corrosion control treatment requirements as applicable under s. NR 809.542:

(1) PWS RECOMMENDATION REGARDING CORROSION CONTROL TREATMENT. (a) A water supplier for a PWS without corrosion control treatment that is required to recommend a treatment option under s. NR 809.542 (4) (a) 3. must, based on the results of lead and copper tap sampling and water quality parameter monitoring, recommend one or more of the corrosion control treatments listed under sub. (3) (a) to the department as the OCCT for that PWS. The department may require the water supplier to conduct additional water quality parameter monitoring to assist the department in reviewing the water supplier's recommendation.

(b) A water supplier for a PWS with corrosion control treatment that exceeds the lead action level and is required to recommend a treatment option to the department in accordance with s. NR 809.542 (3) (a) 3. must recommend designating one or more of the corrosion control treatments listed under sub. (3) (b) as the OCCT for that PWS.

(c) The department may waive the requirement for a water supplier to recommend OCCT if the department notifies the water supplier in writing that the water supplier must complete a corrosion control study within 3 months after the end of the tap sampling period in which the lead or copper action level exceedance occurred. The water supplier must proceed directly to sub. (3) and complete a corrosion control study.

(2) DEPARTMENT DECISION TO REQUIRE STUDIES TO IDENTIFY INITIAL OCCT OR RE-OPTIMIZED OCCT. (a) The department may require a water supplier for a small or medium water system without corrosion control treatment that exceeds either the lead action level or copper action level to perform corrosion control treatment studies under sub. (3) (a) to identify OCCT for the PWS.

(b) The department may require a water supplier for a small or medium water system with corrosion control treatment exceeding either the lead action level or copper action level to perform corrosion control treatment studies under sub. (3) (b) to identify re-optimized OCCT for the PWS.

(3) PERFORMANCE OF CORROSION CONTROL STUDIES. (a) A water supplier for a PWS without corrosion control treatment that is required to conduct corrosion control studies under s. NR 809.542 (4) must evaluate the effectiveness of each of the following treatments, and if appropriate, combinations of the following treatments, to identify OCCT for the PWS:

1. Alkalinity adjustment.

2. pH adjustment.

3. The addition of an orthophosphate- or silicate-based corrosion inhibitor at a concentration sufficient to maintain an effective corrosion inhibitor residual concentration in all test samples.

4. The addition of an orthophosphate-based corrosion inhibitor at a concentration sufficient to maintain an orthophosphate residual concentration of 1 mg/L as PO_4 in all test samples.

5. The addition of an orthophosphate-based corrosion inhibitor at a concentration sufficient to maintain an orthophosphate residual concentration of 3 mg/L as PO_4 in all test samples.

(b) A water supplier for a PWS with corrosion control treatment that is required to conduct corrosion control studies under s. NR 809.542 (3) must evaluate the effectiveness of each of the following treatments, and if appropriate, combinations of the following treatments, to identify re-optimized OCCT for the PWS:

1. Adjustment or re-adjustment of alkalinity.

2. Adjustment or re-adjustment of pH.

3. The addition of an orthophosphate- or silicate-based corrosion inhibitor at a concentration sufficient to maintain an effective corrosion inhibitor residual concentration in all test samples, if no such inhibitor is currently utilized.

4. The addition of an orthophosphate-based corrosion inhibitor at a concentration sufficient to maintain an orthophosphate residual concentration of 1 mg/L as PO_4 in all test samples, unless the current inhibitor process already meets this residual.

5. The addition of an orthophosphate-based corrosion inhibitor at a concentration sufficient to maintain an orthophosphate residual concentration of 3 mg/L as PO_4 in all test samples, unless the current inhibitor process already meets this residual.

(c) 1. A water supplier must evaluate each of the corrosion control treatments specified under par. (a) or (b) individually or, if appropriate, in combinations, using pipe rig tests or pipe loop tests, metal coupon tests, partial-system tests, tests using conditioned metal pipes or test pieces, or analyses based on documented analogous treatments with similar size PWSs that have a similar water chemistry and similar distribution system configurations. A water supplier for a large or medium water system with lead service lines, or for another PWS as required by the department, that exceeds the lead action level must conduct pipe rig or pipe loop studies using harvested lead service lines from the PWS's distribution system to assess the effectiveness of corrosion control treatment options on the existing pipe scale. Metal coupon tests may be used as a screen to reduce the number of CCT options evaluated in the pipe rig or pipe loop studies. If metal coupon tests are used as a screen, then the pipe rig or pipe loop study must evaluate the current water quality and at least 2 treatment options.

2. The water supplier must measure all of the following water quality parameters in any tests conducted under subd. 1. both before and after evaluating the corrosion control treatments listed under par. (a) or (b):

a. Lead.

b. Copper.

c. pH.

d. Alkalinity.

e. Orthophosphate as PO_4, when an orthophosphate-based inhibitor is used.

f. Silicate, when a silicate-based inhibitor is used.

g. Any additional parameters necessary to evaluate the effectiveness of a corrosion control treatment as determined by the department.

3. The water supplier must identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document those constraints by providing either of the following:

a. Data and documentation showing a particular corrosion control treatment has adversely affected other drinking water treatment processes when used by another PWS with comparable water quality characteristics. A water supplier using either metal coupon tests to screen or pipe rig or pipe loop studies to evaluate treatment options, or both, cannot exclude treatment strategies from the studies based on the constraints identified under this subd. 3. a.

b. Data and documentation demonstrating the water supplier previously attempted to evaluate a particular corrosion control treatment and found the treatment was ineffective or adversely affects other drinking water quality treatment processes. A water supplier using metal coupon tests to screen or pipe rig or pipe loop studies to evaluate treatment options, or both, cannot exclude treatment strategies from the studies based on the constraints identified under this subd. 3. b., unless the treatment was found to be ineffective in a previous pipe rig or pipe loop study.

4. The water supplier must evaluate the effect of the chemicals used for corrosion control treatment on other drinking water quality treatment processes. A water supplier using metal coupon tests to screen or pipe rig or pipe loop studies to evaluate treatment options, or both, cannot exclude any of the required treatment strategies specified under par. (a) or (b) from the studies based on the effects identified in this subsection.

5. Based on the data and analysis for each treatment option evaluated under this subsection, the water supplier must recommend to the department, in writing, the treatment option that the corrosion control studies indicate constitutes OCCT for that PWS. The water supplier must provide the department with a rationale for the OCCT recommendation and all supporting documentation specified under par. (a) or (b) and par (c).

(4) DEPARTMENT DESIGNATION OF OCCT OR RE-OPTIMIZED OCCT. (a) The department must make a determination to designate OCCT or re-optimized OCCT based on available information including, as applicable, studies conducted under sub. (3) (a) or (b) or a water supplier's recommended corrosion control treatment option, or both. The department must either designate the corrosion control treatment option recommended by the water supplier or designate alternative corrosion control treatments from among those listed under sub. (3) (a) or (b), as applicable. The department must notify the water supplier, in writing, of its determination to designate OCCT or re-optimized OCCT and explain the basis for this determination.

(b) When designating OCCT, the department must consider the effects that additional corrosion control treatment will have on water quality parameters and other drinking water quality treatment processes.

(c) If the department requests additional information to aid its review, the water supplier must provide that information.

(5) INSTALLATION OF OCCT OR RE-OPTIMIZED OCCT. The water supplier for each PWS must install and operate the OCCT or re-optimized OCCT designated by the department under sub. (4) throughout the PWS's distribution system.

(6) DEPARTMENT REVIEW OF TREATMENT AND DESIGNATION OF OPTIMAL WATER QUALITY PARAMETERS FOR OCCT OR RE-OPTIMIZED OCCT. The department must evaluate the results of all lead and copper tap and water quality parameter sampling submitted by the water supplier and determine whether the water supplier has installed and operated the OCCT designated by the department under sub. (4). Upon reviewing the PWS's tap and water quality parameter sampling results, both before and after the water supplier installs OCCT or re-optimizes OCCT, the department must designate all of the following:

(a) A minimum value or a range of values for pH measured at each entry point to the distribution system.

(b) A minimum pH value measured in all distribution system samples. This value must be equal to or greater than 7.0 unless the department determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for OCCT.

(c) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for orthophosphate as PO_4 or silicate measured at each entry point to the distribution system.

(d) If a corrosion inhibitor is used, a minimum orthophosphate as PO_4 or silicate concentration measured in all tap samples that the department determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system. When orthophosphate is used, for OCCT designations for PWSs previously without corrosion control treatment, the orthophosphate concentration must be equal to or greater than 0.5 mg/L as PO_4, and for OCCT designations for PWSs with previous corrosion control treatment, the orthophosphate concentration must be equal to or greater than 1.0 mg/L, unless the department determines that meeting the applicable minimum orthophosphate residual is not technologically feasible or is not necessary for OCCT.

(e) If alkalinity is adjusted as part of OCCT, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples.

(f) The values for the applicable water quality parameters under pars. (a) to (e) must be the values the department determines reflect OCCT or re-optimized OCCT for the PWS. The department may designate values for additional water quality parameters the department determines reflect OCCT or re-optimized OCCT for the PWS. The department must notify the water supplier, in writing, of these determinations and explain the basis for its decisions.

(7) CONTINUED OPERATION AND MONITORING FOR OCCT OR RE-OPTIMIZED OCCT. A water supplier, including those optimizing or re-optimizing OCCT, must continue to operate and maintain OCCT, including maintaining water quality parameters at or above the minimum values or within the ranges designated by the department under sub. (6), for all water quality parameter samples collected under s. NR 809.548 (2) (d) to (4). Requirements of this subsection apply to all PWSs, including a consecutive PWS that distributes water that has been treated to control corrosion by another PWS, and any PWS with corrosion control treatment, OCCT, or re-optimized OCCT that is not required to monitor water quality parameters under s. NR 809.548. The water supplier must comply with all of the following:

(a) The department must determine compliance with the requirements of this subsection every 6 months, as specified under s. NR 809.548 (2). A PWS is out of compliance with the requirements of this subsection for a 6-month period if the PWS has excursions for any department-specified parameter on more than 9 days, cumulatively, during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or

outside the range designated by the department. Daily values are calculated as set out under par. (b). The department has discretion to exclude results of obvious sampling errors from this calculation. Sampling errors must still be recorded even when not included in calculations.

(b) 1. On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value must be the average of all results collected at that sampling location during the same day regardless of whether the results are collected through continuous monitoring, grab sampling, or a combination of both. If the EPA has approved an alternative formula under 40 CFR 142.16(d)(1)(ii) in the department's application for a program revision submitted under 40 CFR 142.12, the department's formula must be used to aggregate multiple measurements taken at a sampling point for the water quality parameters in lieu of the formula under this paragraph.

2. On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value must be the result of that measurement.

3. On days when no measurement is collected for the water quality parameter at the sampling location, the daily value must be the daily value calculated on the most recent day on which the water quality parameter was measured at the sampling location.

(8) MODIFICATION OF DEPARTMENT TREATMENT DETERMINATION FOR OCCT AND RE-OPTIMIZED OCCT. Upon the department's own initiative or in response to a request by a water supplier or other interested party, the department may modify its determination of OCCT under sub. (4) or optimal water quality parameters under sub. (6). A request for modification by a water supplier or other interested party must be in writing, explaining why the modification is appropriate, and providing supporting documentation. The department may require the water supplier to conduct a corrosion control treatment study to support modification of the determination of OCCT or re-optimized OCCT. The department may modify its determination when the department concludes that such change is necessary to ensure that the PWS continues to optimize corrosion control treatment. A revised determination must be made in writing; set forth the new treatment requirements or optimal water quality parameters, or both; explain the basis for the department's determination; and provide an implementation schedule for completing the treatment modifications for re-optimized corrosion control treatment.

(9) TREATMENT DECISIONS BY THE EPA IN LIEU OF THE DEPARTMENT ON OCCT AND RE-OPTIMIZED OCCT. Pursuant to the procedures under 40 CFR 142.19, the EPA Regional Administrator may review OCCT determinations made by the department under sub. (4), (6), or (8) and issue federal

corrosion control treatment determinations consistent with the requirements of sub. (4), (6), or (8) if the EPA Regional Administrator finds that any of the following apply:

(a) The department failed to issue a treatment determination by the applicable deadlines under s. NR 809.542.

(b) The department abused its discretion.

(c) The technical aspects of the department's determination would be indefensible in a federal enforcement action taken against a PWS.

(10) DISTRIBUTION SYSTEM AND SITE ASSESSMENT FOR TAP SAMPLE SITES WITH LEAD RESULTS THAT EXCEED 0.010 MG/L. The water supplier must conduct the following steps when the lead results from an individual tap sample site sampled under s. NR 809.547 exceed 0.010 mg/L and the site is included in the site sample plan under s. NR 809.547 (1) (a):

(a) *Step 1: Corrosion control treatment assessment*. Except for PWSs without corrosion control treatment, within 5 days of receiving the tap sampling results, the PWS water supplier must sample at a water quality parameter site subject to all of the following requirements:

1. 'Site requirements.' A water supplier must sample at a water quality parameter site that meets all of the following requirements:

a. Is located on the same size water main.

b. Is located in the same pressure zone.

c. Is located within a half mile radius of the site with the lead result exceeding 0.010 mg/L.

2. 'Parameters.' The water supplier must measure all of the following water quality parameters:

a. pH.

b. Alkalinity.

c. Orthophosphate as PO_4 when an inhibitor containing an orthophosphate compound is used.

d. Silica when an inhibitor containing a silicate compound is used.

3. ‘Locations.’ The water supplier must measure the water quality parameters at one of the following locations:

a. The PWS water supplier may conduct sampling at an existing water quality parameter site that meets the requirements under this paragraph, if such site exists.

b. The water supplier for a PWS that is required to meet optimal water quality parameters but does not have an existing water quality parameter site that meets the requirements under this paragraph must add new sites to the minimum number of sites as described under s. NR 809.548 (2) (a) 1. Sites must be added until a PWS has twice the minimum number of sites listed under Table Qp. When a PWS exceeds twice the number of sites, the department has discretion to determine if these additional newer sites added under this subd. 3. b. can better assess the effectiveness of the corrosion control treatment and whether to remove existing sites during sanitary survey evaluation of OCCT.

(b) *Step 2: Site assessment.* Within 30 days of receiving the tap sampling results, the water supplier must collect and analyze a follow-up sample for lead at any tap sample site that exceeds 0.010 mg/L. These follow-up samples may use different sample volumes or different sample collection procedures to assess the source of elevated lead levels. The department may require the water supplier to analyze the sample for total lead only or for both total lead and dissolved lead. Samples collected under this section must be submitted to the department but cannot be included in the 90th percentile calculation for compliance monitoring under s. NR 809.547. If the water supplier is unable to collect a follow-up sample at a site, the water supplier must provide documentation to the department, as specified under s. NR 809.55 (7) (b), explaining why the water supplier was unable to collect a follow-up sample.

(c) *Step 3: Evaluate results and PWS treatment recommendation.* The water supplier must evaluate the results of the sampling conducted under pars. (a) and (b) to determine if either localized or centralized adjustment of the OCCT or other distribution system actions are necessary and submit the recommendation to the department within 6 months after the end of the tap sampling period in which the sites exceeded 0.010 mg/L. Corrosion control treatment modification may not be necessary to address every exceedance of 0.010 mg/L. Other distribution system actions may include flushing to reduce water age. The water supplier must note the cause of the elevated lead level, if known from the site assessment, in the water supplier’s recommendation to the department as site-specific issues can be an important factor in why the water supplier is not recommending any adjustment of corrosion control treatment or other distribution system actions. The water supplier in the process of optimizing or re-optimizing OCCT

under subs. (1) to (6) does not need to submit a treatment recommendation for distribution system and site assessment.

(d) *Step 4: Department approval of treatment recommendation*. Within 6 months of receiving the water supplier's recommendation under step 3 in par. (c), the department must approve the treatment recommendation or specify a different approach and notify the water supplier in writing.

(e) *Step 5: Modifications to OCCT.* If the department-approved or specified treatment recommendation requires the water supplier to adjust the OCCT process, the water supplier must complete modifications to the PWS's corrosion control treatment within 12 months of receiving notification from the department as described in step 4 under par. (d). The water supplier for a PWS without corrosion control treatment that is required to install OCCT must follow the schedule under s. NR 809.542 (4).

(f) *Step 6: Follow-up sampling.* The water supplier adjusting OCCT must complete follow-up sampling under ss. NR 809.547 (3) (b) 3. d. and 809.548 (2) (c) within 12 months after completing step 5 as described under par. (e) and submit sampling results to the department under ss. NR 809.547 and 809.548.

(g) *Step 7: Department optimal water quality parameter designation.* For the water supplier adjusting OCCT, the department must review the water supplier's modification of corrosion control treatment and designate optimal water quality parameters in accordance with sub. (6) within 6 months of receiving sampling results under par. (f).

(h) *Step 8: Operate in compliance.* For a water supplier adjusting OCCT, the water supplier must operate in compliance with the department-designated optimal water quality parameters in accordance with sub. (7) and continue to conduct tap sampling under ss. NR 809.547 (3) (b) 3. e. and 809.548 (2) (d).

SECTION 31. NR 809.545 (title) is amended to read:

NR 809.545 ~~Lead service~~ Service line inventory and replacement requirements.

SECTION 32. NR 809.545 (1c) is created to read:

NR 809.545 (1c) DEFINITION. In this section, "evidence-based" means a record, method, or technique that is based on one or more of the following:

(a) Information sources described under s. NR 809.545 (1n) (b).

(b) A visual inspection of service line material.

(c) Other records, methods, or techniques approved by the department.

SECTION 33. NR 809.545 (1) is renumbered (1g).

SECTION 34. NR 809.545 (1g) as amended by SECTION 33 is repealed.

SECTION 35. NR 809.545 (1k) is created to read:

NR 809.545 (1k) INITIAL SERVICE LINE INVENTORY DEVELOPMENT (a) A water supplier for a PWS was required to develop and submit an initial inventory by October 16, 2024, as required under 40 CFR 141.84 (a) (1), as codified on July 1, 2024, in accordance with requirements under 40 CFR 141.81 (a) (2) to (5) and 40 CFR 141.90 (e), as codified July 1, 2024.

(b) For the initial inventory required under par. (a), a water supplier for a PWS must comply with all of the following:

1. The service line materials inventory must be publicly accessible and meet the following requirements, as applicable:

a. The inventory must include a location identifier, such as a street address, block, intersection, or landmark, associated with each lead service line and GRR service line. A water supplier may, but is not required to, include a locational identifier for LSU service lines or list the exact address of each service line.

b. A water supplier for a PWS serving greater than 50,000 persons must make the publicly accessible inventory available online.

2. When a PWS has no lead, GRR, or LSU service lines, regardless of ownership, in its inventory, a water supplier may comply with the requirements under subd. 1. using a written statement, in lieu of the inventory, declaring that the distribution system has no lead service lines or GRR service lines. The statement must include a general description of all applicable sources used to make this determination.

3. Instructions to access the service line inventory, including inventories consisting only of a statement in accordance with subd. 2., must be included in Consumer Confidence Report.

4. The Consumer Confidence Report shall include a statement that a service line inventory, including inventories consisting only of a statement that there are no lead service lines, has been prepared and include instructions to access the service line inventory.

SECTION 36. NR 809.545 (1k) (b) 4. as amended by SECTION 35 is repealed.

SECTION 37. NR 809.545 (1k) as amended by SECTIONS 35 and 36 is repealed.

SECTION 38. NR 809.545 (1n) is created to read:

NR 809.545 (1n) SERVICE LINE AND CONNECTOR INVENTORY DEVELOPMENT. The water supplier for a PWS must develop a service line and connector inventory that meets all of the following requirements, as applicable:

(a) *Baseline inventory deadline.* The water supplier for a PWS must develop a baseline inventory as described under this subsection. The water supplier must submit the baseline inventory to the department by November 1, 2027. The water supplier for a newly regulated public water system must develop a baseline inventory on a schedule established by the department that does not exceed 3 years from the date the PWS becomes subject to regulations under this chapter. The baseline inventory must include each service line and identified connector that is connected to the PWS's distribution system regardless of ownership status. For example, if service line ownership is shared, the inventory includes both the portion of the service line owned by the PWS and the portion of the service line owned by the customer.

(b) *Information review.* 1. For the baseline inventory, the water supplier must conduct a review of information that describes service line and connector materials and locations including all of the following:

a. All construction and plumbing codes, permits, and records or other documentation that indicate the service line and connector materials used to connect structures to the distribution system.

b. All PWS records on service lines and connectors, including distribution system maps and drawings, recent or historical records on each service connection and connector, meter installation records, historical capital improvement or master plans, and standard operating procedures.

c. All records of inspections in the distribution system that indicate the material composition of the service connections and connectors that connect a structure to the distribution system.

d. Any information on lead, galvanized iron, and galvanized steel-materials that the water supplier has identified under s. NR 809.119.

e. Additional information if required or approved by the department.

2. The water supplier must include any new information on service line and connector materials from all applicable information sources described under this paragraph in the baseline inventory.

(c) *Connector categorization.* The water supplier must include each connector identified under par. (b) in the PWS's baseline inventory. Each connector material must be categorized as one of the following:

1. Lead, if the connector is made of lead.

2. Non-lead, if the connector is determined through an evidence-based record, method, or technique not to be made of lead. The water supplier is not required to identify the specific material of a non-lead connector; however, the water supplier may use the material, such as copper or galvanized, as an alternative to categorizing it as non-lead.

3. Unknown, if the material of the connector is not known.

4. No connector present, if there is no connector at the location, such as when a service line directly connects a water main to a building inlet.

Note: For example, if the specific material of a connector is not known but is determined through an evidence-based record, method, or technique not to be made of lead, it may be categorized as non-lead.

(d) *Service line categorization.* The water supplier must include each service line identified under par. (b) in the PWS's baseline inventory. Each service line, or portion of the service line when ownership is shared, must be categorized as one of the following:

1. Lead, if the service line is a lead service line as defined under s. NR 809.04 (46).

2. Galvanized requiring replacement, if the service line is a GRR service line as defined under s. NR 809.04 (37q).

3. Non-lead, if the service line is determined through an evidence-based record, method, or technique not to be a lead or GRR service line. The water supplier is not required to identify the specific

material of a non-lead service line; however, the water supplier may use the material, such as plastic or copper, as an alternative to categorizing it as non-lead.

4. LSU or unknown, if the service line material is not known to be lead, GRR, or non-lead, such as when there is no documented evidence or evidence reliably supporting material categorization. The water supplier may elect to provide more information regarding the PWS's unknown service lines as long as the inventory clearly distinguishes unknown service lines from those in which the categorization of the material is based on the categorization methods approved under this paragraph.

(e) S*ervice line and connector locations.* The inventory must include a street address associated with each service line and connector. If a street address is not available for an individual service line or connector, a unique locational identifier, such as the block, global positioning system coordinates, intersection, or landmark, may be used.

(f) *Publicly accessible inventory.* The inventory must be publicly accessible and meet the following requirements as applicable:

1. The publicly accessible inventory must include the information described under pars. (a) to (e).

2. The water supplier for a large water system must make the publicly accessible inventory available online.

(g) W*ritten statement in lieu of the publicly accessible inventory.* When a PWS does not have any lead, GRR, or LSU service lines, known lead connectors, or connectors of unknown material, the water supplier may comply with the requirements under par. (f) using a written statement in lieu of the publicly accessible inventory, declaring that the distribution system does not have any lead, GRR, or LSU service lines, known lead connectors, or connectors of unknown material. The statement must include a general description of all applicable information sources used in the inventory as described under pars. (a) to (b) to make this determination.

(h) *Publicly accessible inventory instructions.* Instructions to access the publicly accessible inventory, including inventories consisting only of a statement under par. (g), must be included in the consumer confidence report under s. NR 809.833 (7) (j) 2.

(i) *Basis of material classification for service lines classified as non-lead*. For each service line, or portion thereof, classified as non-lead, the inventory must identify the type of evidence-based record, method, or technique used to the determine that the material is not made of lead.

(j) *Information requirements for the baseline inventory and publicly accessible inventory:* The baseline inventory and the publicly accessible inventory must include all of the following information regarding service line material identification and replacement:

1. The total number of lead service lines in the inventory and location for each.

2. The total number of GRR service lines in the inventory and location for each.

3. The total number of LSU service lines in the inventory and location for each.

4. The total number of non-lead service lines in the inventory, location for each, the basis for material classification for each, and whether each is in the validation pool in accordance with this subsection.

5. The total number of lead connectors in the inventory and location for each.

6. The total number of connectors of unknown material in the inventory and location for each.

7. The total number of non-lead connectors in the inventory, location for each, and the basis for material classification for each.

8. If ownership of a service line is shared, the water supplier must report the information under subds. 1. to 7., counting each full service line only once.

SECTION 39. NR 809.545 (1r) and (1w) are created to read:

(1r) ADDITIONAL REQUIREMENTS FOR SERVICE LINE AND CONNECTOR INVENTORY MAINTENANCE. (a) *Annual inventory deadline.* Beginning January 30, 2029, and annually on January 30 thereafter, the PWS water supplier must update the baseline inventory of service lines and connectors developed under sub. (1n), submit the updates to the department, and update the public accessible inventory. The water supplier must meet all of the following requirements, as applicable:

1. The PWS water supplier must identify the material of all LSU service lines by the applicable mandatory service line replacement deadline under sub. (2) (d).

2. The water supplier for a PWS whose baseline inventory contains only non-lead service lines and non-lead connectors or no connectors present is not required to provide an updated inventory to the department or to make updates to the publicly accessible inventory. If, in the future, such a water supplier

discovers a lead or GRR service line, or lead connector within its PWS, the water supplier must notify the department no later than 60 days after the discovery, prepare an updated inventory in accordance with this subsection on a schedule established by the department, replace the lead or GRR service line under sub. (2) (d) 3., and replace any lead connector along the service line under sub. (3).

(b) *Annual inventory updates and maintenance.* The PWS water supplier must update the inventory annually with any new information acquired from all applicable sources described under this paragraph, pars. (c) to (d), and sub. (1n) (b) and follow all applicable requirements for the inventory under this subsection and sub. (1n). The water supplier may update the inventory using other sources of information not listed under sub. (1n) (b) if the use of those information sources is approved or required by the department. The water supplier must meet all of the following requirements:

1. The water supplier must update the PWS's inventory annually based on any lead or GRR service line replacements, service line material inspections, or lead connector replacements that have been conducted. Each updated inventory and subsequent update to the publicly accessible inventory must include all of the following information regarding service line material identification and replacement:

a. The total number of lead service lines in the inventory and location for each.

b. The total number of GRR service lines in the inventory and location for each.

c. The total number of LSU service lines in the inventory and location for each.

d. The total number of non-lead service lines in the inventory, location for each, the basis for material classification for each, and whether each is in the validation pool in accordance with this subsection and sub. (1n).

e. The total number of lead connectors in the inventory and location for each.

f. The total number of connectors of unknown material in the inventory and location for each.

g. The total number of non-lead connectors in the inventory, location for each, and the basis for material classification for each.

h. The total number of full lead service line replacements and full GRR service line replacements that have been conducted in each preceding program year as defined under sub. (2) (e) 3.

i. The total number of partial lead service line replacements and partial GRR service line replacements that have been conducted in each preceding program year as defined under sub. (2) (e) 3.

2. The water supplier must identify service line material under sub. (1n) (d), connector material under sub. (1n) (c), and addresses under sub. (1n) (e) as encountered in the course of normal operations, such as checking service line materials when reading water meters or performing maintenance activities. The water supplier must update the inventory annually based on the identified service line materials, connector materials, and addresses.

(c) *Incorrect non-lead service line categorizations.* A water supplier that discovers a lead or GRR service line that was previously inventoried as non-lead must update the PWS's inventory under par. (b) and, if applicable, par. (a) 2. The water supplier must notify the department under s. NR 809.55 (5) and comply with any additional actions required by the department to address the inventory inaccuracy.

(d) *Suspected incorrect service line categorizations.* If a consumer or a customer notifies the water supplier of a suspected incorrect categorization of the consumer's or customer's service line material in the inventory, the water supplier must respond to the consumer or customer within 30 days of receiving the notification to make an offer to inspect the service line.

(e) *Validation pool.* The water supplier must validate the accuracy of the non-lead service line category in the inventory by meeting all of the following requirements as applicable:

1. The water supplier must identify a validation pool consisting of all service lines categorized as non-lead but excluding non-lead service lines identified by any of the following:

a. Records showing the service line was installed after June 19, 1988, or after the compliance date of a state or local law prohibiting the use of service lines that do not meet the 1986 definition of lead free under 42 USC 300g-6 as amended in 1986 and 40 CFR 141.43 (d) (1) and (2), as codified on July 1, 1991, whichever is earlier.

b. Visual inspection of the pipe exterior at a minimum of 2 points, such as excavation, visual inspection in the meter pit or stop box, or visual inspection inside the home.

c. Previously replaced lead or GRR service lines with a non-lead service line.

Note: 42 USC 300g-6 is section 1417 of the federal safe drinking water act.

2. The water supplier must validate at least as many service lines as are required under Table Qb. The water supplier must confirm the service line material of randomly selected non-lead service lines from the validation pool. For instance, service lines may be selected using a random number generator or lottery method. Except as provided under subd. 3., confirmation of service line material must be done by visual inspection of the pipe exterior at a minimum of 2 points. When ownership is shared, the water supplier must conduct at least one visual inspection on each portion of the service line. When ownership is shared, and only one portion of the service line is included in the validation pool, the water supplier must conduct at least one point of visual inspection on the unconfirmed portion of the service line.

Table Qb

Non-Lead Service Line Material Validations

Size of validation pool	Number of validations required
<1,500	20 percent of validation pool rounded to the nearest whole number
1,500 to 2,000	322
2,001 to 3,000	341
3,001 to 4,000	351
4,001 to 6,000	361
6,001 to 10,000	371
10,001 to 50,000	381
>50,000	384

3. If physical access to private property is necessary to complete the validation and the water supplier is unable to gain access, the water supplier is not required to conduct a validation at that site. The water supplier must replace the validation site by randomly selecting a new service line that meets the requirements under subd. 1. to conduct the validation.

4. The water supplier must meet one of the following deadlines for inventory validation:

a. No later than December 31, 2034, for a PWS subject to the mandatory service line replacement deadline under sub. (2) (d) or a water supplier who has reported only non-lead service lines in the PWS's baseline inventory, submitted to the department under s. NR 809.55 (5) (h).

b. A deadline established by the department for a PWS conducting mandatory service line replacement on a shortened deadline for service line replacement as established by the department in accordance with sub. (2) (e) 5.

c. A deadline established by the department to be no later than 3 years prior to the deadline for completing mandatory service line replacement if the PWS is eligible for and the water supplier plans to use a deferred deadline under sub. (2) (e) 6.

5. A water supplier who conducts inventory validation under this paragraph must complete the validation by the applicable deadline described under subd. 4., submit the results of the validation under s. NR 809.55 (5) (h), and comply with any additional actions required by the department to address inventory inaccuracies. The water supplier must submit to the department the specific version, including the date, of the service line inventory that was used to determine the number of non-lead service lines included in the validation pool under s. NR 809.55 (5) (h).

6. The water supplier may make a written request to the department to approve a waiver of the inventory validation requirements under this subsection. To obtain a waiver, the water supplier must submit documentation to the department to demonstrate the water supplier has conducted an inventory validation that is at least as stringent as the inventory validation requirements specified under subds. 1. to 3. by November 1, 2027, and obtain written approval of the waiver from the department.

(1w) SERVICE LINE REPLACEMENT PLAN. The water supplier for a PWS with one or more lead, GRR, or LSU service lines in the PWS's distribution system must create a service line replacement plan by November 1, 2027, and submit the service line replacement plan to the department in accordance with s. NR 809.55 (5). The service line replacement plan must be sufficiently detailed to ensure a water supplier is able to comply with the service line inventory and replacement requirements in this section and meet all of the following requirements:

(a) The service line replacement plan must include a description of all of the following:

1. A strategy for determining the material composition of LSU service lines in the service line inventory under sub. (1n).

2. A standard operating procedure for conducting full service line replacement, such as techniques to replace service lines.

3. A communication strategy to inform consumers and customers before a full or partial lead or GRR service line replacement consistent with the requirements for notification and mitigation under sub. (6).

4. A procedure for consumers and customers to flush service lines and premise plumbing of particulate lead following disturbance of a lead, GRR, or LSU service line in accordance with s. NR 809.546 (7) and following full or partial replacement of a lead or GRR service line consistent with the requirements for notification and mitigation under sub. (6).

5. A strategy to prioritize service line replacement based on factors including known lead and GRR service lines and community-specific factors, such as populations disproportionately impacted by lead and populations most sensitive to the effects of lead.

6. A funding strategy for conducting service line replacement. If the water supplier intends to charge customers for the cost to replace all or a portion of the service line because it is authorized or required to do so under state or local law or a water tariff agreement, the funding strategy must include a description of whether and how the water supplier intends to assist customers who are unable to pay to replace the portion of the service line the customers own.

7. A communication strategy to inform residential and non-residential customers and consumers, such as property owners, renters, and tenants, served by the PWS, about the service line replacement plan and program.

8. Any laws, regulations, or water tariff agreements that affect the water supplier's ability to gain access to conduct a full lead service line replacement or a GRR service line replacement, including the citation to the specific laws, regulations, or water tariff agreement provisions. This includes identification of any laws, regulations, or water tariff agreements that require customer consent or require or authorize customer cost-sharing.

9. For a water supplier that identifies any lead-lined galvanized service lines in the service line inventory as described under subs. (1n) and (1r), a strategy to determine the extent of the use of lead-lined galvanized service lines in the distribution system and categorize any lead-lined galvanized service lines as lead under sub. (2) (f) 3. a.

10. For a water supplier that is eligible for and plans to use a deferred deadline under sub. (2) (e) 6., all of the following:

a. Documentation to support the water supplier's determination that the PWS is eligible for a deferred deadline, showing that 10 percent of the total number of known lead and GRR service lines in

the replacement pool exceeds 39 annual replacements per 1,000 service connections as calculated under sub. (2) (e) 6. a.

b. Identification of the deferred deadline and the associated cumulative average replacement rate that the water supplier considers to be the fastest feasible but no slower than a deadline and replacement rate corresponding to 39 annual replacements per 1,000 service connections as calculated under sub. (2) (e) 6. a., as well as the annual number of replacements required, the length of time in years and months, and the date of completion for this deadline and rate.

c. Information supporting the water supplier's determination that it is not feasible to replace lead and GRR service lines by an earlier date and faster rate than provided under the deferred deadline provision under sub. (2) (e) 6.

(b) The water supplier must make the service line replacement plan accessible to the public. The water supplier for a large water system must make the plan available to the public online.

(c) The water supplier must annually update the service line replacement plan to include any new or updated information, submit the updates to the department on an annual basis under s. NR 809.55 (5), and make the updated plan publicly accessible no later than the deadline to submit the updated plan to the department, unless the water supplier meets the following conditions as applicable:

1. If there is no new or updated information to include in the service line replacement plan since the previous iteration, the water supplier may certify to the department that the plan has no updates in lieu of resubmitting the plan unless the PWS is replacing service lines under a deferred deadline and subd. 2. applies.

2. If there is no new or updated information to include in the service line replacement plan and the PWS is replacing service lines in accordance with a deferred deadline under sub. (2) (e) 6., every 3 years after the initial submission of the plan, the water supplier must update the information specified under par. (a) 10. to support why the PWS continues to need the deferred deadline and resubmit the plan to the department.

3. If there are no longer any lead, GRR, or unknown service lines in the inventory as described under subs. (1n) and (1r), the water supplier is not required to resubmit the service line replacement plan or certify to the department that the plan has no updates.

SECTION 40. NR 809.545 (2) to (7) are repealed and recreated to read:

NR 809.545 (2) MANDATORY FULL SERVICE LINE REPLACEMENT. (a) *PWS replacement of service lines under its control.* The PWS water supplier must replace all lead and GRR service lines under the control of the PWS unless the replacement would leave in place a partial lead service line.

(b) *PWS access to full service line replacement.* 1. When a PWS has access, such as legal access or physical access, to conduct full service line replacement, the service line is under the PWS's control, and the water supplier must replace the service line.

2. When a PWS does not have access to conduct full service line replacement, the water supplier is not required by this chapter to replace the line, but the water supplier must document the reasons that the PWS does not have access and include any specific laws, regulations, or water tariff agreements that affect the PWS's ability to gain access to conduct a full lead service line replacement or a GRR service line replacement. The water supplier must provide this documentation to the department under s. NR 809.55 (5) (i).

3. This subchapter does not establish the criteria for determining whether a water supplier for a PWS has access to conduct full service line replacement. Any applicable state or local laws or water tariff agreement requirements to gain access to conduct full service line replacement must be identified in the service line replacement plan as described under sub. (1w).

(c) *Reasonable effort to obtain consent for full service line replacements.* When a PWS has legal access to conduct full service line replacement only if property owner consent is obtained, the water supplier must make a reasonable effort to obtain property owner consent. If the water supplier does not obtain consent after making a reasonable effort to obtain it from any property owner, then the water supplier is not required by this subchapter to replace any portion of the service line at that address unless there is a change in ownership of the property as described under subd. 2. The water supplier must provide documentation of the reasonable effort to the department under s. NR 809.55 (5) (i) and meet all of the following requirements:

1. A reasonable effort must include at least 4 attempts to engage the property owner using at least 2 different methods of communication, such as an in-person conversation, phone call, text message, email, written letter, postcard, or information left at the door such as a door hanger, before the applicable deadline of mandatory service line replacement as described under par. (d). The department may require a water supplier to conduct additional attempts and may require specific outreach methods to be used.

2. Within 6 months of any change in ownership of the property, the water supplier must offer full service line replacement to any new property owner. A water supplier may use new service initiation or service transfer to a new customer to identify when there is a change in ownership. Within one year of any change in ownership of the property, the water supplier must make a reasonable effort to obtain the property owner's consent as described under subd. 1. If the water supplier is unable to obtain consent from the current property owner after making a reasonable effort to obtain it, the PWS is not required under this subchapter to replace the line. This subdivision continues to apply until all lead and GRR service lines are replaced.

(d) *Service line replacement deadlines.* 1. The deadline for a PWS to replace all lead and GRR service lines under the control of the PWS is no later than 10 program years as described under par. (e) 3., after November 1, 2027, unless the PWS is subject to a different deadline under par. (e) 5. and 6.

2. The water supplier must start a mandatory service line replacement program no later than November 1, 2027.

3. If a lead or GRR service line is discovered when the PWS's inventory is comprised of only non-lead service lines, the water supplier must complete the following requirements:

a. Update the replacement pool calculated under par. (f) 1.

b. Conduct a full service line replacement of the affected service line as soon as practicable, but no later than 180 days after the date the service line is discovered. No later than 90 days after the date of discovery of the affected service line, the water supplier may request department approval for an extension of up to one year after the date of the discovery of the affected service line if the water supplier determines that it is not practicable to conduct full service line replacement within 180 days after the date of discovery, such as due to freezing ground conditions.

(e) *Cumulative average annual replacement rate for service lines.* The water supplier must meet a minimum cumulative average annual replacement rate for completing mandatory service line replacement in accordance with all of the following requirements:

1. 'Annual replacement rate.' Except as provided under subds. 5. and 6., a water supplier must replace lead and GRR service lines as described under par. (f) at an average annual replacement rate of at least 10 percent calculated across a cumulative period.

2. ‘Cumulative percent of service lines replaced.’ To calculate the cumulative percent of service lines replaced, at the end of each mandatory service line replacement program year, as specified under subd. 3., the water supplier must divide the total number of lead and GRR service lines replaced thus far in the program in accordance with par. (f) 3. by the number of service lines within the replacement pool in accordance with par. (f) 1.

3. ‘Program year.’ The first mandatory service line replacement program year is from November 1, 2027, to December 31, 2028. Every program year after the first program year is on a calendar year basis. This subdivision applies only for the purposes of this section.

4. ‘Cumulative average replacement rate.’ a. The annual replacement rate under subd. 1. is assessed annually as a cumulative average. The first cumulative average replacement rate must be assessed at the end of the 3rd program year and then assessed annually at the end of each program year. The cumulative average replacement rate is calculated by dividing the most recent cumulative percent of service lines replaced under subd. 2. by the number of completed program years. For example, the first cumulative average replacement rate would be divided by 3. Except as provided in subd. 4. b., the cumulative average replacement rate must be 10 percent or greater each program year, and the water supplier must replace all lead and GRR service lines under the PWS’s control by the applicable deadline for completing mandatory service line replacement under par. (d).

b. After November 1, 2027, a water supplier is not required by this section to meet the cumulative average replacement rate described under this paragraph when the PWS has replaced all lead and GRR service lines in the replacement pool as described under par. (f) 1. that are under the control of the PWS, identified all unknown service lines in the inventory, and documented and submitted to the department the reasons the PWS currently does not have access to conduct full replacement of the remaining lead and GRR service lines in the replacement pool in accordance with pars. (b) and (c). When lead and GRR service lines come under the control of the PWS, the water supplier is required to replace the service lines as described in this subsection. This subd. 4. b. continues to apply until all lead and GRR service lines are replaced.

5. ‘Shortened deadline and associated replacement rate.’ a. When the department determines that a shortened replacement deadline is feasible for a PWS, for example, by considering the number of lead and GRR service lines in a PWS’s inventory, the water supplier must replace service lines by the department-determined deadline and by a faster minimum replacement rate under subd. 5. b. The department must make this determination in writing and notify the system of its finding. If, at any time

through a PWS's replacement program, the department determines a shorter deadline is feasible, the department must set a shortened deadline. This subdivision also applies to a PWS eligible for a deferred deadline as specified under subd. 6.

b. A PWS water supplier must replace lead and GRR service lines at an average annual replacement rate calculated by dividing 100 by the number of years needed to meet the shortened deadline determined by the department, expressed as a percentage. For example, a water supplier with 5 years to meet the shortened deadline would have an average annual replacement rate of 20 percent. The water supplier must comply with the cumulative average replacement rate under subd. 4., when the first cumulative average replacement rate is assessed at the end of the program year that is at least one year after the date the department issued its determination to shorten the replacement deadline, unless the shortened replacement deadline is less than 3 years. If the PWS's shortened replacement deadline is less than 3 years, the cumulative average replacement rate must be assessed on a schedule determined by the department.

6. 'Deferred deadlines and associated replacement rates.' A water supplier may defer service line replacement past the deadline under par. (d) if the PWS meets all of the following criteria:

a. If replacing 10 percent of the total number of known lead and GRR service lines in a PWS's replacement pool would result in an annual number of service line replacements by the PWS that would exceed 39 per 1,000 service connections, the water supplier may complete replacement of all lead and GRR service lines by a deadline that corresponds to the water supplier conducting 39 annual replacements per 1,000 service connections at a cumulative average replacement rate assessed in accordance with subd. 4. This subd. 6. a. is also applicable if a PWS with service lines that are newly under the PWS's control, after previously not having control as described under subd. 4. b., would otherwise be required to conduct more than 39 annual replacements per 1,000 service connections. The number of annual replacements corresponding to 39 annual replacements per 1,000 service connections can be calculated by multiplying the number of service connections in a PWS by 0.039. The number of years needed to complete replacement is the total number of known lead and GRR service lines in a PWS's replacement pool divided by the calculated number of annual replacements. To calculate the minimum cumulative average replacement rate, the water supplier must divide 100 by the number of years needed to achieve replacing 39 annual replacements per 1,000 service connections, expressed as a percentage.

Note: The minimum cumulative average replacement rate under subd. 6. a. is calculated as follows:

A = number of service connections x 0.039

C = (total number of known lead and GRR service lines in replacement pool) / A

M (expressed as a percentage) = 100 / C

Where:

A refers to the calculated number of annual replacements corresponding to 39 annual replacements per 1,000 service connections

C refers to the calculated number of years needed to complete replacement

M refers to the calculated minimum average replacement rate

b. A water supplier for a PWS that is eligible for and plans to use a deferred deadline must include information, in accordance with sub. (1w) (a) 10., to support the use of a deferred deadline, including identifying the deadline and the associated cumulative average rate of replacement to meet this deferred deadline, in the PWS's initial service line replacement plan and subsequent updates to the plan in accordance with sub. (1w). The water supplier must identify an annual replacement rate that is no less than 39 annual replacements per 1,000 service connections.

c. As soon as practicable, but no later than the end of the 2nd program year as defined under subd. 3., and then every 3 years after the end of the 2nd program year, the department must determine in writing whether the deferred deadline and associated cumulative average replacement rate the water supplier documented under sub. (1w) (a) 10. b. are the fastest feasible to conduct mandatory service line replacement. Based on this determination, the department must either approve the continued use of this deferred deadline and replacement rate as the fastest feasible for the PWS or set a shorter deferred deadline. If the department sets a shorter deadline, the department must identify an associated replacement rate to ensure the water supplier is replacing service lines at the fastest feasible rate for the PWS. The department must consider information that includes, but is not limited to, the water supplier's submissions of the service line inventory and replacement plan under subs. (1n) to (1w) and information collected from other PWSs conducting mandatory service line replacement. The department may require the water supplier to provide additional information for the department to consider in its assessment of the continued use of a deferred deadline and the fastest feasible replacement rate.

d. In the first 2 program years, the water supplier must comply with the annual replacement rate identified in the PWS's initial replacement plan, unless the department determines a faster rate is feasible sooner. In subsequent program years, the water supplier must comply with the applicable deferred deadline and associated replacement rate identified in the department's written determination of the deadline and replacement rate under subd. 6. c.

(f) *Calculations used to determine PWS's cumulative average replacement rate.* Calculation of the replacement pool, the annual number of replacements required, and the number of service lines replaced each year to calculate a PWS's cumulative average replacement rate described under par. (e) are determined according to all of the following:

1. 'Replacement pool.' To calculate the replacement pool, the water supplier must add the total number of lead, GRR, and LSU service lines in the baseline inventory submitted by November 1, 2027. The water supplier must not subtract lead or GRR service lines from the replacement pool when replaced. The water supplier must not subtract service lines that are not under the control of the PWS from the replacement pool. Annually at the beginning of each program year, the water supplier must update the replacement pool according to the counts of all of the following specific types of recategorized service lines in the inventory:

a. Unknown service lines that are identified as non-lead service lines must be subtracted from the replacement pool. Unknown service lines that are identified as lead or GRR service lines must be recategorized appropriately in the inventory and replacement pool but do not change the number of service lines in the replacement pool because recategorization does not remove these service lines from the replacement pool.

b. Non-lead service lines discovered to be lead or GRR service lines must be added to the replacement pool.

c. Lead or GRR service lines discovered to be non-lead service lines must be subtracted from the replacement pool.

d. Each entire service line must count only once for purposes of calculating the replacement pool.

2. 'Annual number of replacements required.' To calculate the number of lead and GRR service lines a PWS is required to replace in a given program year, divide the number of service lines in the most

up-to-date replacement pool, calculated at the beginning of each program year, by the total number of years remaining under par. (d) to complete mandatory service line replacement.

3. 'Number of service lines replaced.' When calculating the cumulative average replacement rate, the water supplier may only include full service line replacements of lead or GRR service lines when counting the number of service lines replaced. Whenever the water supplier conducts a replacement of a lead or GRR service line, either a portion of a service line or the entire service line, the replacement counts as a full service line replacement only if, after the replacement, the entire service line can be categorized in the inventory as non-lead under sub. (1n) (d) 3. The water supplier must meet all of the following requirements as applicable:

a. For purposes of mandatory service line replacement, the water supplier must count each entire service line once, including when ownership of the service line is shared, with a single material categorization in accordance with Table Qe.

Table Qe

Mandatory Service Line Replacement Categorizations

PWS-owned portion	**Customer-owned portion**	**Categorization for entire service line**
Lead	Lead	Lead
Lead	Galvanized requiring replacement	Lead
Lead	Non-lead	Lead
Lead	Lead status unknown	Lead
Non-lead	Lead	Lead
Non-lead and never previously lead	Non-lead, specifically galvanized pipe material	Non-lead
Non-lead	Non-lead, material other than galvanized pipe material	Non-lead
Non-lead	Lead status unknown	Lead status unknown
Non-lead, but water supplier is unable to demonstrate it was not previously lead	Galvanized requiring replacement	Galvanized requiring replacement
Lead status unknown	Lead	Lead
Lead status unknown	Galvanized requiring replacement	Galvanized requiring replacement
Lead status unknown	Non-lead	Lead status unknown

Lead status unknown	Lead status unknown	Lead status unknown

b. A full service line replacement is counted when a non-lead service line is installed for use and the lead or GRR service line is disconnected from the water main or other service line. If the lead or GRR service line is disconnected from the water main or PWS-owned portion of the service line but not removed, the PWS must not reconnect the lead or GRR service line to the water main or other service line.

c. A full service line replacement may be counted when a water supplier physically disconnects a lead or GRR service line that is not in use and the water supplier does not install a new non-lead service line because there is no service line in use, such as at an abandoned property. If the disconnected service line is not removed, the PWS must not reconnect to the disconnected service line. A new non-lead service line must be installed if active use is to resume.

4. 'Not counted as a full service line replacement.' A water supplier must not count any of the following as a full service line replacement for purposes of this subchapter:

a. If the service line is partially replaced as defined under s. NR 809.04 (59d).

b. If a lead, GRR, or unknown service line is determined to be a non-lead service line.

c. If only a lead connector is replaced.

d. If pipe lining or coating technologies are used while the lead or GRR service line remains in use.

e. If a water supplier does not replace a lead or GRR service line because it is not under the control of the PWS as described in par. (b).

(3) REPLACEMENT OF LEAD CONNECTORS WHEN ENCOUNTERED BY A PWS. (a) The water supplier must replace any lead connector when encountered during planned or unplanned PWS infrastructure work unless the connector is not under the control of the PWS, for instance, if the water supplier does not have and cannot obtain access to conduct the connector replacement. Once a connector is replaced, the water supplier must meet all of the following requirements, as applicable:

1. Upon replacement of any connector that is attached to a lead or GRR service line, the water supplier must follow risk mitigation measures for disturbances as specified under with s. NR 809.546 (7) (b).

2. Following replacement of a lead connector, the water supplier must update the information on the connector material and location in the PWS's inventory in accordance with subs. (1n) (b) and (c) and (1r) (b).

(b) The water supplier must comply with any state or local laws that require additional connectors to be replaced.

(4) REPLACEMENT OF A SERVICE LINE PROMPTED BY THE CUSTOMER. If state or local laws or water tariff agreements do not prevent customer-initiated replacements where a customer conducts a partial lead or GRR service line replacement, the water supplier must meet all of the following requirements:

(a) If the water supplier is notified by the customer that the customer intends to conduct a partial lead or GRR service line replacement, the water supplier must meet all of the following requirements:

1. Replace the remaining portion of the lead or GRR service line at the same time as, or as soon as practicable after, the customer-initiated replacement, but no later than 45 days from the date the customer conducted the partial replacement. If the water supplier cannot meet this deadline, the water supplier must notify the department within 30 days of the date the customer conducted the partial replacement and complete the replacement no later than 180 days from the date the customer conducted the partial replacement.

2. Provide notification and risk mitigation measures in accordance with sub. (6), as applicable, before the affected service line is returned to service.

(b) If the water supplier is notified or otherwise learns that a customer-initiated replacement occurred within the previous 6 months and left in place the PWS-owned portion of a lead or GRR service line, the water supplier must meet all of the following requirements, as applicable:

1. Replace any remaining portion of the affected service line within 45 days from the day of becoming aware of the customer-initiated replacement. If the PWS cannot meet this deadline, the water supplier must notify the department within 30 days of the date the water supplier learns of the customer-initiated replacement and complete the replacement no later than 180 days of the date the water supplier learns of the customer-initiated replacement.

2. Provide notification and risk mitigation measures in accordance with sub. (6) within 24 hours of becoming aware of the customer replacement.

(c) When a water supplier is notified or otherwise learns of a customer-initiated replacement of a lead or GRR service line that occurred more than 6 months in the past, the water supplier is not required to complete the lead or GRR service line replacement of the PWS-owned portion under this subsection. However, the remaining portion of the lead or GRR service line must be identified in the inventory under sub. (1r) and replaced in accordance with sub. (2).

(5) REQUIREMENTS FOR CONDUCTING PARTIAL SERVICE LINE REPLACEMENTS. This subsection prohibits the water supplier for a PWS from conducting a partial service line replacement unless it is conducted as part of an emergency repair or in coordination with planned infrastructure work that impacts service lines, excluding planned infrastructure work solely for the purposes of lead or GRR service line replacement. If a PWS has access to conduct a full service line replacement as specified under sub. (2)

(b), the water supplier must fully replace the service line. If a water supplier conducts a partial service line replacement, the water supplier must complete all of the following steps:

(a) The water supplier must comply with the notification and mitigation requirements specified under sub. (6) (a) and (b).

(b) Whenever a PWS conducts a partial service line replacement, the water supplier must include a dielectric coupling separating the remaining service line and the replaced service line, or the newly installed service line, to prevent galvanic corrosion, unless the replaced service line is made of plastic.

(6) PROTOCOLS FOR NOTIFICATION AND MITIGATION FOR PARTIAL AND FULL SERVICE LINE REPLACEMENTS. (a) *Notification and mitigation requirements for planned partial service line replacement.* Whenever a water supplier plans to conduct a partial service line replacement in coordination with planned infrastructure work that impacts service lines, the water supplier must provide written notice to the property owner, or the owner's authorized agent, as well as non-owner occupants served by the affected service line at least 45 days prior to the replacement. If a PWS has access to conduct full service line replacement only if property owner consent is obtained, the water supplier must make a reasonable effort to obtain property owner consent to replace the remaining portion of the service line in accordance with sub. (2) (c) 1. The reasonable effort must be completed before the partial lead service line replacement. The water supplier must meet all of the following requirements:

1. Before the affected service line is returned to service, the water supplier must provide written notification that explains that consumers may experience a temporary increase of lead levels in their drinking water due to the replacement, meets the content requirements under s. NR 809.546 (2) (a) 2. to 4. and includes contact information for the PWS. If multi-family dwellings or multiple non-residential occupants are served by the affected service line to be partially replaced, the water supplier may elect to post the information at a conspicuous location instead of providing individual written notification to all residents or non-residential occupants.

2. Before the affected service line is returned to service, the water supplier must provide written information about a procedure for consumers to flush service lines and premise plumbing of particulate lead following partial replacement of a lead or GRR service line.

3. Before the affected service line is returned to service, the water supplier must provide the consumer with a pitcher filter or POU certified by an American National Standards Institute accredited certifier to reduce lead, 6 months of replacement cartridges, and instructions for use. If the affected service line serves more than one residence or non-residential unit, such as a multi-unit building, the water supplier must provide a pitcher filter or POU certified by an American National Standards Institute accredited certifier to reduce lead, 6 months of replacement cartridges, and instructions for use to every residential and non-residential unit in the building.

4. The water supplier must offer to the consumer to collect a follow-up tap sample between 3 months and 6 months after the completion of any partial replacement of a lead service line. The tap sample must be a first-liter-and-fifth-liter-paired sample taken after at least 6 hours of stagnation, following the tap sampling protocol under s. NR 809.547 (2). The water supplier must provide the results of the sample to the persons served by the service line in accordance with s. NR 809.546 (5).

(b) *Notification and mitigation requirements for emergency partial service line replacement.* The water supplier for any PWS that creates a partial service line replacement due to an emergency repair must provide notice and risk mitigation measures to the persons served by the affected service line in accordance with par. (a) before the affected service line is returned to service. The water supplier must offer to the property owner, or the owner's authorized agent, to replace the partial service line created by the emergency repair and complete the replacement no later than 45 days from the date the water supplier conducted the emergency repair.

(c) *Notification and mitigation requirements for full service line replacement.* 1. The water supplier for any PWS that conducts a full replacement of a lead or GRR service line must provide written notice to the persons served by the affected service line before the affected service line is returned to service. The water supplier must provide written notice to the owner or the owner's authorized agent, no later than 30 days following completion of the replacement.

2. The written notification must explain that consumers may experience a temporary increase of lead levels in their drinking water due to the replacement and must meet the content requirements under s. NR 809.546 (2) (a) 2. to 4., as well as contact information for the PWS. If multi-family dwellings or multiple non-residential occupants are served by the lead or GRR service line to be replaced, the water supplier may elect to post the information at a conspicuous location instead of providing individual written notification to all persons served in residential and non-residential units.

3. Before the replaced service line is returned to service, the water supplier must provide written information about a procedure for consumers to flush service lines and premise plumbing of particulate lead following full replacement of a lead or GRR service line.

4. Before the replaced service line is returned to service, the water supplier must provide the consumer with a pitcher filter or POU certified by an American National Standards Institute accredited certifier to reduce lead, 6 months of replacement cartridges, and instructions for use. If the lead service line serves more than one residence or non-residential unit, such as a multi-unit building, the water supplier must provide a pitcher filter or POU certified by an American National Standards Institute accredited certifier to reduce lead, 6 months of replacement cartridges, and instructions for use to every residential and non-residential unit in the building.

5. The water supplier must offer to the consumer to collect a follow-up tap sample between 3 months and 6 months after completion of any full replacement of a lead or GRR service line. The tap sample must be a first-liter sample taken after at least 6 hours of stagnation, following the tap sampling protocol under s. NR 809.547 (2). The water supplier must provide the results of the sample to the consumer in accordance with s. NR 809.546 (5).

(7) REPORTING TO DEMONSTRATE COMPLIANCE TO THE DEPARTMENT. To demonstrate compliance with subs. (1n) to (6), a water supplier must report to the department the information specified under s. NR 809.55 (5).

SECTION 41. NR 809.546 (1) (a) 2. is repealed and recreated to read:

NR 809.546 (1) (a) 2. 'Health effects of lead.' Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have an increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney, or nervous system problems.

SECTION 42. NR 809.546 (5) is created to read:

NR 809.546 (5) NOTIFICATION OF KNOWN OR POTENTIAL SERVICE LINES CONTAINING LEAD. (a) *Notification requirements*. A water supplier for a PWS with lead, GRR, or LSU service lines in its inventory that was required to be developed under s. NR 809.545 (1k) (a) must inform all persons served by the PWS at the service connection with a lead, GRR, or LSU service line.

(b) *Timing of notification*. A water supplier must provide notification on an annual basis by March 1 until the entire service connection is no longer a lead, GRR, or LSU service line. For a new customer, the water supplier shall also provide the notice at the time of service initiation.

(c) *Content*. 1. 'Persons served by a confirmed lead service line.' For persons served by a confirmed lead service line, the notice must include all of the following:

a. A statement that the person's service line is lead.

b. An explanation of the health effects of lead that meets the requirements under sub. (1) (a) 2.

c. Steps a person at the service connection can take to reduce exposure to lead in drinking water.

d. Information about opportunities to replace lead service lines, as well as programs that provide financing solutions to assist property owners with the replacement of their portion of a lead service line.

e. A statement that the water supplier is required to replace its portion of a lead service line if the property owner notifies the water supplier that the property owner will be replacing their portion of the lead service line.

2. 'Persons served by a GRR service line.' For persons served by a GRR service line, the notice must include all of the following:

a. A statement that the person's service line is galvanized requiring replacement.

b. An explanation of the health effects of lead.

c. Steps a person at the service connection can take to reduce exposure to lead in drinking water.

d. Information about opportunities for replacement of the service line.

3. 'Persons served by an LSU service line.' For persons served by a LSU service line, the notice must include all of the following:

a. A statement that the person's service line material is unknown but may be lead.

b. An explanation of the health effects of lead that meets the requirements under sub. (1) (a) 2.

c. Steps a person at the service connection can take to reduce exposure to lead in drinking water.

d. Information about opportunities to verify the material of the service line.

(d) *Delivery*. The notice must be provided to persons served by the PWS at the service connection with a lead, GRR, or LSU service line, by mail or by another method approved by the department.

SECTION 43. NR 809.546 as amended by SECTIONS 41 and 42 is repealed and recreated to read:

NR 809.546 Public education and supplemental monitoring and mitigation requirements. **(1)** GENERAL. (a) *PWSs with lead action level exceedances.* A water supplier for a PWS that exceeds the lead action level based on tap water samples collected under s. NR 809.547 must distribute the public education materials contained under sub. (2) (a) in accordance with the delivery requirements under sub.

(3). The water supplier must offer to sample the tap water of any person served by the PWS who requests it under sub. (4).

(b) *PWSs with copper action level exceedances.* A water supplier for a PWS that exceeds the copper action level based on tap water samples collected under s. NR 809.547 must distribute the public education materials contained under sub. (2) (b) in accordance with the delivery requirements under sub. (3).

(c) *Consumer notice requirements for PWSs.* A water supplier must deliver a consumer notice of lead tap water monitoring results and copper tap water monitoring results to persons served by PWS at sites that are sampled, as specified under sub. (5).

(d) *PWSs with lead, GRR, or LSU service lines.* A water supplier for a PWS with lead, GRR, or LSU service lines must deliver public education materials to persons served by a lead, GRR, or LSU service line as specified under subs. (6) and (7). The water supplier must offer to sample for lead in the tap water of any person served by a lead, GRR, or LSU service line who requests it under sub. (4).

(e) *CWSs not meeting the minimum replacement rate for mandatory service line replacement.* The water supplier for a CWS that does not meet the minimum replacement rate for mandatory service line replacement as required under s. NR 809.545 (2) must conduct outreach activities as specified under sub. (8).

(f) *Annual outreach requirements for CWSs.* The CWS water supplier must conduct annual outreach to the department of health services and the local health department as outlined under sub. (9).

(g) *PWSs with multiple lead action level exceedances.* The water supplier for a PWS with multiple lead action level exceedances, as specified under sub. (10) (a), must conduct public outreach and make filters certified to reduce lead available as specified under sub. (10) (b) to (f).

(h) *PWSs serving a large proportion of consumers with limited English proficiency.* For a PWS serving a large proportion of consumers with limited English proficiency, as determined by the department, all public education materials required under this section must comply with the language requirements under sub. (3) (a).

(2) CONTENT OF WRITTEN PUBLIC EDUCATION MATERIALS. For lead public education, the water supplier for a PWS must include the elements under par. (a) in written materials, such as printed or digital brochures or pamphlets, in the same order as listed under this subsection. The water supplier for a PWS with a copper action level exceedance must include the elements under par. (b) in written materials, such as printed or digital brochures or pamphlets. The department may approve changes to the content requirements if the department determines the changes are more protective of human health. Any additional information presented by a water supplier must be consistent with the requirements under this subsection and be written in plain language that can be understood by the general public. The water

supplier must submit a copy of all written public education materials to the department prior to delivery of materials under sub. (3). The department may require the water supplier to obtain approval of the content of written public education materials prior to delivery. The water supplier must complete all of the following, as applicable:

(a) *Lead public education.* Written public education material for lead must include all of the following elements, as applicable:

1. 'Important information about lead in your drinking water.' Include the following language, exactly as written, except for the text in brackets for which the water supplier must include PWS-specific information: "Important Information About Lead in Your Drinking Water. [INSERT NAME OF PWS] found elevated levels of lead in drinking water in some homes or buildings. Lead can cause serious health problems, especially for pregnant people and young children. Please read this information closely to see what you can do to reduce lead in your drinking water."

2. 'Health effects of lead.' Include the following language, exactly as written: "There is no safe level of lead in drinking water. Exposure to lead in drinking water can cause serious health effects in all age groups, especially pregnant people, infants (both formula-fed and breastfed), and young children. Some of the health effects to infants and children include decreases in IQ and attention span. Lead exposure can also result in new or worsened learning and behavior problems. The children of persons who are exposed to lead before or during pregnancy may be at increased risk of these harmful health effects. Adults have increased risks of heart disease, high blood pressure, and kidney or nervous system problems. Contact your health care provider for more information about your risks."

3. 'Sources of lead.' The water supplier must describe all of the following in the written public education materials:

a. Explain what lead is.

b. Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home and building plumbing materials, service lines, and connectors that may contain lead and include information about the definition of lead free as provided under 42 USC 300g-6 in 1986 and as subsequently revised in 2011. Explain that lead levels may vary and therefore lead exposure is possible even when tap sampling results do not detect lead at one point in time.

Note: 42 USC 300g-6 is section 1417 of the federal safe drinking water act.

c. Discuss other important sources of lead exposure in addition to drinking water, for example, paint.

4. ‘Consumer steps to reduce lead exposure.’ The water supplier must discuss all of the following steps that the consumer can take to reduce their exposure to lead in drinking water in the written public education materials:

a. Explain that using a filter, certified by an American National Standards Institute accredited certifier to reduce lead, is effective in reducing lead exposures. If the water supplier for the PWS makes filters available in accordance with sub. (10) (b), also include information on how the consumer can obtain a filter.

b. Encourage running the water to flush out the lead. Explain that lead levels increase over time as water sits in lead-containing plumbing materials, and regular water usage in the building can reduce lead levels in drinking water. Advise consumers served by lead and GRR service lines that they may need to flush the water for longer periods.

c. Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

d. Explain that boiling water does not reduce lead levels.

e. Encourage regular cleaning of faucet aerators.

f. Discuss other options consumers can take to reduce exposure to lead in drinking water, especially for pregnant persons, infants, and young children, such as using alternative sources of water.

g. Suggest that parents have their child’s blood tested for lead. Provide contact information for the department of health services or the local health department.

h. Tell consumers how to get their water tested, including information in accordance with sub. (4).

5. ‘Levels of lead in drinking water.’ The water supplier must explain why there are elevated levels of lead in the PWS’s drinking water, if known, and what the water supplier is doing to reduce the lead levels in homes and buildings in this area.

6. ‘Information on lead, GRR, and LSU service lines.’ For a PWS with lead, GRR, or LSU service lines in the PWS’s inventory under s. NR 809.545 (1n) and (1r), public education materials must meet the requirements under this subdivision. For a PWS with lead connectors or connectors of unknown material in the PWS’s inventory under s. NR 809.545 (1n) and (1r), public education materials must meet only the requirements under subd. 6. c. The water supplier must include all of the following in the written public educational materials, as applicable:

a. Discuss opportunities to replace lead and GRR service lines.

b. Discuss opportunities to have the material of an LSU service line identified.

c. Include information on how to obtain a copy of the service line inventory or view the inventory on the internet if the water supplier is required to make the inventory available online so the consumer can

find out if the consumer is served by a lead, GRR, or LSU service line, or known lead connector or connector of unknown material.

d. Include information on how to obtain a copy of the service line replacement plan or view the plan on the internet if the water supplier is required to make the service line replacement plan available online.

e. Include information about opportunities to replace lead and GRR service lines. If the water supplier intends for customer payment for a portion of the replacement when it is required or authorized by state or local law or a water tariff agreement, the notice must include information about programs that provide financing solutions to assist property owners with replacement of their portion of a lead or GRR service line.

f. Include a statement that the PWS is required to replace its portion of a lead or galvanized requiring replacement service line when the property owner notifies the water supplier that the property owner is replacing the property owner's portion of the lead or galvanized requiring replacement service line.

g. Include a statement that provides instructions for the customer or consumer to notify the water supplier if the customer or consumer disagrees with the service line material categorization in the inventory.

7. 'More information about lead.' Include the following language, exactly as written, except for the text in brackets for which the water supplier must include PWS-specific information: "For more information, contact [INSERT NAME OF PWS] at [INSERT PHONE NUMBER OR E-MAIL ADDRESS] [(IF APPLICABLE), or visit our website at [INSERT WEBSITE]]. For more information on reducing lead exposure around your home or building and the health effects of lead, visit the EPA's website at http://www.epa.gov/lead or contact your health care provider."

(b) *Copper public education*. Written public education material for copper must include all of the following elements, as applicable:

1. 'Health effects of copper.' Include the following language, exactly as written: "Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor."

2. 'Sources of copper.' The water supplier must include all of the following requirements in the written public education materials:

a. Explain what copper is.

b. Explain possible sources of copper in drinking water and how copper enters drinking water. Include information on how corrosion of household plumbing systems and erosion of natural deposits can result in the release of copper in drinking water.

3. 'How copper can affect consumers' health.' The water supplier must discuss all of the following in the written public education materials:

a. Safe levels of copper.

b. Symptoms of elevated copper levels.

c. Health effects of long-term elevated copper exposure.

4. 'Consumer steps to reduce copper exposure.' The water supplier must discuss all of the following steps that the consumer can take to reduce their exposure to copper in drinking water in the written public education materials:

a. Encourage running the water to flush out the copper.

b. Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

c. Explain that boiling water does not reduce copper levels.

d. Discuss other options consumers can take to reduce exposure to copper in drinking water~~,~~ such as using alternative sources or treatment of water.

e. Tell consumers how to learn more about copper levels in their drinking water and where to find sampling results.

5. 'More information about copper.' Include the following language, exactly as written, except for the text in brackets for which the water supplier must include PWS-specific information: "For more information, contact [INSERT NAME OF PWS] at [INSERT PHONE NUMBER OR E-MAIL ADDRESS] [(IF APPLICABLE), or visit our website at [INSERT WEBSITE]]. For more information on the source of copper in drinking water and the health effects of copper, visit the EPA's website at https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations#Inorganics or contact your health care provider."

(3) TIMING, FORMAT, AND DELIVERY METHOD OF PUBLIC EDUCATION MATERIALS. (a) *Public education materials in appropriate language.* For PWSs serving a large proportion of consumers with limited English proficiency, as determined by the department, the public education materials required under this section must contain information in the appropriate language regarding the importance of the materials and either contain information on where such consumers may obtain a translated copy of the public education materials or assistance in the appropriate language, or the materials must be in the appropriate language.

(b) *CWS with a lead action level exceedance*. Each time a CWS exceeds the lead action level based on tap water samples collected under s. NR 809.547 the water supplier must conduct the public education tasks under this paragraph within 60 days after the end of the tap sampling period in which the exceedance occurred. For a CWS that is on standard monitoring, the end of the tap sampling period is June 30 or December 31. For a CWS that is required to conduct monitoring annually or less frequently, the end of the tap sampling period is September 30 of the calendar year in which the sampling occurs, or, if the department has established an alternate 4-month tap sampling period, the last day of that period. The water supplier must complete all of the following public education tasks:

1. Deliver written materials meeting the content requirements of sub. (2) (a) to each customer and to other service connections to which water is delivered by the PWS. In the case of multi-family dwellings, the water supplier must deliver the written materials to each unit or post the information at a conspicuous location.

2. a. Contact consumers who are most at risk by delivering education materials that meet the content requirements of sub. (2) (a) to the local health department even if it is not located within the PWS's service area, along with an informational notice that encourages distribution to all the agencies potentially affected customers or CWS's users. The water supplier must contact the local health department directly by phone, e-mail, or in person. If the local health department provides a specific list of additional community-based organizations serving populations at greatest risk from lead exposure, such as pregnant people or children, including organizations outside the service area of the PWS, then the water supplier must deliver education materials that meet the content requirements under sub. (2) (a) to all organizations on the provided lists.

b. Deliver materials that meet the content requirements of sub. (2) (a) to consumers who are most at risk, including all of the following: schools, child care facilities, and school boards; women, infants and children (WIC) programs and head start programs; public and private hospitals and medical clinics; pediatricians; family planning clinics; local welfare agencies; and obstetricians-gynecologists and midwives if located within the PWS's service area. The water supplier must also provide an informational notice that encourages distribution to all of the organization's potentially affected customers or CWS's users.

3. a. Provide information that meets the requirements under subd. 3. b. with each water bill until the PWS no longer exceeds the action level for lead. If the PWS bills less often than quarterly, then the water supplier must provide the information that meets the requirements under subd. 3. b. no less often than quarterly through another method approved by the department. The message or delivery mechanism may be modified in consultation with the department. For instance, the department may allow a separate

mailing of public education materials to customers if the water supplier cannot place the information on water bills.

b. The message on the water bill under subd. 3. a. must include the following statement, exactly as written, except for the text in brackets for which the water supplier must include PWS-specific information: "[INSERT NAME OF PWS] found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems. For more information, please contact [INSERT NAME OF PWS] [by visiting our website at [INSERT WEBSITE HERE]] (OR) [at [INSERT PHONE NUMBER OR E-MAIL ADDRESS]]."

4. Post material meeting the content requirements of sub. (2) (a) on the PWS's website if the PWS serves a population greater than 50,000. The water supplier must retain material on the website for as long as the PWS exceeds the lead action level.

5. Except as provided in par. (i) 2., submit a press release to at least one of each type of media outlet including newspaper, television and radio stations. The submitted press release must state the PWS found elevated levels of lead in drinking water in some homes/buildings and meet the content requirements under sub. (2) (a).

6. Implement at least 3 activities in addition to the requirements under subds. 1. to 5. from one or more of the following categories, provided the educational content and selection of these activities were determined in consultation with the department:

a. Public service announcements.

b. Paid advertisements.

c. Public area information displays.

d. E-mails to customers.

e. Public meetings.

f. Household deliveries.

g. Targeted individual customer contact.

h. Direct material distribution to all multi-family homes and institutions.

i. Contact with organizations representing plumbers and contractors to provide information about lead in drinking water, sources of lead, and the importance of using lead free plumbing materials.

j. Other methods approved by the department.

(c) *NTNCWS with a lead action level exceedance*. Within 60 days after the end of each tap sampling period in which a lead action level exceedance occurs, the water supplier for an NTNCWS must deliver the public education materials specified under sub. (2) (a) in accordance with this paragraph. For a PWS that is on standard monitoring, the end of the tap sampling period is June 30 or December 31. For a PWS that is required to conduct monitoring annually or less frequently, the end of the monitoring period

is September 30 of the calendar year in which the sampling occurs, or, if the department has established an alternate tap sampling period, the last day of that period. The water supplier must deliver the public education materials by completing all of the following:

1. Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the PWS until the PWS is at or below the lead action level based on tap water samples collected under s. NR 809.547.

2. Distribute informational pamphlets or brochures, or both, on lead in drinking water to each person served by the NTNCWS. The department may allow the water supplier to utilize electronic transmission in lieu of, or combined with, printed materials as long as it achieves at least the same coverage.

(d) *CWS or NTNCWS with a copper action level exceedance*. A water supplier for a CWS or NTNCWS that exceeds the copper action level must meet the public education requirements under this paragraph. Within 60 days after the end of each tap sampling period in which a copper action level exceedance occurs, the water supplier for a CWS or NTNCWS must deliver the public education materials specified under this paragraph that meet the content requirements under sub. (2) (b). For a PWS that is on standard monitoring, the end of the tap sampling period is June 30 or December 31. For a PWS that is required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the department has established an alternate tap sampling period, the last day of that period. The water supplier must deliver the public education materials by meeting all of the following requirements as applicable:

1. The CWS water supplier must complete all of the following:

a. Distribute informational pamphlets or brochures, or both, on copper in drinking water to each person served by the PWS. The department may allow the water supplier to utilize electronic transmission in lieu of, or combined with, printed materials as long as it achieves at least the same coverage.

b. Deliver written materials that meet the content requirements under sub. (2) (b) to each customer and to other service connections to which water is delivered by the PWS. In the case of multi-family dwellings, the water supplier must deliver the written materials to each unit or post the information at a conspicuous location.

c. Provide information that meets the requirements under this subd. 1. c. with each water bill until the PWS no longer exceeds the action level for copper. If the PWS bills less often than quarterly, then the water supplier must provide the information that meets the requirements under subd. 1. c. no less often than quarterly through another method approved by the department. The message or delivery mechanism may be modified in consultation with the department. For instance, the department may allow a separate

mailing of public education materials to customers if the water supplier cannot place the information on water bills. The message on the water bill must include the following statement, exactly as written, except for the text in brackets for which the water supplier must include PWS-specific information: "[INSERT NAME OF PWS] found high levels of copper in drinking water in some homes. Copper can cause serious health problems. For more information, please contact [INSERT NAME OF PWS] [(IF APPLICABLE) [by visiting our website at [INSERT WEBSITE HERE]] (OR) [at [INSERT PHONE NUMBER OR E-MAIL ADDRESS]]]."

2. The NTNCWS water supplier must complete all of the following:

a. Distribute informational pamphlets or brochures, or both, on copper in drinking water to each person served by the PWS. The department may allow the water supplier to utilize electronic transmission in lieu of, or combined with, printed materials as long as it achieves at least the same coverage.

b. Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the PWS until the PWS is at or below the copper action level based on tap water samples collected under s. NR 809.547.

(e) *Repeating public education activities*. Public education activities must be repeated in accordance with this paragraph. A calculated 90th percentile level at or below the lead or copper action level based on fewer than the minimum number of required samples under s. NR 809.547 cannot be used to meet the requirements of this paragraph. The water supplier must complete all of the following as applicable:

1. The water supplier for a CWS with a lead action level exceedance must repeat the activities under par. (b) until the PWS is at or below the lead action level based on tap water samples collected under s. NR 809.547. These repeated activities must be completed within 60 days of the end of each tap sampling period, except for requirements under par. (b) 3. that must be completed with each water bill no less often than quarterly and until the PWS is at or below the lead action level based on tap water samples collected under s. NR 809.547.

2. A water supplier for an NTNCWS with a lead action level exceedance must repeat the tasks contained under par. (c) until the PWS is at or below the lead action level based on tap water samples collected under s. NR 809.547. These repeated activities must be completed within 60 days of the end of each tap sampling period.

3. a. A water supplier for a CWS that has copper action level exceedance must repeat the tasks contained under par. (d) 1. until the PWS is at or below the copper action level based on tap water samples collected under s. NR 809.547. These repeated activities must be completed within 60 days of the end of each tap sampling period, except for requirements under par. (d) 1. c. that must be completed with

each water bill no less often than quarterly and until the PWS is at or below the lead action level based on tap water samples collected under s. NR 809.547.

b. An NTNCWS water supplier must repeat the tasks contained under par. (d) 2. until the PWS is at or below the copper action level based on tap water samples collected under s. NR 809.547. These repeated activities must be completed within 60 days of the end of the tap sampling period.

(f) *Discontinuing public education.* A water supplier may discontinue delivery of public education materials if the PWS is at or below the lead or copper action level during the most recent 6-month tap sampling period conducted under s. NR 809.547. Such a PWS must recommence public education in accordance with this section if the PWS subsequently exceeds the lead or copper action level during any tap sampling period.

(g) *Public education extensions.* A water supplier may request an extension from the department, in writing, to complete the activities under par. (b) 2. to 6. for a CWS with a lead action level exceedance, par. (c) 1. and 2. for an NTNCWS with a lead action level exceedance, par (d) 1. c. for a CWS with a copper action level exceedance, or par (d) 2. a. and b. for an NTNCWS with a copper action level exceedance if all of the following conditions are met:

1. The department must approve the extension in writing before the 60-day deadline.

2. The department may only grant the extension on a case-by-case basis if the water supplier has demonstrated that it is not feasible to complete the activities under par. (b) 2. to 6. for CWS with a lead action level exceedance, par. (c) 1. and 2. for an NTNCWS with a lead action level exceedance, par (d) 1. c. for a CWS with a copper action level exceedance, or par (d) 2. a. and b. for an NTNCWS with a copper action level exceedance.

3. The activities under par. (b), (c), or (d) must be completed no later than 6 months after the end of the tap sampling period in which the exceedance occurred.

(h) *Alternative lead public education tasks for CWSs.* The CWS water supplier may perform the tasks listed under pars. (c) and (e) 2. in lieu of the tasks under pars. (b) and (e) 1. if the water supplier certifies to the department in writing that it meets all of the following requirements:

1. It is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing POU.

2. It provides water as part of the cost of services provided and does not separately charge for water consumption.

(i) *Lead public education for CWSs serving 3,300 persons or fewer.* A water supplier for a CWS serving 3,300 or fewer people may limit certain aspects of the lead public education programs in accordance with any of the following:

1. With respect to the requirements under par. (b) 2., the water supplier may limit the distribution of the public education materials required under par. (b) 2. to facilities and organizations served by the PWS that are most likely to be visited regularly by pregnant people and children.

2. With respect to the requirements under par. (b) 5., the department may waive this requirement for the PWS as long as the water supplier distributes notices to every household served by the PWS.

3. With respect to the requirements under par. (b) 6., the water supplier must implement at least one of the activities listed under par. (b) 6.

(j) *Public education violations.* A PWS with a violation for failing to deliver public education materials following an action level exceedance may return to compliance by providing the required public education materials, except during any 60 day period after the end of a tap sampling period in which the water supplier is required to provide public education materials under par. (b) 1., 2., 5., or 6. for a CWS with a lead action level exceedance; par. (c) for an NTNCWS with a lead action level exceedance; par. (d) 1. a. or b. for a CWS with a copper action level exceedance; or par. (d) 2. for an NTNCWS with a copper action level exceedance.

(4) SUPPLEMENTAL MONITORING AND NOTIFICATION OF RESULTS. (a) A water supplier for a PWS that exceeds the lead action level based on tap samples collected under s. NR 809.547 must offer to sample for lead in the tap water of any customer who requests it. At sites served by a lead, GRR, or LSU service line, the samples must capture both water in contact with premise plumbing and water in contact with the service line, such as with first-liter and fifth-liter samples. For a customer who requests sampling, the water supplier must conduct sampling either during the next tap sampling period if the PWS is on standard monitoring or within the next 6 months for a PWS on reduced monitoring.

(b) A water supplier must offer to sample for lead in the tap water of any person served by a lead, GRR, or LSU service line who requests it, regardless of whether the PWS exceeds the lead action level. The samples must capture both water in contact with premise plumbing and water in contact with the service line, such as with first-liter and fifth-liter samples. For a customer who requests sampling, the water supplier must conduct sampling either during the next tap sampling period if the PWS is on standard monitoring or within the next 6 months for a PWS on reduced monitoring.

(c) A PWS water supplier must provide a consumer notice of the individual tap results from supplemental tap water monitoring carried out under the requirements of this paragraph to the persons served by the PWS at the specific sampling site from which the sample was taken, including the occupants of the building where the tap was sampled. The water supplier must provide the consumer notice in accordance with sub. (5) (b) to (d).

(5) NOTIFICATION OF RESULTS. (a) *Notice requirement*. A PWS water supplier must provide a consumer notice of the individual tap results from any lead and copper tap water monitoring carried out

under s. NR 809.547 to the persons served by the PWS at the specific sampling site from which the sample was taken, such as the occupants of the building where the tap was sampled.

(b) *Timing of notification*. A water supplier must provide the consumer notice as soon as practical, but no later than 3 business days after the water supplier learns of the tap monitoring results. Notification by mail must be postmarked within 3 business days of the system learning of the tap monitoring results.

(c) *Content.* 1. The consumer notice for lead must include all of the following:

a. The results of lead tap water monitoring for the tap that was tested.

b. An explanation of the health effects of lead that meets requirements under sub. (2) (a) 2.

c. Information on possible sources of lead in drinking water that meets the requirements under sub. (2) (a) 3. b.

d. A list of steps consumers can take to reduce exposure to lead in drinking water that meets the requirements under sub. (2) (a) 4.

e. Contact information for the PWS.

f. The maximum contaminant level goal for lead.

g. The action level for lead.

h. The definitions for the 2 terms under subd. 1. f. and g. from s. NR 809.833 (2).

2. The consumer notice for copper must include all of the following:

a. The results of copper tap water monitoring for the tap that was tested.

b. An explanation of the health effects of copper that meet the requirements under sub. (2) (b) 1.

c. A list of steps consumers can take to reduce exposure to copper in drinking water.

d. Contact information for the PWS.

e. The maximum contaminant level goal for copper.

f. The action level for copper.

g. The definitions for the 2 terms under subd. 2. e. and f. from s. NR 809.833 (2).

(d) *Delivery*. A water supplier must provide consumer notice to persons served at the tap that was sampled. The notice must be provided electronically, such as by e-mail or text message, phone call or voice message, hand delivery, mail, or another method approved by the department. A water supplier that chooses to deliver the notice to consumers by phone call or voice message must follow up with a written notice to consumers that is hand delivered or postmarked within 30 days of the PWS learning of the tap monitoring results. The notices of lead and copper tap sampling results may be combined in one notice.

Note: For example, the department could approve another delivery method for a NTNCWS such as posting the results in a conspicuous area in the facility, such as a bulletin board, to allow users to review the information.

(6) NOTIFICATION OF SERVICE LINE THAT IS KNOWN TO OR MAY POTENTIALLY CONTAIN LEAD. (a) *Notification requirements.* A water supplier for a PWS with lead, GRR, or LSU service lines in its inventory s. NR 809.545 (1n) and (1r) must provide notification of a service line that is known to or may potentially contain lead to customers and all persons served by the PWS at the service connection with a lead, GRR, or LSU service line.

(b) *Timing of notification*. A water supplier must provide notification no later than 30 days after completion of the baseline inventory required under s. NR 809.545 (1n) (a) and repeat the notification no later than 30 days after the deadline for each annual update to the service line inventory under s. NR 809.55 (5) (c) until the entire service connection is no longer a lead, GRR, or LSU service line. For notifications to new customers, the water supplier must provide the notice at the time of service initiation.

(c) *Content.* 1. A notice to persons served by a confirmed lead or GRR service line must include all of the following components:

a. A statement that the person's service line is lead or galvanized requiring replacement, as applicable.

b. An explanation of the health effects of lead that meets the requirements under sub. (2) (a) 2.

c. Steps persons at the service connection can take to reduce exposure to lead in drinking water that meet the requirements under sub. (2) (a) 4.

d. A statement that the consumer can request to have their tap water sampled under sub. (4).

e. Information on how to obtain a copy of the service line replacement plan or view the plan on the internet if the PWS is required to make the service line replacement plan available online.

f. Information about opportunities to replace lead and GRR service lines. If the water supplier intends for customer payment for a portion of the replacement when it is required or authorized by state or local law or a water tariff agreement, the notice must include information about programs that provide financing solutions to assist property owners with replacement of their portion of a lead or GRR service line.

g. A statement that the water supplier is required to replace its portion of a lead or galvanized requiring replacement service line if the property owner notifies the water supplier that the property owner is replacing the property owner's portion of the lead or galvanized requiring replacement service line.

h. A statement that provides instructions for the customer to notify the PWS if the customer disagrees with the service line material categorization in the inventory.

2. A notice to persons served by a LSU service line must include a statement that the person's service line material is unknown but may be lead, the information under subd. 1. b. to e. and information about opportunities to verify the material of the service line.

(d) *Delivery*. The notice must be provided to customers and persons served by the PWS at the service connection with a lead, GRR, or LSU service line, by mail or by another method approved by the department.

(7) NOTIFICATION DUE TO A DISTURBANCE TO A SERVICE LINE THAT IS KNOWN TO OR MAY POTENTIALLY CONTAIN LEAD. (a) Actions taken by a water supplier that cause a disturbance include actions that result in a shut-off or bypass of water to an individual service line or a group of service lines or other actions that cause a disturbance to a service line or group of service lines, such as undergoing physical action or vibration, that could result in pipe scale dislodging and associated release of particulate lead. A water supplier that causes disturbance to a lead, GRR, or LSU service line must provide customers and the persons served by the PWS at the service connection with information about the potential for elevated lead levels in drinking water as a result of the disturbance. The information provided by the water supplier must include all of the following:

1. Public education materials that meet the content requirements under sub. (2) (a) 2. to 4. and 6. and contact information for the PWS.

2. Instructions for a flushing procedure to remove particulate lead.

Note: Examples of actions that result in a shut off or bypass of water to a service line include operating a valve on a service line or meter setter or reconnecting a service line to the main.

(b) If the disturbance of a lead, GRR, or LSU service line results from the replacement of an inline water meter, a water meter setter, or connector, or from the replacement of a water main in which the service line pipe is physically cut, the water supplier must provide the persons served by the PWS at the service connection with the information under par. (a) 1. and 2. and a pitcher filter or POU certified by an American National Standards Institute accredited certifier to reduce lead, instructions to use the filter, and 6 months of filter replacement cartridges.

(c) 1. The water supplier must comply with the requirements in this subsection for persons served by the PWS at the service connection before any service line that has been shut off or bypassed is returned to service. If there was a disturbance, but service was not shut off or bypassed, the water supplier must comply with the requirements under this paragraph as soon as possible, but not to exceed 24 hours following the disturbance.

2. The water supplier must comply with the requirements under par. (a) for customers associated with the service connection who are not persons served by the PWS at the service connection, such as a customer who is a property owner and renting their property, no later than 30 days following the disturbance.

(d) A water supplier that conducts a partial or full replacement of a lead or GRR service line must follow procedures under s. NR 809.545 (6). Partial or full replacement of a lead or GRR service line is not considered a disturbance for purposes of this subsection.

(8) OUTREACH ACTIVITIES TO ENCOURAGE PARTICIPATION IN FULL SERVICE LINE REPLACEMENT. (a) The water supplier for a CWS that does not meet the service line replacement rate calculated across a cumulative period as required under s. NR 809.545 (2) (e) must conduct the outreach activities specified under pars. (b) and (c) to discuss the PWS's mandatory service line replacement program and opportunities for replacement and to distribute public education materials that meet all of the content requirements under sub. (2) except sub. (2) (a) 1. and 5. The water supplier must conduct the outreach activity in the year following the program year for which the PWS does not meet the PWS's cumulative average replacement rate and annually each year after until the PWS meets the cumulative average replacement rate or until there are no lead, GRR, or LSU service lines remaining in the inventory, whichever occurs first.

(b) To meet the requirement under par. (a), a CWS serving more than 3,300 persons must either conduct one of the activities under subds. 1. to 4., or 2 of the activities under subds. 5. to 8.:

1. Conduct a public meeting.

2. Participate in a community event to provide information about the PWS's service line replacement program.

3. Contact customers by phone call or voice message, text message, e-mail, or door hanger.

4. Use another method approved by the department to discuss the service line replacement program and opportunities for replacement of lead and GRR service lines.

5. Send certified mail to customers and all persons served by the PWS at the service connection with a lead or GRR service line to inform them about the PWS's service line replacement program and opportunities for replacement of the service line.

6. Conduct a social media campaign.

7. Conduct outreach via the media including newspaper, television, or radio.

8. Visit targeted customers, such as customers in areas with lower service line replacement participation rates, to discuss the service line replacement program and opportunities for replacement.

(c) To meet the requirement under par. (a), a CWS serving 3,300 or fewer persons must conduct one of the activities identified under par. (b) 1. to 8.

(9) PUBLIC EDUCATION TO THE DEPARTMENT OF HEALTH SERVICES AND THE LOCAL HEALTH DEPARTMENT. A CWS water supplier must do all of the following:

(a) *Distribution system and site assessment results*. Provide information to the department of health services and the local health department about distribution system and site assessment activities

conducted in accordance with s. NR 809.543 (10), including the location of the tap sample site that exceeded 0.010 mg/L, the result of the initial tap sample, the result of the follow-up tap sample, the result of water quality parameter monitoring, and any distribution system management actions or corrosion control treatment adjustments made.

(b) *Timing and content*. Annually send distribution system and site assessment information and copies of the public education materials provided under subs. (2) and (8) for actions conducted in the previous calendar year no later than July 1 of the following year.

(c) *Delivery.* Send public education materials and distribution system and site assessment information to the department of health services and the local health department by mail, e-mail, or by another method approved by the department.

(10) ADDITIONAL REQUIREMENTS FOR PWSS WITH MULTIPLE LEAD ACTION LEVEL EXCEEDANCES. (a) A water supplier for a PWS that exceeds the lead action level at least 3 times in a rolling 5-year period, based on tap water samples collected under s. NR 809.547, must conduct the activities in this section. The first rolling 5-year period begins on November 1, 2027. If a PWS exceeds the lead action level at least 3 times within a 5-year period, the water supplier must conduct these actions upon the 3rd action level exceedance even if the rolling 5-year period has not elapsed.

(b) No later than 60 days after the tap sampling period in which a PWS meets the criteria under par. (a), the water supplier must make available to all consumers pitcher filters or POU certified by an American National Standards Institute accredited certifier to reduce lead, 6 months of replacement cartridges, and instructions for use. The water supplier must continue to make replacement cartridges available until the water supplier may discontinue actions under par. (f).

(c) No later than 60 days after a PWS exceeds the lead action level for the 2nd time in a rolling 5-year period, the water supplier must submit a filter plan to the department. The department must review and approve the filter plan within 60 days. If the water supplier subsequently meets the criteria under par. (a) again, the water supplier is not required to re-submit the filter plan, unless the PWS has made updates to the plan or otherwise requested by the department. The plan must include all of the following descriptions:

1. Which methods the PWS will use to make filters and replacement cartridges available under par. (b), such as operating distribution facilities or delivering filters when requested by a consumer.

2. How the PWS will address any barriers to consumers obtaining filters.

(d) A water supplier that meets the criteria under par. (a) must conduct a community outreach activity to discuss the multiple lead action level exceedances, steps the PWS is taking to reduce lead in drinking water, measures consumers can take to reduce their risk consistent with the content requirements under sub. (2) (a) 4., and how to obtain a filter certified to reduce lead as required under par. (b). This

activity is in addition to the public education activities required under sub. (3) (b) for a CWS, and under sub. (3) (c) for an NTNCWS, that exceeds the lead action level. The PWS must conduct at least one activity from subds. 1. to 5. within 6 months of the start of the tap sampling period after the most recent lead action level exceedance. The PWS must conduct at least one of the following activities every 6 months until the system no longer meets the criteria under par. (a):

1. Conduct a public meeting.

2. Participate in a community event in which the water supplier can make information about ongoing lead exceedances available to the public.

3. Contact customers by phone call or voice message, text message, e-mail, or door hanger.

4. Conduct a social media campaign.

5. Use another method approved by the department.

(e) A PWS that is already conducting an outreach activity listed under par. (d) in order to meet the requirements under sub. (8) may conduct one activity that meets both the requirements under par. (d) and sub. (8) unless otherwise directed by the department.

(f) A water supplier may discontinue the requirements of this subsection when the PWS no longer has at least 3 lead action level exceedances in a rolling 5-year period, based on tap water samples collected under s. NR 809.547. A calculated 90th percentile level at or below the lead action level based on fewer than the minimum number of required samples under s. NR 809.547 cannot be used to meet the requirements of this paragraph. The department has the discretion to allow a PWS to discontinue the requirements of this subsection earlier if the water supplier has taken actions to reduce lead levels, such as re-optimized OCCT or completed the service line replacement program, and the PWS is at or below the lead action level for 2 consecutive tap monitoring periods.

SECTION 44. NR 809.547 and 809.548 are repealed and recreated to read:

NR 809.547 Monitoring requirements for lead and copper in tap water. A PWS water supplier must sample for lead and copper at taps used to provide water for human consumption in accordance with all of the following:

(1) SAMPLE SITE LOCATION. (a) No later than 60 days prior to the start of the first tap monitoring period in which sampling for lead or copper is required under subs. (3) and (4), each water supplier must identify potential tap sampling sites and submit a site sample plan to the department as required under s. NR 809.55 (1) (a) 1. The department may require modifications to submitted site sample plans. Each water supplier must meet all of the following requirements to identify a pool of tap sampling sites that

will allow the water supplier to collect the number of lead and copper tap samples required under subs. (3) (a) and (4) (a):

1. A water supplier must use information regarding the material of service lines and connectors, including lead, copper, and galvanized iron or steel, required to be collected under s. NR 809.545 to select sampling sites.

2. A water supplier must identify locations in the site sample plan by selecting from sites in the highest tier, unless the site has been found to be unavailable, in accordance with par. (d).

3. A water supplier must select sampling sites that do not have installed POE or taps with POU designed to remove inorganic contaminants, except in a PWS using these devices at all service connections for primary drinking water taps to meet other primary and secondary drinking water standards as under s. NR 809.552 (3) (a) or in a PWS where every tap used for consumption is softened.

(b) A water supplier for a PWS that has fewer than 5 sites with drinking water taps that can be used for human consumption that meet the sample site criteria of this subsection for reaching the required number of sample sites listed under subs. (3) (a) and (4) (a), must collect at least one sample from each tap and collect additional samples from those taps on different days during the tap sampling period to meet the required number of sites. Alternatively, the department may allow the water supplier to collect a number of samples fewer than the number of sites specified under subs. (3) (a) and (4) (a), provided that 100 percent of all taps that can be used for human consumption are sampled. The department may conduct onsite verification of the sample sites. Department approval must be made in writing.

(c) A water supplier for a PWS serving sites with premise plumbing made of lead or sites that are served by a lead service line must collect all samples for monitoring under this section from sites with premise plumbing made of lead, served by a lead service line, or both. A water supplier that cannot identify enough sampling sites with premise plumbing made of lead or served by lead service lines, or both, to meet the minimum number of sites required under subs. (3) (a) and (4) (a) must still collect samples from every available site, in accordance with par. (d), containing premise plumbing made of lead or served by a lead service line, and collect the remaining samples in accordance with the tiering requirements under par. (d).

(d) Sampling sites must be selected from the highest tier available; Tier 1 is the highest tier and Tier 5 is the lowest tier. A site is considered to be available unless a customer refuses to participate in sampling or a system has made at least 2 outreach attempts at a site and has not received a response. The

number of customer refusals and non-responses for compliance sampling during each tap sampling period must be submitted to the department under s. NR 809.55 (1) (b) 8. A water supplier may continue conducting outreach at sites considered unavailable and may subsequently add such sites to the site sample plan for any reason, such as receiving a service initiation request from a new property owner or occupant or receiving a new consumer request for sampling. A PWS without a large enough number of sites from a higher tier to meet the number of sites required under subs. (3) (a) and (4) (a) may sample sites from the next highest tier. For a PWS with Tier 2 sites that comprise at least 20 percent of the residential structures served by the CWS, Tier 2 sites may be sampled even when Tier 1 sites are available. The sampling site tiers are as follows:

1.Tier 1 sampling sites are taps located in single-family structures with premise plumbing made of lead or served by a lead service line.

2. Tier 2 sampling sites are taps not located in single-family structures. For example, this includes taps in multiple-family residences with premise plumbing made of lead or served by a lead service line.

3. Tier 3 sampling sites are taps that are served by a lead connector. Tier 3 sites are also taps served by a galvanized service line or containing galvanized premise plumbing identified as ever having been downstream of a lead service line. Tier 3 sampling sites for CWSs only include single-family structures.

4. Tier 4 sampling sites are taps that are served by copper premise plumbing with lead solder installed before the effective date of the state's applicable lead ban. Tier 4 for CWSs only includes single-family structures.

5. Tier 5 sampling sites are taps that are representative of sites throughout the distribution system. For purposes of this subsection, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the PWS.

(2) SAMPLE COLLECTION PROTOCOL. (a) Except for samples described under subds. 3. and 4., all tap samples collected for analysis of lead and copper must be one liter in volume and have stood motionless in the plumbing system or service line of each sampling site for at least 6 hours. Bottles used to collect samples for analysis must be wide-mouth, one-liter sample bottles. Samples from residential housing must be collected from an interior kitchen or bathroom sink cold-water tap. Samples from a nonresidential building must be collected at an interior cold-water tap from which water is typically drawn for human consumption. Samples may be collected by the water supplier, or the water supplier

may allow members of the public to collect samples after providing instructions for collecting samples in accordance with this paragraph. Sample collection instructions cannot direct the sample collector to remove or clean the aerator or flush taps prior to the start of the minimum 6-hour stagnation period. To protect members of the public from injury due to handling nitric acid, samples may be acidified up to 14 days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for a period of time, as specified by the approved EPA method under s. NR 809.113 (1) Table A selected for sample analysis. If a water supplier allows members of the public to sample, the PWS cannot challenge the accuracy of the sampling results based on alleged sample collection errors. Samples must be collected and analyzed according to all of the following requirements:

1.The first-liter sample must be analyzed for lead and copper at sample sites where both contaminants are required to be monitored.

2. For Tier 1 and Tier 2 sites, an additional fifth-liter sample must be collected at the same time as the first-liter sample and must be analyzed for lead. To collect a first-liter-and-fifth-liter-paired sample, the water supplier must collect tap water in 5 consecutively numbered, wide-mouth, one-liter sample bottles after the water has stood motionless in the plumbing of each sampling site, including the lead service line, for at least 6 hours without flushing the tap prior to sample collection. The water supplier must collect samples starting with the first sample bottle and then fill each subsequently numbered bottle in consecutive order until the final bottle is filled, with the water running constantly while the samples are being collected. In this sequence, the first-liter sample is the first sample collected and the fifth-liter sample is the final sample collected.

3. If the department approves collecting samples under par. (c) with stagnation periods less than 6 hours, samples must meet all the other sample collection criteria in this paragraph, including being one-liter in volume using a wide-mouth bottle and collected at an interior tap from which water is typically drawn for human consumption.

4. The water supplier may use different sample volumes, different sample collection procedures, or both, when the water supplier collects follow-up samples for distribution system and site assessment under s. NR 809.543 (10) (b) and consumer-requested samples under s. NR 809.546 (4) to assess the source of lead. Consumer-requested samples must be collected in accordance with s. NR 809.546 (4). The water supplier must submit these sample results to the department under s. NR 809.55 (1) (b) 1. and (7).

(b) The water supplier must sample at sites listed in the site sample plan. Additionally, the water supplier must sample at the same sites that were sampled in the previous tap sampling period, unless prior

approval is granted by the department. If such a site no longer qualifies under the tiering criteria or if, for reasons beyond the control of the PWS, the water supplier cannot gain access to a sampling site in order to collect a tap sample, the water supplier must collect the tap sample from another site in its site sample plan that meets the original tiering criteria, if such a site exists. The water supplier must report any change in sites from the previous tap sampling period and include an explanation of why sampling sites have changed, as required under s. NR 809.55 (1) (b) 5. If changes are needed to the site sample plan, the water supplier must submit the updated site sample plan, as required under s. NR 809.55 (1) (a) 1. before the start of the next tap sampling period conducted by the PWS.

(c) A water supplier for an NTNCWS, or a CWS that meets the criteria under s. NR 809.546 (3) (h), that does not have enough sites with taps from which first-liter samples or first-liter-and-fifth-liter-paired samples meeting the 6-hour minimum stagnation time can be collected, as provided under par. (a), may apply to the department in writing to request approval to substitute first-liter or first-liter-and-fifth-liter-paired samples that do not meet the 6-hour minimum stagnation time. The water supplier for such a PWS must collect as many first-liter or first-liter-and-fifth-liter-paired samples from interior taps used for human consumption as possible towards meeting the minimum number of sites required under subs. (3) (a) and (4) (a). For the remaining samples to meet the minimum number required, the water supplier must identify sampling times and locations that would likely result in the longest standing times. The department may waive the requirement for prior department approval of sites not meeting the 6-hour stagnation time with written notification to the PWS.

(3) STANDARD MONITORING. Standard monitoring consists of 6-month tap monitoring periods that begin on January 1 and July 1 and consists of all of the following elements:

(a) *Standard monitoring sites.* Standard monitoring sites must be selected in accordance with the sampling tiers identified under sub. (1). During a standard tap monitoring period, a water supplier must collect at least one sample from each of the number of sites in Table Qh.

Table Qh

Standard Monitoring Sites Per PWS Size

PWS size based on number of people served)	**Standard number of sites for lead and copper sampling**
>100,000	100
10,001 to 100,000	60
3,301 to 10,000	40

501 to 3,300	20
101 to 500	10
≤100	5

(b) *Criteria for standard monitoring*. Before a PWS may reduce monitoring in accordance with sub. (4), the water supplier must conduct standard monitoring for at least 2 consecutive tap monitoring periods beginning January 1 or July 1, whichever is sooner, following the tap sampling period in which the water supplier meets one of the following:

1. A water supplier for a PWS with lead or GRR service lines in its inventory as of November 1, 2027, including systems deemed optimized under s. NR 809.542 (2) (c), must conduct standard monitoring in the first 6-month tap monitoring period following November 1, 2027, unless the water supplier has, before or by that date, met all of the following criteria:

a. Conducts compliance monitoring of sites that meet the correct priority tiering targeting sites served by lead and GRR service lines under sub. (1) (d).

b. Collects samples in accordance with all sample collection requirements under sub. (2) (a) and (c).

c. Collects either first-liter samples or first-liter-and-fifth-liter-paired samples in accordance with sub. (2) (a).

2. A water supplier for any PWS whose most recent 90th percentile lead or copper results as of November 1, 2027, that exceeds the lead or copper action level, or both, must begin conducting standard monitoring in the 6-month tap monitoring period beginning January 1, 2028.

3. A PWS that meets any of the following criteria:

a. Exceeds a lead or copper action level.

b. Fails to operate at or above the minimum value or within the range of values for the optimal water quality parameters designated by the department under s. NR 809.543 (6) for more than 9 days in any tap monitoring period as specified under s. NR 809.548.

c. Becomes a large water system without corrosion control treatment or is a large water system without corrosion control treatment whose lead 90th percentile exceeds the lead PQL of 0.005 mg/L.

d. Installs OCCT or re-optimizes OCCT as a result of exceeding the lead or copper action level, or any water supplier that adjusts OCCT following a distribution system and site assessment. A water supplier conducting standard monitoring under this criterion must continue standard monitoring until the department designates new optimal water quality parameters, at which point the water supplier must comply with subd. 3. e.

e. Has new values designated by the department for optimal water quality parameters under s. NR 809.543.

f. Installs source water treatment under s. NR 809.544 (1) (c).

g. Has notified the department in writing under s. NR 809.55 (1) (d) of an upcoming addition of a new water source or temporary or long-term change in treatment, unless the department determines that the addition of the new source or temporary or long-term change in treatment is not significant and, therefore, does not warrant more frequent monitoring.

h. Is without lead or GRR service lines in its inventory and notifies the department under s. NR 809.55 (5) (c) 3. of any subsequently discovered lead or GRR service lines in its distribution system unless the PWS water supplier replaces all the discovered service lines before the start of the next tap monitoring period.

(4) REDUCED MONITORING BASED ON 90TH PERCENTILE LEVELS. Reduced monitoring refers to an annual or triennial tap monitoring period. Each annual or triennial tap monitoring period includes one tap sampling period. The reduced monitoring frequency is based on the 90th percentile value for the PWS. All of the following requirements apply to reduced monitoring:

(a) *Reduced monitoring sites*. Reduced monitoring sites must be selected in accordance with the sampling tiers identified under sub. (1). Lead and copper sampling results collected from POU sites under s. NR 809.552 (3) (a) cannot be used to meet the criteria for reduced monitoring under this section. The department may specify the locations of sample sites when a water supplier is conducting reduced monitoring. During a reduced tap monitoring period, a water supplier must collect at least one sample from each of the number of sites specified in Table QL, unless otherwise specified.

Table QL

Reduced Monitoring Sites Per PWS Size

PWS size based on number of people served)	Reduced minimum number of sites for lead and copper
>100,000	50
10,001 to 100,000	30
3,301 to 10,000	20
501 to 3,300	10
101 to 500	5
≤100	5

(b) *Criteria for reduced monitoring*. A PWS is eligible for reduced monitoring if the water supplier meets all of the requirements of this section, including collecting at least the minimum number of samples required under sub. (3), for at least 2 consecutive tap monitoring periods. The department may require an eligible PWS to conduct more frequent monitoring. In order for a PWS to be eligible for reduced monitoring, the water supplier must meet one of the following requirements:

1. 'Annual monitoring for any PWS size.' A water supplier for a PWS of any size may reduce the monitoring frequency to annual monitoring if, for 2 consecutive 6-month tap monitoring periods, the system does not exceed the lead and copper action levels and, for a PWS with department-designated optimal water quality parameters, also maintains the range of optimal water quality parameters designated by the department in accordance with s. NR 809.543 (6). A water supplier for a PWS with an annual tap monitoring period must sample at least the standard number of sampling sites for lead and for copper in Table Qh. Prior to conducting annual monitoring, a water supplier must receive a written determination from the department approving annual monitoring based on the department's review of monitoring, treatment, and other relevant information submitted by the water supplier as required under s. NR 809.55. For a PWS that reduces to annual monitoring, the first annual tap monitoring period must begin no later than 6 months following the last tap monitoring period.

2. 'Triennial monitoring for small and medium water systems.' A water supplier for any small or medium water system may reduce the monitoring frequency to triennial monitoring if, during 3 consecutive years of monitoring, including monitoring conducted at both standard and annual frequencies, it does not exceed the lead and copper action levels and, for PWS with department-designated optimal water quality parameters, also maintains the range of optimal water quality parameters designated by the department under s. NR 809.543 (6). Standard monitoring completed during both 6-month periods of a calendar year is considered one year of monitoring. A PWS on triennial monitoring must sample at least the reduced number of sites for lead and copper under par. (a). Prior to conducting triennial monitoring,

the water supplier must receive a written determination from the department approving triennial monitoring based on the department's review of monitoring, treatment, and other relevant information submitted by the water supplier as required under s. NR 809.55. For a PWS that reduces to triennial monitoring, the first triennial tap monitoring period must immediately follow the last annual monitoring period, and the first triennial sampling period must begin no later than 3 calendar years after the last calendar year in which the water supplier sampled.

3. 'Triennial monitoring for any PWS size.' The water supplier for a PWS of any size may reduce the monitoring frequency to triennial monitoring if the water supplier demonstrates for 2 consecutive tap monitoring periods that the its 90th percentile lead level, calculated under s. NR 809.54 (3) (c) to (f), is less than or equal to 0.005 mg/L, that its 90th percentile copper level, calculated under s. NR 809.54 (3) (c) to (f), is less than or equal to 0.65 mg/L, and, for a PWS with department-designated optimal water quality parameters, that it also maintains the range of optimal water quality parameters designated by the department in accordance with s. NR 809.543 (6). A PWS on triennial monitoring must sample at least the reduced number of sites for lead and copper under par. (a). Prior to conducting triennial monitoring, a water supplier must receive a written determination from the department approving triennial monitoring based on the department's review of monitoring, treatment, and other relevant information submitted by the water supplier as required under s. NR 809.55. For a PWS that reduces to triennial monitoring, the first triennial tap monitoring period must immediately follow the last monitoring period, and the first triennial tap sampling period must begin no later than 3 calendar years after the last calendar year in which the water supplier sampled.

(c) *Tap sampling period under reduced monitoring*. The tap sampling period for a PWS on reduced monitoring must occur within the months of June, July, August, or September, unless the department has approved a different tap sampling period under this paragraph. Only a PWS on reduced monitoring can monitor during a tap sampling period that is shorter than the tap monitoring period. The department may approve a different tap sampling period for a water supplier collecting samples on reduced monitoring. An alternative tap sampling period approved by the department must be a continuous period of time no longer than 4 consecutive months, must occur entirely within one calendar year, and must represent a time of normal operation when the highest levels of lead are most likely to occur. For an NTNCWS that does not operate during the months of June through September and for which the period of normal operation when the highest levels of lead are most likely to occur is not known, the department must designate a period that represents normal operation for the PWS. A water supplier that receives department approval for an alternate tap sampling period under this paragraph must complete the next tap sampling period according to one of the following requirements, as applicable:

1. For a water supplier that has been sampling in the months of June through September, the water supplier must complete the next tap sampling period no later than 21 months, if on annual monitoring, or no later than 45 months, if on triennial monitoring, following the end of the previous tap sampling period.

2. For a water supplier with a waiver granted under sub. (7) that has been collecting samples during the months of June through September, the water supplier must collect the PWS's next round of samples before the end of the next 9-year period.

(5) INCLUSION OF LEAD AND COPPER TAP SAMPLES FOR CALCULATING THE 90TH PERCENTILE. (a) The water supplier and the department must consider the results of any sampling conducted in addition to the minimum number of samples required under sub. (3) or (4), as applicable, in making any determinations under this subchapter, such as calculating the 90th percentile lead or copper level under s. NR 809.54 (3) (c) to (f), if the samples meet the requirements under subs. (1) and (2). Consumer-requested sampling conducted under s. NR 809.546 (4) must be considered if the sample meets the requirements under subs. (1) and (2). If multiple samples from the same site, taken during the same tap sampling period, meet the requirements of this section for consideration of the 90th percentile calculation, only the highest value from each site can be considered, except for a PWS under sub. (1) (b).

(b) A water supplier sampling at one or more sites that are Tier 1 or Tier 2 in a tap sampling period that is unable to collect the minimum number of samples required under sub. (3) or (4) from Tier 1 or 2 sites must consider the lead and copper values from the next highest tier available in accordance with sub. (1). If a PWS has sufficient samples after including the samples from the next highest available tier to meet the minimum number of samples required under sub. (3) or (4), the water supplier may not consider additional samples from other available lower tiers. The water supplier or the department must calculate the 90th percentile lead and copper values in accordance with s. NR 809.54 (3) (e) using a total number of samples equal to the minimum number of samples required under sub. (3) or (4). The water supplier must submit all additional sampling results to the department that were not used in the 90th percentile calculation.

(c) The water supplier or the department cannot include samples collected as part of distribution system and site assessment under s. NR 809.543 (10) (b) in the 90th percentile calculation.

(d) The water supplier or the department cannot include follow-up samples collected as a result of monitoring after service line replacement under s. NR 809.545 (6) in the 90th percentile calculation.

(6) INVALIDATION OF LEAD AND COPPER TAP SAMPLES USED IN THE CALCULATION OF THE 90TH PERCENTILE. A sample invalidated under this subsection does not count towards determining lead or

copper 90th percentile levels under s. NR 809.54 (3) (c) to (f) or towards meeting the minimum monitoring requirements under sub. (3) or (4). The water supplier must report the results of all samples to the department and all supporting documentation for samples that the water supplier believes should be invalidated. The process to invalidate lead and copper samples used in the 90th percentile calculation is as follows:

(a) The department may invalidate a lead or copper tap water sample if any of the following occurs:

1. If the invalidation request is made before the result is reported, the department may invalidate a sample based on one or more of the following:

a. The laboratory establishes that improper sample analysis caused erroneous results.

b. The department determines that a sample collected for compliance purposes under this section, that is not an additional sample collected under sub. (5), was taken from a site that did not meet the site selection criteria under sub. (1), for instance, if sites of a higher tier were still available.

c. The department determines that the sample was collected in a manner that did not meet the sample collection protocol under sub. (2) (a).

d. The sample container was damaged in transit.

e. There is a substantial reason to believe that the sample was subject to tampering.

2. If the invalidation request is made after the result is reported, the department may invalidate a sample based on one or more of the following:

a. The laboratory establishes that improper sample analysis caused erroneous results.

b. The sample container was damaged in transit.

c. There is a substantial reason to believe that the sample was subject to tampering.

d. The water supplier provides substantial evidence that a sample collected for compliance purposes under this section, that is not an additional sample collected under sub. (5), was taken from a site that did not meet the site selection criteria under sub. (1), for instance, if sites of a higher tier were still available.

e. The water supplier provides substantial evidence that the sample was collected in a manner that did not meet the sample collection protocol under sub. (2) (a).

(b) To invalidate a sample under par. (a), the department must document in writing both the decision and the rationale for the decision. The department may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

(c) The water supplier must collect a replacement sample for any sample invalidated under this section if, after the invalidation of one or more samples, the PWS has too few samples to meet the minimum requirements under sub. (3) (a) or (4) (a). Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the department notifies the water supplier of an invalidated sample or by the end of the tap sampling period, whichever occurs later. Replacement samples taken after the end of the applicable tap sampling period can only be used to meet the monitoring requirements of the applicable tap monitoring period under sub. (3) or (4) and not a subsequent tap monitoring period. The replacement samples must be taken at the same locations as the invalidated samples, except when the sample is invalidated due to an error in meeting the site selection criteria under sub. (1), or a water supplier cannot gain access for sampling. The replacement samples must then be taken at locations that meet the site selection criteria but must be at locations other than those already used for sampling during the tap monitoring period.

(7) MONITORING WAIVERS FOR PWSS SERVING 3,300 OR FEWER PERSONS. The water supplier for any PWS serving 3,300 or fewer persons that meets the criteria of this subsection may apply, in writing, to the department to reduce the frequency of monitoring for lead and copper to once every 9 years. The water supplier must meet the materials criteria specified under par. (a) and the monitoring criteria specified under par. (b). A water supplier may apply for a waiver if it meets both the criteria for lead and copper. The water supplier must meet all of the following criteria:

(a) *Materials criteria*. The water supplier must demonstrate that the PWS's distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the PWS, are free of lead-containing materials and copper-containing materials. To qualify for a waiver, the water supplier must certify and provide supporting documentation to the department that the PWS, including the distribution system and all premise plumbing, is free of all lead-containing and copper-containing materials. The water supplier must certify and provide supporting information to the department for all of the following:

1. The PWS, including the distribution system and all premise plumbing, contains no plastic pipes containing lead plasticizers, or plastic service lines containing lead plasticizers.

2. The PWS, including the distribution system and all premise plumbing, is free of lead, GRR, and copper service lines, lead connectors, lead and copper pipes, lead soldered pipe joints, and leaded

brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of any standard established under 42 USC 300g-6 (e).

Note: 42 USC 300g-6 (e) is section 1417 (e) of the federal safe drinking water act.

(b) *Monitoring criteria.* 1. The water supplier must have completed at least 2 6-month rounds of standard tap water monitoring for lead and copper at sites approved by the department and for the number of sites required under sub. (3) (a).

2. The water supplier must demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the PWS became free of all lead-containing materials and copper-containing materials, meet all of the following criteria:

a. The water supplier must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.

b. The water supplier must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/ L.

(c) *Department approval of waiver application*. The department must notify the water supplier of its waiver determination, in writing, setting forth the basis of its decision and any conditions of an approved waiver. As a condition of a waiver, the department may require the water supplier to perform specific activities to avoid lead or copper concentrations of concern in tap water, such as limited monitoring and periodic outreach to customers to remind them to avoid installing materials that might void the waiver. The water supplier must continue monitoring for lead and copper at the tap as required under subs. (3) and (4), as appropriate, until the water supplier receives written notification from the department that a waiver has been approved.

(d) *Monitoring frequency for PWSs with waivers*. 1. A water supplier with a waiver must conduct tap monitoring for lead and copper under sub. (4) at least once every 9 years. A water supplier with a waiver must provide the department with the materials certification specified under par. (a) for both lead and copper when submitting the PWS's tap sampling results to the department. Samples collected every 9 years must be collected no later than every 9th calendar year.

2. Any water supplier with a waiver must notify the department in writing under s. NR 809.55 (1) (d) about any addition of a new source water or temporary or long-term change in treatment, as described in that section. The department may add or modify waiver conditions if the department deems any modifications are necessary to address treatment or source water changes at the PWS. For instance, the

department may require recertification that the PWS is free of lead-containing and copper-containing materials and require additional rounds of monitoring.

3. If a water supplier with a waiver becomes aware that the PWS is no longer free of lead-containing or copper-containing materials, such as a result of new construction or repairs, the water supplier must notify the department in writing no later than 60 days after becoming aware of such a change.

(e) *Discontinuation of eligibility*. A water supplier with a waiver is not allowed to continue monitoring under its waiver if any of the following conditions occur:

1. A water supplier with a waiver no longer satisfies the materials criteria under par. (a).

2. A PWS has a 90th percentile lead level greater than 0.005 mg/L.

3. A PWS has a 90th percentile copper level greater than 0.65 mg/L.

4. The department notifies the water supplier, in writing, that the waiver has been revoked, setting forth the basis of its decision.

(f) *Requirements following waiver revocation*. A water supplier whose waiver is revoked may re-apply for a waiver when the water supplier meets the appropriate materials criteria and monitoring criteria under pars. (a) and (b). A water supplier whose waiver is revoked by the department is subject to one of the following requirements for corrosion control treatment and lead and copper tap water monitoring:

1. If the PWS exceeds the lead action level, copper action level, or both, the water supplier must implement or re-optimize OCCT under the deadlines specified under s. NR 809.542 and must meet any other applicable requirements under this subchapter.

2. If the PWS is at or below both the lead and copper action levels, the water supplier must monitor for lead and copper at the tap no less frequently than once every 3 years using the reduced number of sampling sites specified under sub. (4) (a).

(g) *Pre-existing waivers*. Waivers approved by the department in writing prior to November 1, 2027, are still in effect if the water supplier has demonstrated that: the PWS is free of lead-containing and copper-containing materials, as required under par. (a); its 90th percentile lead levels and 90th percentile copper levels meet the criteria under par. (b); and the water supplier does not meet the waiver ineligibility criteria under par. (e).

(8) PUBLICLY ACCESSIBLE TAP MONITORING RESULTS USED IN THE 90TH PERCENTILE CALCULATION. A PWS water supplier must make the tap monitoring results, including data used in the

90th percentile calculation under s. NR 809.54 (3) (c) to (f), publicly accessible within 60 days of the end of the tap sampling period unless done by the department. Under this subsection, the water supplier is not required to make the addresses of tap sampling sites publicly accessible. The water supplier must meet all of the following requirements:

(a) The water supplier must meet one of the following requirements based on the PWS size:

1. The water supplier for a large water system must make the tap monitoring results and associated data publicly accessible online in a digital format.

2. The water supplier for a small or medium water system must make the tap monitoring results and associated data publicly accessible in either a print or digital format.

(b) The water supplier must certify to the department, in writing, compliance with this subsection in accordance with s. NR 809.55 (1) (b) 3. and must retain monitoring data in accordance with the recordkeeping requirements under s. NR 809.82.

NR 809.548 Monitoring requirements for water quality parameters. A water supplier for a large water system, a medium water system with corrosion control treatment that is not deemed optimized under s. NR 809.542 (2) (c) 1. to 3., or a small or medium water system that exceeds the lead action level or copper action level, must sample and monitor water quality parameters in addition to lead and copper under this section. Any water supplier may be required to monitor water quality parameters as determined by the department, including as provided under this section. The monitoring requirements for water quality parameters include all of the following elements:

(1) GENERAL REQUIREMENTS. (a) *Distribution system samples for water quality parameters*. 1. Distribution system samples collected at water taps must be representative of water quality throughout the distribution system by considering the number of persons served, the different sources of water, the different treatment methods employed by the PWS, and the seasonal variability. Sites selected for sampling in the distribution system under this section may be the same as or different from tap sampling sites targeted for lead and copper sampling under s. NR 809.547 (1). The water supplier may consider selecting sites also used for total coliform sampling under s. NR 809.31 (1) (a). Sites selected for sampling in the distribution system under this section must be included in the site sample plan specified under s. NR 809.55 (1) (a). The site sample plan must be updated prior to changes to the sampling locations.

2. Samples collected in the distribution system must be analyzed for the following parameters, when applicable, as specified by the department:

a. pH.

b. Alkalinity.

c. Orthophosphate as PO_4, when an inhibitor containing an orthophosphate compound is used.

d. Silica, when an inhibitor containing a silicate compound is used.

e. Any parameters specified by the department under s. NR 809.543 (1) (a) or (6) (f).

(b) *Entry point samples for water quality parameters*. 1. Samples collected at the entry points to the distribution system must be from locations representative of each source water after treatment. If a PWS draws water from more than one source water and the source waters are combined before distribution, the water supplier must sample at an entry point to the distribution system during periods of normal operating conditions when water is representative of all sources typically being used.

2. Except as provided under sub. (2) (c) 2. for groundwater systems, all of the following parameters that are specified by the department under s. NR 809.543 (1) (a) or (6) (f) must be measured at each entry point to the distribution system:

a. pH.

b. When alkalinity is adjusted as part of corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration.

c. When a corrosion inhibitor is used as part of corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate as PO_4 or silica, whichever is applicable.

d. Any parameters specified by the department under s. NR 809.543 (1) (a) or (6) (f).

(2) STANDARD MONITORING FOR WATER QUALITY PARAMETERS. (a) *Number of samples*. 1. 'Distribution system samples.' The water supplier must collect 2 distribution system samples for applicable water quality parameters during each monitoring period specified under pars. (b) to (d) from each of the minimum number of sites listed in Table Qp. The water supplier that collects distribution system samples for water quality parameters from additional sites as a result of the distribution system and site assessment requirements under s. NR 809.543 (10) must add those sites to the minimum number of sites listed in Table Qp, up to a maximum of not more than twice the minimum number of sites.

Table Qp

Water Quality Parameter Site Determination for Standard Monitoring

PWS size (number of people served)	Minimum number of sites for water quality parameters
>100,000	25
10,001 to 100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

2. 'Samples at entry points.' a. A PWS without installed or re-optimized OCCT and without department-designated optimal water quality parameters that is required to collect entry point samples must collect a minimum of 2 entry point samples 14 to 70 days apart for each applicable water quality parameter at each entry point to the distribution system at least once during each monitoring period specified under par. (b).

b. A PWS with installed OCCT, re-optimized OCCT, or department-designated optimal water quality parameters that is required to collect entry point samples, including as provided under par. (c) 3., must collect one entry point sample for each applicable water quality parameter at each entry point to the distribution system at least once every 2 weeks during each monitoring period for which the water supplier is required to conduct sampling as specified under pars. (c) and (d) and sub. (3).

(b) *Initial sampling for PWSs*. The water supplier for a large water system without corrosion control treatment must begin monitoring for water quality parameters as specified under subds. 1. and 2. for 2 consecutive 6-month monitoring periods beginning the first standard monitoring period after the PWS either becomes a large water system or exceeds the PQL for lead. The water supplier for a medium water system without corrosion control treatment that exceeds the lead action level or copper action level must begin monitoring for applicable distribution system and entry point water quality parameters as specified under subds. 1. and 2. for 2 consecutive 6-month monitoring periods beginning the first standard monitoring period after the action level exceedance occurred. The water supplier for a small water system that exceeds the lead or copper action level must begin monitoring for applicable distribution system and entry point water quality parameters as specified under subds. 1. and 2. for 2 consecutive 6-month monitoring periods beginning the first standard monitoring period after the action level exceedance occurred. The PWS must continue monitoring as described under pars. (c) and (d). The water supplier must collect samples at all of the following locations:

1. At sites in the distribution system, the water supplier must collect 2 samples 14 to 70 days apart for all of the following:

a. pH.

b. Alkalinity.

2. At each entry point to the distribution system, the water supplier must collect all of the applicable parameters listed under sub. (1) (b) 2.

(c) *Monitoring after installation of OCCT or re-optimized OCCT.* 1. A water supplier that modifies or installs OCCT under s. NR 809.542 (3) (e) or (4) (e) and is required to conduct follow-up monitoring for lead or copper under s. NR 809.542 (3) (f) or (4) (f) must monitor for applicable distribution system and entry point water quality parameters as specified under sub. (1) (a) and (b) every 6 months until the department designates water quality parameter values for OCCT under s. NR 809.543 (6). The water supplier must collect these samples at a regular frequency throughout the 6-month monitoring period to reflect seasonal variability.

2. The water supplier for any groundwater system may request department approval to limit entry point sampling described under sub. (1) (b) to those entry points that are representative of water quality and treatment conditions throughout the PWS. The water supplier must provide the department written information and documentation identifying the selected entry points, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the PWS prior to the start of any monitoring under this subdivision. If water from untreated groundwater sources mixes with water from treated groundwater sources, the water supplier must monitor for water quality parameters both at representative entry points receiving treatment and at representative entry points receiving no treatment. The department may approve the water supplier's request for limited entry point sampling in writing.

3. The department may require the water supplier for a small water system with corrosion control treatment for which the department has not designated optimal water quality parameters and that does not exceed the lead action level or copper action level to conduct water quality parameter monitoring as described under this subsection or the department can develop its own water quality parameter monitoring structure for the PWS.

(d) *Monitoring by PWSs with department-designated optimal water quality parameter values for OCCT.* Monitoring by a water supplier for a PWS with department-designated optimal water quality parameter values for OCCT must occur at a regular frequency throughout the monitoring period to reflect seasonal variability and be consistent with the requirements under sub. (1) (a) and (b) and all of the following:

1. The water supplier for a medium water system with corrosion control treatment or a large water system must sample for the applicable water quality parameters designated by the department and determine compliance with the requirements under s. NR 809.543 (7) every 6 months, with the first 6-month monitoring period to begin on either January 1 or July 1, whichever comes first, after the department specifies the optimal values under s. NR 809.543 (6).

2. The water supplier for a small water system with corrosion control treatment that exceeds the lead action level or copper action level must begin monitoring during the standard 6-month tap monitoring period immediately following the tap monitoring period in which the action level exceedance occurs and continue monitoring until the PWS no longer exceeds the lead action level or copper action level, or both, and meets the department-designated optimal water quality parameters in 2 consecutive 6-month tap monitoring periods under s. NR 809.547 (3). For any small water system that is subject to a reduced monitoring frequency under s. NR 809.547 (4) at the time of the action level exceedance, the start of the 6-month monitoring period under this subdivision must coincide with the start of the tap monitoring period under s. NR 809.547 (3).

3. Compliance with department-designated optimal water quality parameter values must be determined as specified under s. NR 809.543 (7).

4. The department has the discretion to require PWSs described under subd. 2. to continue to monitor optimal water quality parameters.

(3) REDUCED MONITORING. (a) The water supplier for a medium or large water system that maintains the range of values for the water quality parameters reflecting OCCT specified by the department under s. NR 809.543 (6) and does not exceed the lead action level or copper action level in either of the 2 consecutive 6-month monitoring periods under sub. (2) (d) must collect 2 distribution system samples for applicable water quality parameters specified under sub. (1) (a) 2. from each of the minimum number of sites listed in Table Qr during each 6-month monitoring period. The water suppliers for these PWSs must collect these samples at times throughout the 6-month monitoring period that reflect seasonal variability. The water supplier for a PWS meeting the requirements under this paragraph must

continue to monitor at the entry points to the distribution system as specified under sub. (1) (b). The water supplier for a PWS with sites added as a result of the distribution system and site assessment requirements under s. NR 809.543 (10) must continue to sample at the added sites up to a maximum of not more than twice the minimum number of sites specified in Table Qp.

Table Qr

Water Quality Parameter Site Determination for Reduced Monitoring

PWS size (number of people served)	Reduced minimum number of sites for water quality parameters
>100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

(b) 1. A PWS that maintains the range of values for the water quality parameters reflecting OCCT specified by the department under s. NR 809.543 (6) and does not exceed the lead action level or copper action level during 3 consecutive years of monitoring may reduce the frequency with which the water supplier collects distribution system samples for applicable water quality parameters specified under sub. (1) (a) 2. from each of the minimum number of sites listed in Table Qr from every 6 months to annually. This sampling must begin during the calendar year immediately following the end of the monitoring period in which the 3rd consecutive year of 6-month monitoring occurs.

2. A water supplier may reduce the frequency with which the water supplier collects distribution system samples for applicable water quality parameters specified under par. (a) to every year if the water supplier demonstrates during 2 consecutive monitoring periods that the PWS's tap water lead level at the 90th percentile is less than or equal to the PQL for lead of 0.005 mg/L, that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L as calculated under s. NR 809.54 (3) (c) to (f), and that it also has maintained the range of values for the water quality parameters reflecting OCCT specified by the department under s. NR 809.543 (6).

(c) A water supplier that conducts sampling at taps for water quality parameters annually must collect these samples at a regular frequency throughout the year to reflect seasonal variability.

(d) A water supplier monitoring at a reduced frequency that fails to operate at or within the range of values for the optimal water quality parameters designated by the department under s. NR 809.543 (6) for more than 9 cumulative days, as specified under s. NR 809.543 (7), in any 6-month period under sub. (2) (d) must resume distribution system sampling in accordance with the number and frequency requirements under sub. (2) (d). Such a water supplier may resume annual monitoring for water quality parameters in the distribution system at the reduced number of sites specified under par. (a) after the water supplier has completed 2 subsequent consecutive 6-month rounds of monitoring that meet the criteria under par. (a) or may resume annual monitoring for water quality parameters in the distribution system at the reduced number of sites after the water supplier demonstrates through subsequent rounds of monitoring that the PWS meets the criteria of either par. (b) 1. or 2.

(e) A water supplier monitoring at a reduced frequency that exceeds the lead action level or copper action level must resume standard water quality parameter monitoring beginning with the 6-month period immediately following the tap monitoring period in which the action level exceedance occurs. If the PWS no longer exceeds the lead action level or copper action level, or both, and meets the department-designated optimal water quality parameters in 2 consecutive 6-month tap monitoring periods, the water supplier may then reduce monitoring in accordance with pars. (a) and (b).

(4) ADDITIONAL MONITORING BY PWSS. The results of any monitoring conducted in addition to the minimum requirements of this section must be considered by the water supplier and the department in determining concentrations of water quality parameters under this section or s. NR 809.543.

SECTION 45. NR 809.549 (1) is renumbered NR 809.549 (1r), and (1r) (a) 1. and 2., as renumbered, are amended to read:

NR 809.549 (1r) (a) 1. The water ~~suppliers~~ supplier for a groundwater ~~systems~~ system shall take a minimum of one sample at every ~~entry point to the distribution system which is representative of each well after treatment~~ sampling point. The water supplier shall take one sample at the same sampling ~~location~~ point unless conditions make another sampling ~~location~~ point more representative of each source or treatment plant.

2. The water ~~suppliers~~ supplier for a surface water ~~systems~~ system shall take a minimum of one sample at every ~~entry point to the distribution system after any application of treatment or in the~~

~~distribution system at a point which is representative of each source after treatment~~ sampling point. The water supplier shall take each sample at the same sampling ~~location~~ point unless conditions make another sampling ~~location~~ point more representative of each source or treatment plant. For the purposes of this paragraph, surface water systems include ~~public water systems~~ PWSs with a combination of surface water and groundwater sources.

SECTION 46. NR 809.549 (1g) is created to read:

NR 809.549 (1g) DEFINITION. In this section, "sampling point" means an entry point to the PWS's distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment.

SECTION 47. NR 809.549 (2) is renumbered NR 809.549 (2) (a) and, as renumbered, is amended to read:

NR 809.549 (2) (a) A water supplier for any ~~public water system~~ PWS which exceeds the lead or copper action level at the tap for the first time or for the first time after an addition of a new water source or installation of source water treatment required under s. NR 809.544 (2) (b) shall collect one source water sample from each entry point to the distribution system no later than ~~six~~ 6 months after the end of the ~~monitoring~~ tap sampling period during which the lead or copper action level was exceeded. For ~~monitoring~~ tap sampling periods that are annual or less frequent, the end of the ~~monitoring~~ tap sampling period is September 30 of the calendar year in which the sampling occurs, or if the department has established an alternate monitoring period, the last day of that period. If the department determines that source water treatment is not required under s. NR 809.544 (2) (b), the department may waive source water monitoring, for any subsequent lead or copper action level exceedance at the tap, under par. (b).

SECTION 48. NR 809.549 (2) (b) is created to read:

NR 809.549 (2) (b) The department may waive, in writing, the source water monitoring for a lead or copper action level exceedance at the tap if all of the following conditions apply:

1. The water supplier has already conducted source water monitoring following a previous action level exceedance.

2. The department has determined that source water treatment is not required.

3. The water supplier has not added any new water sources.

SECTION 49. NR 809.549 (3) is renumbered to NR 809.549 (3) (title) and (a) and, as renumbered, is amended to read:

NR 809.549 (3) MONITORING FREQUENCY AFTER INSTALLATION OF SOURCE WATER TREATMENT OR ADDITION OF NEW WATER SOURCE. (a) ~~Any~~ A water supplier ~~which~~ that installs source water treatment ~~pursuant to s. NR 809.544 (1) (b)~~ under s. NR 809.544 (1) (c) shall collect ~~an additional~~ one source water sample from each entry point to the distribution system during 2 consecutive 6-month monitoring periods by the deadline specified ~~in~~ under s. NR 809.544 (1) (d).

SECTION 50. NR 809.549 (3) (b) is created to read:

NR 809.549 (3) (b) A water supplier that adds a new water source shall collect one source water sample from each entry point to the distribution system until the water supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the department under s. NR 809.544 (2) (d) or the department determines that source water treatment is not needed.

SECTION 51. NR 809.549 (4) (title) and (a) are amended to read:

NR 809.549 (4) MONITORING FREQUENCY AFTER DEPARTMENT SPECIFIES MAXIMUM PERMISSIBLE SOURCE WATER LEVELS ~~OR DETERMINES THAT SOURCE WATER TREATMENT IS NOT NEEDED~~. (a) A water supplier shall monitor at the frequency specified ~~below~~ under this subsection in cases ~~where~~ that the department specifies maximum permissible source water levels under s. NR 809.544 (2) (d) ~~or determines that the water supplier is not required to install source water treatment under s. NR 809.544 (2) (b)~~.

SECTION 52. NR 809.549 (5) (a) (intro.) and 1. are consolidated, renumbered NR 809.549 (5) (a), and amended to read:

NR 809.549 (5) REDUCED MONITORING FREQUENCY. (a) A water supplier for a ~~public water system~~ PWS using only groundwater may reduce the monitoring frequency for lead and copper in source water to once during each compliance cycle provided that the samples are collected no later than every ~~ninth~~ 9th calendar year and if the ~~public water system meets one of the following criteria:~~

~~1. The~~ water supplier ~~for a public water system~~ demonstrates that the finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper

concentrations specified by the department ~~in~~ under s. NR 809.544 (2) (d) during at least 3 consecutive ~~compliance~~ monitoring periods under sub. (4) (a).

SECTION 53. NR 809.549 (5) (a) 2. is repealed.

SECTION 54. NR 809.549 (5) (b) (intro.) and 1. are consolidated, renumbered NR 809.549 (5) (b), and amended to read:

NR 809.549 (5) (b) A water supplier for a ~~public water system~~ PWS using surface water, or a combination of surface water and groundwater, may reduce the monitoring frequency ~~in~~ under sub. (4) (a) to once during each compliance cycle provided that the samples are collected no later than every ~~ninth~~ 9th calendar year and if the ~~public water system meets one of the following criteria:~~

~~1. The~~ water supplier ~~for the public water system~~ demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the department ~~in~~ under s. NR 809.544 (2) (d) for at least 3 consecutive years.

SECTION 55. NR 809.549 (5) (b) 2. is repealed.

SECTION 56. NR 809.55 (5) (e) and (6) (d) are created to read:

(5) (e) The water supplier for any public water system with lead service lines in its inventory that was required to be developed under s. NR 809.545 (1k) (a) must certify annually by March 1 that the public water system has complied with the consumer notification of lead service line materials as specified under s. NR 809.546 (5).

(6) (d) Annually by July 1, the water supplier must demonstrate to the department that it delivered annual consumer notification and delivered lead service line information materials to affected consumers with a lead, GRR, or lead status unknown service line in accordance with s. NR 809.546 (5) for the previous calendar year. The water supplier shall also provide a copy of the notification and information materials to the department.

SECTION 57. NR 809.55 (8) (c) is amended to read:

NR 809.55 (8) (c) The department has provided the results of the 90th percentile lead and copper calculations, in writing, to the water supplier ~~before the end of the monitoring~~ within 15 days of the end of the tap sampling period.

SECTION 58. NR 809.55 as amended by SECTIONS 56 and 57 is repealed and recreated to read:

NR 809.55 Reporting requirements for lead and copper. All water suppliers shall report all of the following information to the department:

(1) REPORTING REQUIREMENTS FOR TAP MONITORING FOR LEAD AND COPPER, AND FOR DISTRIBUTION SYSTEM AND ENTRY POINT MONITORING FOR WATER QUALITY PARAMETERS. (a) *Sample site plan and sampling instructions.* No later than 60 days prior to the start of a PWS's first lead and copper tap monitoring period under s. NR 809.547 (3) and (4), the water supplier must submit to the department all of the following:

1. A site sample plan, including a list of tap sampling sites for lead and copper sampling identified from the inventory under s. NR 809.545 (1n), and a list of tap sampling sites and entry point to the distribution system sites for water quality parameter monitoring selected under s. NR 809.548 (1) (a) and (b). The department may require modifications to the site sample plan as necessary. The site sample plan must include information about the type of tap, service line material, premise plumbing material, and presence or absence of POU and POE sufficient for demonstrating that the site plans meet the requirements of s. NR 809.547 (1). The water supplier must meet all of the following conditions as part of the site sample plan, as applicable:

a. If there are changes to the site sample plan, the water supplier must submit an updated site sample plan to the department no later than 60 days prior to the start of the next tap sampling period conducted by the water supplier.

b. A water supplier for a PWS with lead, GRR, or LSU service lines in the service line inventory conducted under s. NR 809.545 (1n) and (1r) must evaluate the tap sampling sites for lead and copper used in the water supplier's sampling pool prior to the start of each tap sampling period, beginning with November 1, 2027. If any evaluations result in changes to the site sample plan, the water supplier must submit an updated site sample plan to the department no later than 60 days prior to each tap sampling period conducted by the water supplier.

c. If a water supplier cannot identify enough sampling sites with premise plumbing made of lead or served by lead service lines, to meet the minimum number of sample sites required under s. NR 809.547 (3) (a) or (4) (a), as required under s. NR 809.547 (1) (c), the water supplier must submit documentation in support of the conclusion that there are an insufficient number of available sites with

premise plumbing made of lead or served by lead service lines, or both, including documentation of applicable customer refusals of sampling, prior to the next tap sampling period.

2. A copy of the sample collection instructions that are provided to individuals who are sampling, that meets the requirements under s. NR 809.547 (2). If the water supplier seeks to modify the PWS's sample collection instructions as specified under this subdivision, the water supplier must submit the updated version of the instructions to the department for review no later than 60 days prior to the next tap sampling period.

(b) *Sample results.* Notwithstanding the requirements under s. NR 809.80 (1), a water supplier must report the information specified under subds. 1. to 7. for all lead and copper tap samples specified under s. NR 809.547 and for all water quality parameter distribution system and entry point samples specified under s. NR 809.548. A water supplier must report all information under this paragraph to the department within the first 10 days following the end of each applicable sampling period specified under ss. NR 809.547 and 809.548, unless the department has specified an earlier reporting requirement. For tap sampling periods with a duration less than 6 months, the end of the sampling period is the last date samples can be collected as specified under s. NR 809.547. The water supplier must report all of the following information to the department:

1. The results of all tap samples for lead and copper collected during the tap sampling period, including results for both first-liter and fifth-liter samples collected at lead service line sites, the location of each site, and the site selection criteria under s. NR 809.547 (1) (c) and (d) used as the basis for which the site was selected for the PWS's sampling pool.

2. Documentation for each tap water lead or copper sample for which the water supplier requests invalidation under s. NR 809.547 (6).

3. With the exception of the initial tap sampling conducted under s. NR 809.547 (3) (b) 1., a certification that the results of the monitoring from the tap monitoring period before the applicable tap monitoring period described under this paragraph were made publicly accessible, as specified under s. NR 809.547 (8).

4. The 90th percentile lead and copper concentrations calculated from lead and copper tap water samples collected during each tap sampling period under s. NR 809.54 (3) (c) to (f), unless the department calculates the PWS's 90th percentile lead and copper levels under sub. (8).

5. With the exception of the initial tap sampling conducted under s. NR 809.547 (3) (b) 1., identification of any site that was not sampled during the tap monitoring period immediately preceding the applicable tap monitoring period described under this paragraph, and an explanation of why sampling sites have changed.

6. The results of all tap samples for water quality parameters under s. NR 809.548 (2) to (4).

7. The results of all samples collected at the entry points to the distribution system for applicable water quality parameters under s. NR 809.548 (2) to (4).

8. The number of sites from which the water supplier requested customer participation for sampling during the tap sampling period and the customer was either non-responsive after 2 attempts or refused to participate.

(c) *Insufficient number of tap sampling sites meeting 6-hour stagnation time.* For a water supplier for an NTNCWS, or a water supplier of a CWS meeting the criteria under s. NR 809.546 (3) (h), that does not have enough taps that can provide first-liter or first-liter-and-fifth-liter-paired samples meeting the 6-hour minimum stagnation time, the water supplier must complete one of the following:

1. Unless the department has waived prior departmental approval of sample sites not meeting the 6-hour stagnation time selected by the water supplier under s. NR 809.547 (2) (c), provide written documentation to the department identifying standing times and locations for samples that do not meet the 6-hour minimum stagnation time in order to make up a PWS's sampling pool and meet the minimum number of sites to sample as required under s. NR 809.547 (2) (c). The water supplier must submit this documentation by one of the following deadlines, as applicable:

a. The start of the PWS's first applicable tap monitoring period under s. NR 809.547 (3) if there are no changes to the documentation.

b. Prior to the next tap sampling period if there are changes to the documentation.

2. If the department has waived prior departmental approval of sample sites not meeting the 6-hour stagnation time selected by the water supplier, identify, in writing, each site that did not meet the 6-hour minimum stagnation time and the length of standing time for that particular substitute sample collected under s. NR 809.547 (2) (c) and include this information with the lead and copper tap sample results required to be submitted under par. (b) 1.

(d) *New water sources and temporary and long-term changes in water treatment.* 1. In addition to plan submission and approval requirements under ch. NR 811, the PWS water supplier must submit written documentation to the department describing any temporary change in source of water or treatment to the department that will last more than 30 days. The documentation must be submitted at least 10 business days before a planned change or as soon as possible for an unplanned emergency change. The department may require any such water supplier to take actions before or after the addition of a temporary change in source water or treatment to ensure that the water supplier will operate and maintain OCCT, such as additional water quality parameter monitoring, additional lead or copper tap sampling, or re-evaluating corrosion control treatment.

2. As early as possible but no later than 90 days prior to the addition of a new source or any long-term change in water treatment, a PWS water supplier must submit written documentation describing the addition of a new source or long-term change in treatment to the department. The water supplier may not implement the addition of a new source or long-term treatment change without department approval. The department must review and approve the addition of a new source or a long-term change in water treatment to the PWS before it can be implemented by the water supplier. The department may require any such water supplier to take actions before or after the addition of a new source or long-term treatment change to ensure that the water supplier will operate and maintain OCCT, such as additional water quality parameter monitoring, additional lead or copper tap sampling, or re-evaluating corrosion control treatment.

Note: Examples of long-term treatment changes include the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants, such as from alum to ferric chloride, and switching corrosion inhibitor product, such as from orthophosphate to blended phosphate. Long-term treatment changes can also include dose changes to existing chemicals if the water supplier is planning long-term changes to the PWS's finished water pH or residual inhibitor concentration. Long-term treatment changes may not include chemical dose fluctuations associated with daily raw water quality changes when a new source has not been added.

(e) *PWSs applying for a monitoring waiver.* A water supplier for a PWS serving 3,300 or fewer persons applying for a monitoring waiver under s. NR 809.547 (7) or subject to a waiver granted under s. NR 809.547 (7) (c) must provide all of the following information to the department in writing by the specified deadline under subds. 1. to 3.:

1. By the start of the PWS's first applicable monitoring period under s. NR 809.547 (3) and (4), a water supplier applying for a monitoring waiver must provide the documentation required to demonstrate that the PWS meets the waiver criteria of s. NR 809.547 (7) (a) and (b) to the department.

2. Prior to the start of each tap monitoring period in which the water supplier desires to maintain PWS's monitoring waiver under s. NR 809.547 (7) (b) or (d), the water supplier must provide the information required by s. NR 809.547 (7) (d) 1. to the department.

3. No later than 60 days after a water supplier with a monitoring waiver becomes aware that the PWS is no longer free of lead-containing or copper-containing material, the water supplier must provide written notification to the department, setting forth the circumstances resulting in the lead-containing or copper-containing materials being discovered in the PWS and what corrective action, if any, the water supplier plans to take to remove these materials.

(f) *Groundwater systems with limited entry point sampling.* By the start of monitoring, a water supplier for a groundwater system that limits water quality parameter monitoring to a subset of entry points under s. NR 809.548 (2) (c) 2. must provide the department, in writing, identification of the selected entry points and include information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the PWS.

(2) SOURCE WATER MONITORING REPORTING REQUIREMENTS. Within the first 10 days following the end of each source water monitoring period specified under s. NR 809.549, a water supplier must report all of the following, as applicable:

(a) The sampling results for all source water samples collected under s. NR 809.549.

(b) With the exception of the first round of source water sampling conducted under s. NR 809.549 (2), any site that was not sampled during previous monitoring periods, with an explanation of why the sampling point has changed.

(3) CORROSION CONTROL TREATMENT REPORTING REQUIREMENTS. By the applicable deadlines under s. NR 809.542, a water supplier shall submit to the department the following information, as applicable:

(a) For a PWS water supplier demonstrating that the water supplier has already optimized OCCT without optimized water quality parameters set by the department, information required under s. NR 809.542 (2).

(b) For a PWS water supplier required to optimize corrosion control, the water supplier's recommendation regarding OCCT under s. NR 809.543 (1).

(c) For a PWS water supplier required to evaluate the effectiveness of corrosion control treatments under s. NR 809.543 (3), the information required by that subsection.

(d) For a PWS water supplier required to install OCCT or re-optimized OCCT designated by the department under s. NR 809.543 (4), a letter certifying that the water supplier has completed installing that treatment.

(e) For a PWS water supplier not required to complete the corrosion control treatment steps under s. NR 809.542 (5), a letter certifying that the water supplier has completed the mandatory service line replacement program or that the PWS has met the minimum annual replacement rate calculated under s. NR 809.542 (5) (a) 2.

(4) SOURCE WATER TREATMENT REPORTING REQUIREMENTS. By the applicable deadlines under s. NR 809.544, a water supplier shall submit all of the following information as applicable to the department:

(a) If required under s. NR 809.544 (2) (a), the water supplier's recommendation regarding source water treatment.

(b) For a water supplier required to install source water treatment under s. NR 809.544 (2) (b), a letter certifying that the water supplier has completed installing the treatment approved by the department within 24 months after the department approved the treatment.

(5) LEAD SERVICE LINE INVENTORY AND REPLACEMENT REPORTING REQUIREMENTS. For the purposes of this subsection, the first mandatory service line replacement program year is from November 1, 2027, to the end of the next calendar year, and every program year afterwards is on a calendar year basis. The water supplier must submit all of the following information to the department to demonstrate compliance with the requirements under s. NR 809.545:

(a) *Baseline inventory.* No later than November 1, 2027, the water supplier must submit to the department a baseline inventory of service lines and connectors as required under s. NR 809.545 (1n) (a) to (e) and (j), including all of the following:

1. The total number of lead service lines in the inventory and location for each.

2. The total number of GRR service lines in the inventory and location for each.

3. The total number of LSU service lines in the inventory and location for each.

4. The total number of non-lead service lines in the inventory, location for each, the basis for material classification for each, and whether each is in the validation pool each in accordance with s. NR 809.545 (1n).

5. The total number of lead connectors in the inventory and location for each.

6. The total number of connectors of unknown material in the inventory and location for each.

7. The total number of non-lead connectors in the inventory, location for each, and the basis for material classification for each.

8. If ownership of a service line is shared, the water supplier must report the information under subds. 1. to 7., counting each full service line only once.

(b) *Service line replacement plan.* A water supplier that has inventoried one or more lead, GRR, or LSU service lines in the PWS's distribution system must meet all of the following requirements:

1. No later than November 1, 2027, submit a service line replacement plan as specified under s. NR 809.545 (1w) to the department.

2. By January 30 after the end of the first program year, and annually by January 30 each year after the first program year, certify to the department that there have been no updates to the service line replacement plan or, if there have been updates, submit an updated service line replacement plan. A water supplier may provide instructions on how to access the updated plan online instead of providing the entire updated plan to the department only if the online plan contains sufficient information for the department to determine of the updated plan meets all requirements of s. NR 809.545 (1w).

3. A water supplier replacing service lines under a schedule based on the deferred deadlines criteria under s. NR 809.545 (2) (e) 6. must also meet the requirements described under s. NR 809.545 (1w) (c) for submitting information to the department.

(c) *Updated inventory*. 1. The water supplier must provide the department with an updated inventory by January 30 after the end of the first program year, and annually by January 30 each year

after the first program year. The updated inventory must conform with the inventory requirements under s. NR 809.545 (1n) and (1r).

2. If the water supplier has demonstrated that the PWS's inventory does not contain lead, GRR, or LSU service lines, known lead connectors, and connectors of unknown material, the water supplier is no longer required to submit inventory updates to the department, except as required under subd. 3.

3. If a water supplier meeting the requirements under subd. 2. subsequently discovers any lead service lines, GRR service lines, or lead connectors in the PWS's distribution system, the water supplier must notify the department within 60 days of discovering the service lines and connectors and prepare an updated inventory under s. NR 809.545 (1r) on a schedule established by the department.

(d) *Lead connector replacements.* By January 30 after the end of the first program year, and annually by January 30 each year after the first program year, the water supplier must certify to the department that the water supplier replaced any encountered lead connectors in accordance with s. NR 809.545 (3) or that the water supplier encountered no lead connectors during the calendar year.

(e) *Notification and mitigation for service line replacements.* By January 30 after the end of the first program year, and annually by January 30 each year after the first program year, the water supplier must certify to the department that the water supplier conducted the notification and mitigation requirements for any partial and full service line replacements under s. NR 809.545 (6) or that the water supplier conducted no replacements of lead or GRR service lines during the calendar year.

(f) *Customer-initiated replacements.* The water supplier must meet one of the following conditions about customer-initiated replacements of lead and GRR service lines:

1. By January 30 after the end of the first program year, and annually by January 30 each year after the first program year, the water supplier must certify that the water supplier completed all customer-initiated replacements of lead and GRR service lines under s. NR 809.545 (4).

2. If the water supplier cannot meet the 45-day deadline to complete a customer-initiated replacement of a lead or GRR service line under s. NR 809.545 (4), the water supplier must notify the department within 30 days following the replacement deadline.

(g) *Mandatory service line replacements.* A water supplier conducting mandatory service line replacement under s. NR 809.545 (2) must submit all of the following information to the department by

January 30 after the end of the first program year, and annually by January 30 each year after the first program year:

1. All of the following information, as applicable, from the most recent updated inventory submitted under par. (c), in accordance with Table Qe:

a. The total number of lead service lines in the inventory and location for each.

b. The total number of GRR service lines in the inventory and location for each.

c. The total number of LSU service lines in the inventory and location for each.

d. The total number of non-lead service lines in the inventory, location for each, the basis for material classification for each, and whether each is in the validation pool in accordance with s. NR 809.545 (1n) and (1r).

e. The total number of lead connectors in the inventory and location for each.

f. The total number of connectors of unknown material in the inventory and location for each.

g. The total number of non-lead connectors in the inventory, location for each, and the basis for material classification for each.

h. If ownership of the service line is shared, the information under subd. 1. a. to g., counting each full service line only once.

2. The total number of full replacements of lead and GRR service lines that have been conducted in the preceding program year, and the address associated with each replaced service line.

3. The total number of partial replacements of lead and GRR service lines that have been conducted in the preceding program year, and the address associated with each partially replaced service line.

4. The total number of lead connectors that have been replaced or removed in each preceding program year and the address associated with each replaced or removed lead connector.

5. The number of service lines in the replacement pool that were updated at the beginning of the preceding program year under s. NR 809.545 (2) (f) 1.

6. The total number and address of LSU service lines determined to be non-lead in the preceding program year.

7. The address of each non-lead service line discovered in the preceding program year to be a lead or GRR service line, and the methods originally used to categorize the material of the service line.

8. The applicable deadline for completion of service line replacement and the expected date of completion of service line replacement.

9. The total number of lead and GRR service lines not replaced because the water supplier does not have access to conduct full service line replacement.

(h) *Service line inventory validations.* A water supplier validating service line inventories under s. NR 809.545 (1r) (e) must submit a list of the locations of service lines categorized as non-lead that were validated under s. NR 809.545 (1r) (e). The list must indicate which, if any, service lines previously categorized as non-lead that were since identified to be a lead or GRR service line, and the basis for material classification. The water supplier must submit the specific version and date of the service line inventory used to determine the number of non-lead service lines in the validation pool. The water supplier may not use an inventory older than the inventory update that was submitted to the department under s. NR 809.545 (1r) (b) at the start of the year in which the validation pool was determined. The information must be submitted no later than January 30 following 7 years after November 1, 2027, unless otherwise specified by the department under s. NR 809.545 (1r) (e) 4. Documentation of previous validation efforts may be submitted by November 1, 2027, for approval by the department as described under s. NR 809.545 (1r) (e) 6.

(i) *Service lines not replaced due to lack of access by PWS.* By January 30 after the end of the first program year, and annually by January 30 each year after the first program year, for each service line not replaced due to lack of access under s. NR 809.545 (2) (b), the water supplier must submit to the department documentation of the reason for lack of access. The water supplier must also submit to the department documentation of each reasonable effort conducted if the water supplier was not able to obtain property owner consent under s. NR 809.545 (2) (c) when consent is required by a state or local law.

(j) *Samples collected after service line replacements.* Any water supplier that collects samples following a partial or full lead or GRR service line replacement required by s. NR 809.545 (6) (a) 4. or (c) 5. must report the results to the department within the first 10 days following the month in which the water supplier receives the results, or as specified by the department. The water supplier must also report

any additional information as specified by the department, and in a time and manner prescribed by the department, to verify that all partial service line replacements and GRR service line replacement activities have taken place.

(k) *Customers suspecting incorrect inventory categorization.* By January 30 after the end of the first program year, and annually by January 30 each year after the first program year, the water supplier must certify to the department that the water supplier offered to inspect the service lines that consumers suspected were incorrectly categorized by material in the inventory within 30 days of receiving the customer notification under s. NR 809.545 (1r) (d).

(6) PUBLIC EDUCATION PROGRAM REPORTING REQUIREMENTS. (a) The water supplier for any PWS conducting public education requirements under s. NR 809.546 must submit a copy of all written public education materials to the department prior to delivery. The department may require the water supplier to obtain approval of the content of written public education materials prior to delivery under s. NR 809.546 (2).

(b) The water supplier for any PWS that is subject to the public education requirements under s. NR 809.546 must, within 10 days after the end of each period in which the water supplier is required to perform public education under s. NR 809.546 (3), send written documentation to the department that contains all of the following information:

1. The public education materials that were delivered, and a statement certifying that the water supplier has delivered the public education materials that meet the content requirements under s. NR 809.546 (2) and the delivery requirements under s. NR 809.546 (3).

2. A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the water supplier delivered public education materials during the period in which the PWS was required to perform public education tasks. Unless required by the department, a water supplier that previously has submitted this information is not required to resubmit the information as long as there have been no changes in the distribution list and the water supplier certifies that the public education materials were distributed to the same list submitted previously.

(c) The water supplier for each PWS must send an example copy of the consumer notification of tap results to the department along with a certification that the notification has been distributed in a manner consistent with the requirements under s. NR 809.546 (5), according to all of the following deadlines, as applicable:

1. No later than 3 months following the end of the tap sampling period, for tap samples used to calculate the 90th percentile value as described under s. NR 809.547, an example copy of the consumer notification provided and a certification that the notification has been distributed in a manner consistent with the requirements under s. NR 809.546 (5).

2. Annually by January 30, for tap samples from the previous program year that are not included under subd. 1., including consumer-requested samples outside the tap sampling period for PWSs on reduced monitoring, an example copy of the consumer notification provided, and a certification that the notification has been distributed in a manner consistent with the requirements under s. NR 809.546 (5).

(d) Annually by January 30, the water supplier must certify to the department that the water supplier delivered annual notification and service line information materials for the previous calendar year to customers and all persons served by the PWS at the service connection with a lead, GRR, or LSU service line in accordance with s. NR 809.546 (6). The water supplier must also provide an example copy of the notification and information materials for lead, GRR, and LSU service lines to the department.

(e) Annually by January 30, the water supplier must certify to the department that the water supplier delivered notification to affected customers and the persons served by the PWS at the service connection and complied with the filter requirements after any disturbance of a service line known to contain or potentially containing lead in accordance with s. NR 809.546 (7) for the previous calendar year, or that the PWS has not caused any disturbance of a service line known to contain or potentially contain lead, during the preceding year. The water supplier must also submit an example copy of the notification to the department. A water supplier that is required to provide filters under s. NR 809.546 (7) must also report the number of sites with disturbances that require filters as specified under s. NR 809.546 (7) and the number of filters provided.

(f) Annually by January 30, the water supplier must certify to the department that the water supplier conducted an outreach activity in accordance with s. NR 809.546 (8) if the PWS did not meet the service line replacement rate as specified under s. NR 809.545 (2) for the previous calendar year. The water supplier must also submit a copy to the department of the outreach materials provided.

(g) Annually by January 30, the water supplier must certify to the department that the water supplier delivered the required distribution system and site assessment information and public education materials to the department of health services and the local health department for the previous calendar year under s. NR 809.546 (9).

(h) 1. No later than 60 days after a PWS exceeds the lead action level for the 2nd time in a rolling 5-year period, the water supplier must submit a filter plan to the department as specified under s. NR 809.546 (10) (c).

2. After the water supplier meets the requirements under subd. 1., the water supplier is not required to resubmit a filter plan unless requested by the department or if the water supplier has made updates to the filter plan.

(i) Every 6 months, specifically by January 30 and July 30, the water supplier for any PWS that meets the criteria of multiple lead action level exceedances under s. NR 809.546 (10) (a) must certify all of the following:

1. Certify compliance with the filter requirements in the previous 6 months, with January 30 reports to include the previous July through December, and July 30 reports to include the previous January through June, in accordance with s. NR 809.546 (10) (b), and report the number of filters provided.

2. Certify that the water supplier completed a public outreach activity in the previous 6 months, with January 30 reports to include the previous July through December, and July 30 reports to include the previous January through June, in accordance with s. NR 809.546 (10) (d), and submit a copy of the public education materials provided to consumers.

(7) REPORTING OF ADDITIONAL MONITORING DATA. (a) A water supplier who collects more samples than the minimum required must report the results to the department within the first 10 days following the end of the applicable monitoring period under ss. NR 809.547, 809.548, and 809.549 during which the samples are collected. This includes the monitoring data pertaining to distribution system and site assessment under ss. NR 809.543 (10) and 809.547 (2) (a) 4.

(b) The water supplier must certify to the department the number of customer refusals or non-responses for follow-up sampling under s. NR 809.543 (10) (b) that the water supplier received and documentation explaining why the water supplier was unable to collect a follow-up sample, within the first 10 days following the end of the applicable tap monitoring period in which an individual sample exceeded the action level.

(8) REPORTING OF 90TH PERCENTILE LEAD AND COPPER CONCENTRATIONS WHEN THE DEPARTMENT CALCULATES A PWS'S 90TH PERCENTILE CONCENTRATIONS. The water supplier is not

required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each tap sampling period, as required under sub. (1) (b) 4., if all of the following conditions are met:

(a) The department has previously notified the water supplier that the department will calculate the PWS's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted under par. (b) 1., and the water supplier provides the results of lead and copper tap water samples no later than 10 days after the end of the applicable tap sampling period.

(b) The water supplier has provided all of the following information to the department by the date specified under par. (a):

1. The results of all tap samples for lead and copper including the location of each site and the site selection criteria under s. NR 809.547 (1) (d) used as the basis for which the site was selected for the PWS's sampling pool.

2. An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation of why sampling sites have changed.

(c) The department has provided the results of the 90th percentile lead and copper calculations, in writing, to the water supplier within 15 days of the end of the tap sampling period.

(9) REPORTING REQUIREMENTS FOR A CWS'S PUBLIC EDUCATION AND SAMPLING IN SCHOOLS AND CHILD CARE FACILITIES. (a) The CWS water supplier must submit one of the following to the department as applicable:

1. Provide a list of the schools and child care facilities the PWS serves by November 1, 2027, in accordance with s. NR 809.551 (2) (a).

2. a. Provide certification that the PWS does not serve any schools or child care facilities are served by November 1, 2027, in accordance with s. NR 809.551 (2) (a).

b. Beginning January 30, 2028, annually certify that the PWS does not serve any schools or child care facilities. A water supplier that certifies that no schools or child care facilities are served by the PWS is not required to report the information under pars. (b) and (c). If the water supplier becomes aware of one or more schools or child care facilities that the PWS serves, the water supplier must provide a list to the department and begin to report the information under pars. (b) and (c).

(b) The CWS water supplier must report the lead analytical sampling results for schools and child care facilities within 30 days of receipt of the results to the department in accordance with s. NR 809.551 (7) (a) 3.

(c) Beginning November 1, 2028, the CWS water supplier must send a report to the department annually by January 30 for the previous year's activity as calculated from November 1, 2027. The report must include all of the following certifications as applicable:

1. Certification that the water supplier made a good faith effort to identify schools and child care facilities in accordance with s. NR 809.551 (2). The good faith effort may include reviewing customer records and requesting lists of schools and child care facilities from the department of public instruction, the department of children and families, or other licensing agency. The water supplier must include one of the following:

a. If there are changes to the list of schools and child care facilities that the PWS serves, the water supplier must submit an updated list to the department at least once every 5 years under s. NR 809.551 (2) (b).

b. If there are no changes to the list of schools or child care facilities the PWS serves, the water supplier must certify that there are no changes to the list.

2. Certification that the water supplier has delivered information about health risks from lead in drinking water to the school and child care facilities that the PWS serves in accordance with s. NR 809.551 (3) (a).

3. During the first 5 years after November 1, 2027, certification that the water supplier has completed the notification and sampling requirements under s. NR 809.551 (3) (b) 1. and (4) (a) for elementary schools and child care facilities, and certification of all of the following information:

a. The total number and names of schools and child care facilities served by the PWS.

b. The total number and names of schools and child care facilities sampled in the previous year.

c. The total number and names of elementary schools and child care facilities that declined sampling.

d. The total number and names of elementary schools and child care facilities that did not respond to outreach attempts for sampling.

e. Information pertaining to outreach attempts for sampling that were declined or not responded to by the elementary school or child care facility.

4. During the first 5 years after November 1, 2027, certification that the water supplier has completed the notification and sampling requirements under s. NR 809.551 (3) (b) 2. and (5) for secondary schools and certification of the information under subd. 3. a. and b.

5. Starting with the 6th year after November 1, 2027, the water supplier must annually certify completion of the notification requirements under s. NR 809.551 (3) (c), sampling requirements under s. NR 809.551 (4) (b) for elementary schools and child care facilities, sampling requirements under s. NR 809.551 (5) for secondary schools, and the information under subd. 3. a. and b.

6. Certification that sampling results were provided to schools, child care facilities, the department of health services, and the local health department.

(10) REPORTING REQUIREMENTS FOR PWS COMPLIANCE FLEXIBILITY OPTIONS. (a) The water supplier implementing the requirements under s. NR 809.552 must submit a written plan to the department within 6 months of the end of the tap sampling period in which the lead action level exceedance occurred describing how it has access to each building and how it plans to install, maintain, and monitor POU in each building.

(b) By the applicable dates provided under this paragraph, the water supplier implementing requirements under s. NR 809.552 shall provide the following information to the department:

1. The water supplier for a PWS serving 3,300 or fewer persons or an NTNCWS implementing the POU option under s. NR 809.552 (3) (a), must report the results from the tap sampling required under s. NR 809.552 (3) (a) 4. no later than 10 days after the end of the tap sampling period. If corrective action is not completed within 30 days of a POU sample exceeding a lead concentration of 0.010 mg/l, the water supplier must provide documentation to the department within 30 days explaining why the water supplier was unable to correct the issue. Unless waived by the department, the water supplier must provide documentation to certify maintenance of the POU.

2. The water supplier for a PWS serving 3,300 or fewer or an NTNCWS implementing the compliance flexibility option to replace all lead-bearing plumbing under s. NR 809.552 (3) (b) must

provide certification to the department that all lead-bearing material has been replaced on the schedule established by the department, within one year of designation of the option under s. NR 809.552 (3) (b).

SECTION 59. 809.551 is created to read:

NR 809.551 Monitoring for lead in schools and child care facilities. (1) GENERAL REQUIREMENTS. (a) Except as provided under par. (b) or (c), a CWS water supplier must meet the requirements under this section, including conducting public education and lead monitoring at the schools and child care facilities it serves.

(b) This section does not apply to a school or child care facility that meets all of the following:

1. The school or child care facility was constructed or had full plumbing replacement on or after January 1, 2014, or the date the department adopted standards that meet the definition of lead free under section 1417 of the Safe Drinking Water Act, as amended by the Reduction of Lead in Drinking Water Act, whichever is earlier.

2. The school or child care facility is not served by a lead, GRR, or LSU service line.

(c) This section does not apply to a school or child care facility that is regulated as a PWS.

(2) LIST OF SCHOOLS AND CHILD CARE FACILITIES. (a) A CWS water supplier must compile a list of schools and child care facilities it serves that meet the criteria of sub. (1) and submit the list to the department in accordance with s. NR 809.55 (9) (a) by November 1, 2027.

(b) Within 5 years following November 1, 2027, and at least once every 5-year period after, a CWS water supplier must either certify in writing to the department there have been no changes to the list of schools and child care facilities or submit a revised list to the department under s. NR 809.55 (9) (c) 1.

(3) PUBLIC EDUCATION TO SCHOOLS AND CHILD CARE FACILITIES. (a) At least once a year beginning November 1, 2027, the CWS water supplier must contact all schools and child care facilities identified by the PWS under sub. (2) to provide information about the health risks from lead in drinking water consistent with the content requirements under s. NR 809.546 (2) (a) 2. to 4. and 6.

(b) Within the first 5 years following November 1, 2027, the CWS water supplier must do all of the following:

1. Notify elementary schools and child care facilities, in accordance with the frequency requirements under sub. (4) (a), that they are eligible to be sampled for lead by the PWS. This notice must include all of the following elements:

a. A proposed schedule for sampling at the facility.

b. Information about sampling for lead in schools and child care facilities, including the EPA's 3Ts for Reducing Lead in Drinking Water Toolkit, EPA-815-B-18-007, or subsequent EPA guidance.

2. Notify all secondary schools identified under sub. (2) at least once a year that they are eligible to be sampled for lead by the CWS on request. The notice must provide all of the following information:

a. How to request sampling for lead at the facility.

b. Information about sampling for lead in schools and child care facilities, including the EPA's 3Ts for Reducing Lead in Drinking Water Toolkit, EPA-815-B-18-007, or subsequent EPA guidance.

(c) Starting with the 6th year November 1, 2027, the CWS water supplier must contact all elementary schools, secondary schools, and child care facilities identified under sub. (2) to notify them that they are eligible to be sampled for lead by the CWS on request and provide the information under pars. (b) (2) a. and b.

(d) Thirty days prior to any sampling event, the CWS water supplier must provide schools and child care facilities with instructions on how to identify outlets for lead sampling and prepare for a sampling event.

(4) FREQUENCY OF SAMPLING AT ELEMENTARY SCHOOLS AND CHILD CARE FACILITIES. (a) 1. Within the first 5 years following November 1, 2027, or according to an alternative schedule approved by the department, the CWS water supplier must collect samples from at least 20 percent of the total number of elementary schools served by the PWS per year and at least 20 percent of the total number of child care facilities served by the PWS per year, until all elementary schools and child care facilities identified under sub. (2) have been sampled once, have declined to participate, or are non-responsive.

2. a. The water supplier must make a reasonable effort as described under subd. 2. b. to contact the elementary school or child care facility to schedule sampling before considering an elementary school or child care facility to be non-responsive.

b. A reasonable effort must include at least 4 separate outreach attempts using at least 2 different methods of communication, such as in-person conversation, phone call, email, written letter, or postcard. Contact attempts must be made at a time and date that the elementary school or child care facility would reasonably be expected to have staff present.

c. The water supplier must provide documentation to the department under s. NR 809.55 (9) (c) 3. d. and e. if an elementary school or child care facility is non-responsive or otherwise declines to participate in the monitoring or education requirements. The water supplier may count a refusal or non-response from an elementary school or child care facility as part of the minimum 20 percent of elementary schools and child care facilities sampled per year.

(b) 1. Starting with the 6th year after November 1, 2027, the CWS water supplier must conduct sampling as specified under sub. (6) if requested by an elementary school or child care facility.

2. The CWS water supplier is not required under this paragraph to sample more than 20 percent of the elementary schools and child care facilities identified under sub. (2) in any given year. The water supplier is not required under this paragraph to sample an individual elementary school or child care facility more than once in any 5-year period.

(c) 1. The first time a water supplier includes an elementary school or child care facility in an update to the list of schools and child care facilities required to be submitted to the department under sub. (2) (b), the water supplier must conduct outreach at that elementary school or child care facility as specified under sub. (3) (b) once prior to conducting sampling under par. (b).

2. The CWS water supplier may consider an elementary school or child care facility non-responsive after the water supplier meets the requirements under par. (a) 2. and does not receive any response on any attempt.

(5) FREQUENCY OF SAMPLING AT SECONDARY SCHOOLS. (a) Starting November 1, 2027, the CWS water supplier must conduct sampling as specified under sub. (6) if requested by a secondary school.

(b) The CWS water supplier is not required under this subsection to sample more than 20 percent of the secondary schools identified under sub. (2) in any given year. A CWS is not required under this subsection to sample an individual secondary school more than once in any 5-year period.

(6) LEAD SAMPLING PROTOCOL FOR SCHOOLS AND CHILD CARE FACILITIES. (a) The CWS water supplier must collect 5 samples per school and 2 samples per child care facility at outlets typically used to provide water for human consumption. Except as provided under subds. 3. to 5., the outlets cannot have POU certified by an American National Standards Institute accredited certifier to reduce lead in drinking water. The water supplier must sample all of the following types and number of outlets that are applicable:

1. For schools, 2 drinking water fountains, one kitchen faucet used for drinking or cooking, one classroom faucet or other outlet used to provide water for human consumption, and one nurse's office faucet, as available.

2. For child care facilities, one drinking water fountain, and either one kitchen faucet used for drinking or cooking or one classroom faucet or other outlet used to provide water for human consumption.

3. If any school or child care facility has fewer than the required number of outlets, the water supplier must sample all outlets used to provide water for human consumption.

4. The water supplier may sample at outlets with POU certified by an American National Standards Institute accredited certifier to reduce lead in drinking water if the facility has POU certified by an American National Standards Institute accredited certifier to reduce lead in drinking water installed on all outlets typically used to provide water for human consumption or if the school or child care facility has fewer than the required number of outlets.

5. If any school or child care facility does not contain the type of outlet listed under subds. 1. to 4., the CWS water supplier must collect a sample from another outlet typically used to provide water for human consumption as identified by the facility, to meet the required number of samples as provided under this paragraph.

(b) The CWS water supplier must collect the samples required under par. (a) from the cold water tap subject to all of the following additional requirements:

1. The water must have remained stationary in the plumbing system of the sampling site for at least 8 but no more than 18 hours.

2. The sample must contain the first water drawn from the tap after the condition in subd. 1. is met.

3. The sample must be 250 mL in volume.

4. Samples must be analyzed using acidification and the corresponding analytical methods under s. NR 809.541.

(c) CWS, school, or child care facility staff, or other appropriately trained individuals must collect samples in accordance with pars. (a) and (b).

(7) NOTIFICATION OF RESULTS. (a) The CWS water supplier must provide sampling results, regardless of lead sample concentration, as soon as practicable but no later than 30 days after receipt of the results to all of the following entities:

1. The sampled school or child care facility, along with information about potential options to remediate lead in drinking water that is consistent with the EPA's 3Ts for Reducing Lead in Drinking Water Toolkit, EPA–815–B–18–007, or subsequent EPA guidance.

2. The department of health services and the local health department.

3. The department, in accordance with s. NR 809.55 (9).

(8) ALTERNATIVE SCHOOL AND CHILD CARE LEAD SAMPLING PROGRAMS. (a) If schools and child care facilities served by a CWS are sampled for lead in drinking water under a state or local law or program, the department may exempt one or more CWSs from the sampling requirements by issuing a written waiver if any of the following is applicable:

1. The sampling meets the frequency requirements under sub. (4) for elementary schools and child care facilities and sub. (5) for secondary schools and meets the protocol requirements under sub. (6).

2. The sampling meets the frequency requirements under sub. (4) for elementary schools and child care facilities and sub. (5) for secondary schools; meets the protocol requirements under sub. (6) with the exception of stagnation time and sample size under sub. (6) (b) 1. and 3.; and is conducted in addition to any of the following actions to remediate lead in drinking water:

a. Disconnecting affected fixtures.

b. Replacing affected fixtures with fixtures certified as lead free.

c. Installing and maintaining POU certified by an American National Standards Institute accredited certifier to reduce lead levels.

3. The sampling is conducted in schools and child care facilities served by the CWS less frequently than once every 5 years and that sampling is conducted in addition to any of the actions to remediate lead in drinking water specified under subd. 2.

4. The school or child care facility maintains POU certified by an American National Standards Institute accredited certifier to reduce lead in drinking water in accordance with the manufacturer's recommendations or state-issued approvals on all outlets used to provide water for human consumption.

5. The sampling is conducted under a grant awarded under section 1464(d) of the Safe Drinking Water Act that is consistent with the requirements of the grant and at least the minimum number of samples required under sub. (6) are collected.

(b) The duration of the waiver cannot exceed the time period covered by the sampling and will automatically expire at the end of any 12-month period during which sampling is not conducted at the required number of schools or child care facilities.

(c) The department may only issue a waiver to the CWS for the subset of the schools or child care facilities served by the PWS as designated under sub. (2) that are sampled under an alternative program as described under par. (a).

(d) The department may issue a written waiver applicable to more than one CWS; for instance, one waiver may be used for all CWSs subject to a statewide sampling program that meets the requirements of this subsection.

(e) The department may issue a waiver for CWSs to conduct the sampling requirements for the first 5 years after November 1, 2027, in the schools and child care facilities that were sampled for lead between January 1, 2021, and November 1, 2027, that otherwise meets the requirements of par. (a).

SECTION 60. NR 809.552 is created to read:

NR 809.552 PWS corrosion control treatment compliance flexibility. A water supplier for a CWS serving 3,300 or fewer persons or NTNCWS that exceeds the lead action level, but does not exceed the copper action level, may elect to use this section in lieu of the corrosion control treatment requirements otherwise applicable to a small system or NTNCWS under s. NR 809.542 (1) (c), if

approved by the department. The water supplier for a CWS or NTNCWS that elects to use this section must comply with all of the following requirements, as applicable:

(1) GENERAL COMPLIANCE FLEXIBILITY REQUIREMENTS. (a) *PWSs with corrosion control treatment.* The water supplier for a PWS with corrosion control must collect water quality parameters in accordance with s. NR 809.548 and, if the water supplier has not re-optimized OCCT in accordance with s. NR 809.542 (3), evaluate compliance options under sub. (3) and corrosion control treatment under s. NR 809.542 (3) (a). The water supplier for a PWS with corrosion control treatment in place must continue to operate and maintain OCCT until the department determines, in writing, that it is no longer necessary, and meet any requirements that the department determines to be appropriate before implementing a department-approved alternative compliance option described in this section.

(b) *PWSs without corrosion control treatment.* The water supplier for a PWS without corrosion control must collect water quality parameters in accordance with s. NR 809.548 and, if the water supplier has not installed OCCT in accordance with s. NR 809.542 (4), evaluate compliance options under sub. (3) and corrosion control treatment under s. NR 809.542 (4) (a).

(2) COMPLIANCE OPTION RECOMMENDATION. The water supplier must make a compliance option recommendation, by selecting one of the 2 alternative compliance options under sub. (3), to the department within 6 months of the end of the tap sampling period in which the lead action level exceedance occurred. Within 6 months of the recommendation by the water supplier, the department must approve or disapprove the recommendation. If the department disapproves the recommendation, the department may designate the other compliance alternative under sub. (3) that was not in the PWS's compliance option recommendation as an option for the PWS. If the department does not designate the other compliance alternative under sub. (3) as an option for the PWS, the water supplier must comply with the otherwise applicable corrosion control treatment requirements under s. NR 809.542 (3) for PWSs with corrosion control or s. NR 809.542 (4) for PWSs without corrosion control treatment. The water supplier must follow the schedules under s. NR 809.542 (3) or (4), beginning with step 3 under s. NR 809.542 (3) (c) or (4) (c) unless the department specifies OCCT under either s. NR 809.542 (3) (b) or (4) (b), as applicable. If the water supplier fails to implement the approved alternative compliance option under sub. (3), or the department revokes approval for the alternative compliance option under sub. (3), then the water supplier must follow the requirements for a small or NTNCWS as described under s. NR 809.542 (1) (c).

(3) COMPLIANCE ALTERNATIVES TO CORROSION CONTROL TREATMENT. (a) *POU.* A water supplier that elects POU as the compliance alternative to corrosion control treatment under this paragraph must install, maintain, and monitor POU in each household and each building served by the PWS, subject to all of the following requirements, as applicable:

1.a. The water supplier must submit a written plan to the department describing how it has access to each building and how it plans to install, maintain, and monitor POU in each building.

b. A CWS water supplier must install a minimum of one POU at one tap in every household, and at every tap that is used for cooking or drinking in every non-residential building in its distribution, system on a schedule specified by the department, but not to exceed one year from the date of department approval under sub. (2).

c. An NTNCWS water supplier must provide a POU to every tap that is used for cooking or drinking on a schedule specified by the department, but no longer than 3 months from the date of department approval under sub. (2).

2. The POU must be independently certified by a third party to meet the American National Standards Institute standard applicable to the specific type of POU unit to reduce lead in drinking water.

3. The POU must be maintained by the PWS in accordance with the manufacturer's recommendations or on a more frequent schedule if required by the department to ensure continued effective filtration, including changing filter cartridges and resolving any operational issues. The POU must be equipped with mechanical warnings to ensure that consumers are automatically notified of operational problems. The water supplier must provide documentation to the department to certify maintenance of the POU.

4. The water supplier must monitor one-third of the POU each year and all POU must be monitored within a 3-year cycle. First-liter tap samples collected under this section must be taken after water passes through the POU to assess its performance. Samples must be one liter in volume and have had a minimum 6-hour stagnation time. All samples must be at or below a lead concentration of 0.010 mg/L. The water supplier must report the results from the tap sampling no later than 10 days after the end of the tap sampling period in accordance with s. NR 809.55 (10) (b) 1. If a sample exceeds 0.010 mg/L, the water supplier must notify the persons served by the POU or building management, or both, no later than one business day of receiving the tap sample results. The water supplier must document and take corrective action at each site where the sample result exceeds the lead action level. Corrective action must

be completed within 30 days. If the corrective action is not completed within 30 days, the water supplier must provide documentation to the department within 30 days explaining why the water supplier was unable to correct the issue.

5. The water supplier must meet all of the following requirements to provide public education materials to consumers to inform them of proper use of POU:

a. The water supplier that is approved to implement POU under this paragraph must provide public education materials to inform users how to properly use POU to maximize the units' effectiveness in reducing lead levels in drinking water. Public education materials must meet the requirements under s. NR 809.546 (2) (a) 2. to 4.

b. The water supplier must provide the public education materials at the time of POU delivery.

c. The water supplier must provide the public education materials in person, by mail, or by another method approved by the department, to persons at locations where the PWS has delivered POU.

6. The water supplier must operate and maintain the POU even if the PWS is at or below the action level in future tap monitoring periods until the water supplier receives department approval to select the other compliance alternative under par. (b) or follow s. NR 809.542 (3) or (4), and the water supplier has fully implemented the compliance alternative.

(b) *Replacement of lead-bearing plumbing*. The water supplier for a PWS that has control over all plumbing in all of the buildings it serves water to, and is not served by lead, GRR, or LSU service lines, must replace all plumbing that does not meet the definition of lead free under section 1417 of the Safe Drinking Water Act, as amended by the Reduction of Lead in Drinking Water Act and any future amendments applicable at the time of replacement. The replacement of all lead-bearing plumbing must occur on a schedule established by the department but not to exceed one year from the date of department approval under sub. (2). The water supplier must provide certification to the department that all lead-bearing material has been replaced in accordance with s. NR 809.55 (10) (b) 2.

SECTION 61. NR 809.76 (1) is amended to read:

NR 809.76 (1) LABORATORY CERTIFICATION FOR COMPLIANCE SAMPLES. For the purpose of compliance with ss. NR 809.113, 809.118, 809.119, 809.203, 809.25, 809.243, 809.54, 809.549, 809.551 and 809.563, samples shall be analyzed at the state laboratory of hygiene, at a laboratory facility acceptable to the U.S. environmental protection agency, or at a laboratory certified for the safe drinking

water test category under ch. NR 149. For the purpose of compliance with ss. NR 809.311, 809.323 and 809.334, bacteriological samples shall be analyzed at a laboratory facility certified or approved by the department of agriculture, trade and consumer protection, or at a laboratory facility acceptable to the U.S. environmental protection agency. For the purpose of compliance with s. NR 809.52 radiological samples shall be analyzed at a laboratory facility certified or acceptable to the U.S. environmental protection agency.

Note: Section NR 149.42 describes procedures for allowing alternative methods from certified laboratories.

SECTION 62. NR 809.80 (5) is renumbered (5) (a) and amended to read:

NR 809.80 (5) (a) The water supplier, within 10 days of completion of each public notification required under subch. VII for the initial public notice and any repeat public notices, ~~shall~~ must submit to the department a certification that it has fully complied with the public notification regulations under subch. VII. The water supplier ~~shall~~ must include with this certification a representative copy of each type of notice distributed, published, posted, or made available to the persons served by the public water system or to the media~~, or both~~.

SECTION 63. NR 809.80 (5) (b) is created to read:

NR 809.80 (5) (b) For Tier 1 public notices for a lead action level exceedance, the water supplier must provide a copy of the Tier 1 public notice to the EPA and the department as soon as practicable, but not later than 24 hours after the water supplier learns of the exceedance.

SECTION 64. NR 809.82 (5) is amended to read:

NR 809.82 (5) LEAD AND COPPER CONTROL RECORDS. The water supplier for any public water system subject to the requirements of subch. II shall retain on the premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, department determinations, and any other information required by ss. NR 809.542 to ~~809.549~~ 809.551. Each water supplier shall retain the records for no less than 12 years.

SECTION 65. NR 809.82 (5) as amended by SECTION 64 is amended to read:

NR 809.82 (5) LEAD AND COPPER CONTROL RECORDS. The water supplier for any public water system subject to the requirements of subch. II shall retain on the premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, department determinations,

and any other information required by ss. NR 809.542 to ~~809.551~~ 809.552. Each water supplier shall retain the records for no less than 12 years.

SECTION 66. NR 809.833 (3) (c) 6. is amended to read:

NR 809.833 (3) (c) 6. For lead and copper: the 90th percentile ~~value~~ concentration of the most recent round or rounds of sampling, ~~and~~ the number of sampling sites exceeding the action level, and the range of tap sampling results.

SECTION 67. NR 809.833 (5) (c) is amended to read:

NR 809.833 (5) (c) Lead and copper control requirements that are prescribed by subch. II. For public water systems that fail to take one or more actions prescribed by s. NR ~~809.541 (4), 809.542, 809.543, 809.544 or 809.545~~ 809.54 to 809.552, the report ~~shall~~ must include the applicable language of Appendix A to this subchapter for lead, copper, or both.

SECTION 68. NR 809.833 (7) (j) 2. as created in DG-02-24 is amended to read:

*[**Note to LRB:** A concurrent rule will create s. NR 809.833 (7) (j) 2. This rule will amend that subdivision.]*

NR 809.833 (7) (j) 2. The report must include a statement that a service line inventory ~~(including inventories consisting only of a statement that there are no lead, galvanized requiring replacement, or lead status unknown service lines)~~ has been prepared and include instructions to access the publicly ~~available~~ accessible service line inventory. If the service line inventory is available online, the water supplier must include the direct link to the inventory in the report. This requirement includes inventories if the publicly accessible inventory consists of a written statement in lieu of a publicly accessible inventory under s. NR 809.545 (1n) (g).

SECTION 69. NR 809.833 (7) (j) 2m. and 4. are created to read:

NR 809.833 (7) (j) 2m. For a public water system with lead, GRR, or LSU service lines in the public water system's inventory under s. NR 809.545 (1n) and (1r), the report must include information on how to obtain a copy of the service line replacement plan or a direct link to the plan if the public water system is required to make the service line replacement plan available online.

4. The report must include a statement that the water supplier is required to sample for lead in schools and child care facilities if requested by the facility and that directs the public to contact their school or child care facility for further information about potential sampling results.

SECTION 70. NR 809.835 (3) (a) is repealed and recreated to read:

NR 809.835 (3) (a) A short informational statement about lead in drinking water and its effects on children. The statement must include the following information: “Lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. [NAME OF UTILITY] is responsible for providing high quality drinking water and removing lead pipes, but cannot control the variety of materials used in plumbing components in your home. You share the responsibility for protecting yourself and your family from the lead in your home plumbing. You can take responsibility by identifying and removing lead materials within your home plumbing and taking steps to reduce your family's risk. Before drinking tap water, flush your pipes for several minutes by running your tap, taking a shower, doing laundry or a load of dishes. You can also use a filter certified by an American National Standards Institute accredited certifier to reduce lead in drinking water. If you are concerned about lead in your water and wish to have your water tested, contact [NAME OF UTILITY and CONTACT INFORMATION]. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available at http://www.epa.gov/safewater/lead.”

SECTION 71. NR 809.835 (3) (a) as repealed and recreated in SECTION 70 is repealed and recreated to read:

NR 809.835 (3) (a) A short informational statement about lead in drinking water and its effects on children. The statement must include the following information: “Lead can cause serious health effects in people of all ages, especially pregnant people, infants (both formula-fed and breastfed), and young children. Lead in drinking water is primarily from materials and parts used in service lines and in home plumbing. [INSERT NAME OF SYSTEM] is responsible for providing high quality drinking water and removing lead pipes but cannot control the variety of materials used in the plumbing in your home. Because lead levels may vary over time, lead exposure is possible even when your tap sampling results do not detect lead at one point in time. You can help protect yourself and your family by identifying and removing lead materials within your home plumbing and taking steps to reduce your family's risk. Using a filter, certified by an American National Standards Institute accredited certifier to reduce lead, is effective in reducing lead exposures. Follow the instructions provided with the filter to ensure the filter is

used properly. Use only cold water for drinking, cooking, and making baby formula. Boiling water does not remove lead from water. Before using tap water for drinking, cooking, or making baby formula, flush your pipes for several minutes. You can do this by running your tap, taking a shower, doing laundry or a load of dishes. If you have a lead service line or galvanized requiring replacement service line, you may need to flush your pipes for a longer period. If you are concerned about lead in your water and wish to have your water tested, contact [INSERT NAME OF SYSTEM and CONTACT INFORMATION]. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available at https://www.epa.gov/safewater/lead."

SECTION 72. Appendix A to Subchapter V table row "Lead (ppb)" is amended to read:

Appendix A to Subchapter V

Lead (ppb)	AL = .015	1000	AL = 15	0	Corrosion of household plumbing system; Erosion of natural deposits.	~~Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attentions span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.~~ Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney or nervous system problems.

SECTION 73. Appendix A to Subchapter V table row "Lead (ppb)" as amended by SECTION 72 is amended to read:

Appendix A to Subchapter V

Lead (ppb)	AL = ~~.015~~ .010	1000	AL = ~~15~~ 10	0	Corrosion of household plumbing	~~Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead~~

					~~system~~ systems and service lines connecting buildings to water mains; Erosion of natural deposits.	~~exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney or nervous system problems.~~ There is no safe level of lead in drinking water. Exposure to lead in drinking water can cause serious health effects in all age groups, especially pregnant people, infants (both formula-fed and breastfed), and young children. Some of the health effects to infants and children include decreases in IQ and attention span. Lead exposure can also result in new or worsened learning and behavior problems. The children of persons who are exposed to lead before or during pregnancy may be at increased risk of these harmful health effects. Adults have increased risks of heart disease, high blood pressure, kidney or nervous system problems. Contact your health care provider for more information about your risks.

SECTION 74. NR 809.950 (3) (c) 6. and 809.950 (5) (d) are created to read:

NR 809.950 (3) (c) 6. Exceedance of the lead action level.

(5) (d) For a lead Tier 1 public notice, a copy of the notice shall also be sent to the administrator of the EPA, in accordance with the requirements under s. NR 809.80 (5).

SECTION 75. NR 809.951 (1) (b) 10. is created to read:

NR 809.951 (1) (b) 10. Exceedance of the action level for lead as specified under s. NR 809.54 (3).

SECTION 76. NR 809.951 (2) (a) is amended to read:

NR 809.951 (2) (a) Provide a public notice as soon as practical but no later than 24 hours after the water supplier learns of the violation or situation requiring Tier 1 public notice.

SECTION 77. Appendix A to Subchapter VII table row I. C. is amended to read:

Appendix A to Subchapter VII

I. C. Lead and Copper Rule (Action Level for lead is ~~0.015~~ 0.010 mg/L, copper is 1.3 mg/L)				

SECTION 78. Appendix A to Subchapter VII table row I. C. 1. is amended to read:

Appendix A to Subchapter VII

I. C. 1. Lead and Copper Rule (TT)	2	NR ~~809.541 NR 809.55~~ 809.54 except sub. (3), and NR 809.542 to NR 809.546	3	NR 809.541—and NR 809.547 to NR ~~809.55~~ 809.551

SECTION 79. Appendix A to Subchapter VII table row I. C. 1. as amended by SECTION 78 is amended to read:

Appendix A to Subchapter VII

I. C. 1. Lead and Copper Rule (TT)	2	NR 809.54 except sub. (3), ~~and~~ NR 809.542 to NR 809.545, NR 809.546 (2) to (4) except for sub. (4) (c), NR 809.546 (8) and (10), and NR 809.552	3	NR 809.541 and NR 809.547 to NR 809.551

SECTION 80. Appendix A to Subchapter VII table row I. C. 2. is created to read:

Appendix A to Subchapter VII

I. C. 2. Exceedance of the action level for lead	1	NR 809.54 (3)		

SECTION 81. Appendix B to Subchapter VII table row D. 23. is amended to read:

Appendix B to Subchapter VII

D. 23. Lead	Zero	TT[12]	~~Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental~~

			~~development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.~~ Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney or nervous system problems.

SECTION 82. Appendix B to Subchapter VII table row D. 23. as amended by SECTION 81 is amended to read:

Appendix B to Subchapter VII

D. 23. Lead	Zero	TT[12]	~~Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney or nervous system problems.~~ There is no safe level of lead in drinking water. Exposure to lead in drinking water can cause serious health effects in all age groups, especially pregnant people, infants (both formula-fed and breastfed), and young children. Some of the health effects to infants and children include decreases in IQ and attention span. Lead exposure can also result in new or worsened learning and behavior problems. The children of persons who are exposed to lead before or during pregnancy may be at increased risk of these harmful health effects. Adults have increased risks of heart disease, high blood pressure, kidney or nervous system problems. Contact your health care provider for more information about your risks.

SECTION 83. Appendix B to Subchapter VII Footnote 12 is amended to read:

Appendix B to Subchapter VII

Appendix B Footnotes:

[12] Action Level = ~~0.015~~ 0.010 mg/L.

SECTION 84. CROSS-REFERENCE CHANGES. In the sections of the Code listed in Column A, the cross-reference in Column B is amended to the cross-reference in Column C.

Column A Citation with specific cross-reference	**Column B** Current cross-reference	**Column C** New cross-reference
NR 809.545 (2) (a)	sub. (1)	sub. (1g)
NR 809.545 (5)	sub. (1)	sub. (1g)
NR 809.545 (7)	subs. (1) to (4)	subs. (1g) and (2) to (4)
NR 809.55 (5) (a)	s. NR 809.545 (1)	s. NR 809.545 (1g)
NR 809.55 (5) (b)	s. NR 809.545 (1)	s. NR 809.545 (1g)

SECTION 85. EFFECTIVE DATE. SECTIONS 3, 6, 10, 11, 12, 14, 15, 18, 22, 24, 26, 28, 32, 33, 35, 38, 41, 42, 56, 57, 59, 61, 62, 63, 64, 66, 70, 72, 74, 75, 76, 78, 80, 81, and 84 shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats. SECTIONS 1, 2, 4, 5, 7, 8, 9, 13, 16, 17, 19, 20, 21, 23, 25, 27, 29, 30, 31, 34, 37, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 58, 60, 65, 67, 68, 69, 71, 73, 77, 79, 82, and 83 shall take effect on November 1, 2027. SECTION 36 shall take effect on the date that the permanent rule based on SS 093-24 [department will update with CR number when available] takes effect.

SECTION 86. 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