

Developing Public Drinking Water Rules

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Safeguarding and Improving Milwaukee's Water Supply – February 1933

- "The time to repair a leaky roof is while the sun is shining and not wait until it rains or pours. Likewise, the time to safeguard and improve Milwaukee's water supply is while conditions are tolerable, and not wait until the taste and odor of the water are unbearable or an epidemic takes place"

Wisconsin Waterworks, Sewerage and Refuse Disposal Code - 1929

- "It is impossible, however, to judge the character of a water from a single analysis because the supply may be satisfactory at one time and polluted at another... Regular and frequent analysis are therefore necessary if a safe supply is to be assured at all times"

Drinking water has historically been a much debated topic

- 1909 Milwaukee Common council passes resolution to study drinking water
- 1911 Filtration of Milwaukee water recommended
- 1916 Typhoid outbreak linked to drinking water in Milwaukee
- 1924 State Board of Health adopts drinking water standards
- 1938 Milwaukee constructs filtration plant

What do regulations cover?

- Design
- Construction
- Operation
- Water Quality
- Monitoring
- Reporting

Where We Were

- 1924 – State Board of Health Regulations
- 1953 – Report of Committee of the Great Lakes Upper Mississippi River Board of State Sanitary Engineers
- 1962 – Public Health Service Drinking Water Standards
- 1967 – Department of Resource Development (RD 11)

Where We Were

- 1968- Recommended Standards for Water Works (10 States)
- 1974 – Department of Natural Resources (NR 111)
- 1974 – Safe Drinking Water Act
- 1978 – Department of Natural Resources (NR 109)

Where We Were

- 1986 – Amendments to the SDWA
- 1992 – Department of Natural Resources (NR 809 and NR 811)
- 1996 – Amendments to the SDWA

Where We Are

- 2009 – USEPA Contaminant Candidate List
- 2010 – Department of Natural Resources (NR 809, NR 810, and NR 811)
- 2010 USEPA 6 year review of SDWA

How Did We Get Here?

- EPA Rules
 - Unregulated Contaminant Monitoring Rules
 - Congressional Direction
 - Contaminant Candidate List (2003, 2005, 2009)
 - 6 year cycle of rule evaluation (2003 and 2010)
- DNR Initiatives
 - Updates to match SDWA requirements
 - Updates to reflect common current design and construction practices
 - Updates for compatibility with other department or agency rules

What's the Federal Process?

- EPA makes a regulatory determination
 - Potential adverse effects
 - Frequency of level and occurrence
 - Does regulating drinking water provide a meaningful opportunity for reducing public health risks

What's the Federal Process?

- Preliminary regulatory determination
- Public comment
- Final regulatory determination
- Rule development process
- New national primary drinking water standard

What's the State Process?

- DNR Secretary and Board authorize rule development
- Stakeholder meetings held
- Rule draft prepared
- DNR Secretary and Board authorize public hearings on draft rules

What's the State Process?

- Public Hearing Notice
- Rules sent to Legislative Council Rules Clearinghouse
- Public Hearing(s)
- Responses prepared to Public Hearing and Legislative Council Rules Clearinghouse comments
- Final rules prepared

What's the State Process?

- DNR Board meeting for approval of final rules
- Legislative Review (May include public hearings)
 - Senate Committee on Environment and Natural Resources
 - Assembly Committee on Natural Resources
- Final Rule filed with Legislative Reference Bureau

How long does it take?

- Federal changes can be lengthy (Total coliform recommended in 2003 with a final rule projected for 2012 and implementation in 2014)
- State rules take from one to three or more years.

Lessons Learned

- Stakeholder process time consuming
- Stakeholder process is beneficial
- Stakeholder process allows free flowing dialogue

Lessons Learned

- Focus on areas common ground
- Focus on clarity
- Focus on areas of frequent questions

Lessons Learned

- Rules continue to get longer
- Rules need to be useable
- Frequency of EPA Rule revisions does not allow for extensive stakeholder involvement