

H 71, HSS 171

Filed March 5, 1982  
9:20 am

CERTIFICATE

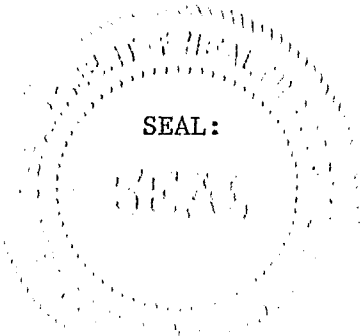
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)


TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department, do hereby certify that the annexed rules relating to cleanliness of water at public swimming beaches were duly approved and adopted by this department on March 5, 1982.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 5th day of March, A.D. 1982.



  
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Donald E. Percy, Secretary  
Department of Health and Social Services

5-1-82

ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
RENUMBERING AND AMENDING RULES

To renumber H 71 and to amend HSS 171, as renumbered, relating to cleanliness of water at public swimming beaches.

Analysis Prepared by the Department of Health and Social Services:

Section H 71.21(2)(a), Wis. Adm. Code, requires the sampling of water for fecal contamination 5 times in every 30 day period during the swimming season at every public beach in the state. No exceptions are made to permit less frequent sampling, even if the history of sampling at particular beaches discloses a consistently low fecal coliform count per 100 milliliter sample.

The proposed amendment to a renumbered H 71.21(2)(a) enables the Department to permit less frequent sampling at particular swimming beaches following its determination that samples taken from the swimming areas of those beaches over a period of years reveal consistently low fecal coliform counts. With this rule change, the Department of Health and Social Services intends to reduce the 5-times-in-30 days sampling requirement for those public beaches where less frequent sampling would not jeopardize protection of the public's health.

State agencies and local governments operating beaches could realize some savings in the cost of taking samples from beach waters as a result of the amendment, but that will depend on the sampling history for the particular beach as well as the absence of recent change in land use affecting water quality at the beach. The Wisconsin Department of Natural Resources operates 26 northern forest beaches which historically have had low fecal coliform counts, and the agency might therefore be permitted to reduce sampling at those beaches.

Chapter H 71 is being renumbered in its entirety to bring it into the HSS series within the Wisconsin Administrative Code. Eventually all rules of the Department of Health and Social Services will be in the HSS series and thereby located in one place in the Code.

Pursuant to authority vested in the Department of Health and Social Services by s. 140.05(3), Stats., the Department of Health and Social Services hereby renumbers and amends rules interpreting s. 140.05(1), Stats., as follows:

SECTION 1. Chapter H 71 of the Wisconsin Administrative Code is renumbered HSS 171.

SECTION 2. Section HSS 171.21(2)(a) of the Wisconsin Administrative Code is amended to read:

(a) Bacteriological. 1. As determined by multiple fermentation or membrane filter procedures and based on a minimum of not less than 5 samples taken over not more than a 30-day period, except as permitted in subd. 2., a fecal coliform count shall not exceed a log mean of 200 per 100 milliliter sample, nor shall more than 10 percent of the total samples during any 30-day period exceed 400 per milliliter sample. When the fecal coliform density of any sample collected from an operating beach exceeds 1,000 per 100 milliliters, samples shall be collected and analyzed for fecal coliform for at least 2 consecutive days and if the count exceeds 200 per 100 milliliter sample consideration shall be given to closing the beach.

2. The department may approve requests for less frequent sampling of the water at particular beaches if:

a. A request is specific to a given beach;

b. The request includes a proposed sampling frequency;

c. The sampling history for the beach is provided and shows safe bacterial levels in terms of the standards in subd. 1 for at least the past 3 swimming seasons; and

d. The request includes agreement that the standard minimum 5-times-in-30-days sampling of water will be resumed immediately if unsafe bacterial levels are found, if any significant change in land use takes place in the watershed or if there is any significant change in land use upstream from the beach including, but not limited to, construction of sewage treatment facilities, construction of residences or the siting of a town dump.

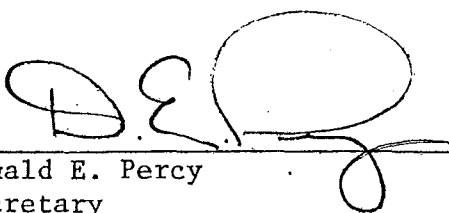
The renumbering and amendments contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.026(1), Stats.

Wisconsin Department of Health and Social Services

Dated: 12-15-82

SEAL:

By:

  
Donald E. Percy  
Secretary

3-5-82



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE SECRETARY  
1 WEST WILSON STREET  
MADISON, WISCONSIN 53702

March 5, 1982

Mr. Orlan Prestegard  
Revisor of Statutes  
411 West, State Capitol  
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in section 227.023, Stats., there is hereby submitted a certified copy of HSS 171, administrative rules relating to cleanliness of water at public swimming beaches.

These rules are being submitted to the Secretary of State as required by section 227.023, Stats.

Sincerely,

A handwritten signature in black ink, appearing to read "D.E. Percy".

Donald E. Percy  
SECRETARY

Enclosure